INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT) PERSONS IN CAMEROON

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<td><strong>GOVERNMENTAL SOURCES</strong></td>
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<td>“SECTION 347-1: Homosexuality. Whoever has sexual relations with a person of the same sex shall be punished with imprisonment for from 6 (six) months to 5 (five) years and a fine of form CAF 20 000 (twenty thousand) to CAF 200 000 (two hundred thousand).” (p. 133)</td>
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<td>“Article 83.- (1) Anyone who makes sexual proposals to another person of his/her same sex by means of electronic communications shall be punished by imprisonment from one (01) to two (02) years and a fine of 500,000 (five hundred thousand) to 1,000,000 (one million) CFA francs or one of these two penalties. (2) The penalties provided for in paragraph 1 above are doubled when the proposals have been followed by sexual intercourse.” (Page 27 of translated excerpt)</td>
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   • “Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs ($35-$353). Homophobia is a major concern and LGBTI individuals face social stigmatization, harassment, and discrimination. Police and civilians may extort money from presumed LGBTI individuals with the threat of exposure or arrest. Suspected members of the LGBTI community have received anonymous threats by phone, text, and email.”


   • “Consensual same-sex sexual activity between adults is illegal and punishable by a prison sentence lasting between six months and five years and a fine ranging from 20,000 to 200,000 CFA francs ($34 to $340).” (p. 35)

   • “Significant human rights issues include[] . . . violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons . . .” (p. 1-2)

   • “In 2018 the National Observatory for the Rights of LGBTI persons and their Defenders . . . produced a report documenting 376 cases of abuses perpetrated against LGBTI persons in 2018. As of August CAMFAIDS alone had documented 206 human rights abuses. The abuses were of a physical, psychological, economic, verbal, cultural, or religious nature.” (p. 35-36)

   • “Civil society members stated there were also cases where LGBTI individuals were subjected to so-called corrective rape, sometimes with the complicity of the victim’s family.” (p. 35)
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<td>“On September 4, CAMFAIDS reported that members of an army security unit arrested six persons without a warrant at a snack bar in the Yaounde neighborhood of Emombo and detained them at gendarmerie headquarters on September 1. CAMFAIDS claimed the six persons were being detained on charges of homosexuality and indecency. Earlier in April, according to CAMFAIDS, members of security forces arrested 25 persons at the same location. They asked the victims to undress and photographed them while they were naked.” (p. 36)</td>
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<td>“LGBTI organizations could not officially register as such and so sought registration either as general human rights organizations or as health-focused organizations.” (p.36)</td>
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<td>“LGBTI rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroon, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others continued to report arbitrary arrests of LGBTI persons . . . LGBTI individuals continued to receive anonymous threats by telephone, text message, and email. Authorities did not generally investigate these allegations . . . Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons.” (p. 35)</td>
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<td>“Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.” (p. 35)</td>
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<td>“The constitution provides for equal rights for all citizens, but the law does not explicitly prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. Security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. Fear of exposure affected individuals’ willingness to access HIV/AIDS services . . .” (p. 35)</td>
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<td>Anecdotal reports suggested some discrimination occurred in places of employment with respect to sexual orientation. On September 3, members of Affirmative Action, an LGBTI rights group, remarked that transgender persons often avoided seeking formal employment due to discrimination.” (p. 35)</td>
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  o ‘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. 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. 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.’” (p.13)

• “The same report went on ‘Blackmail and extortion are perhaps the most common and the least visible abuses that LGBT people are subject to in Cameroon. Victims are asked for money or other possessions in order to avoid beingouted as gay. Most commonly, police officers extort people under threat of arrest and prosecution of Article 347-1 Penal Code.’” (p. 14)

• “LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV/AIDS treatment and services, and employment.” (p. 8)

• “Cameroon’s laws deny LGBT people access to the highest attainable standard of physical and mental health…Studies demonstrate that laws criminalizing same-sex intimacy pose barriers to HIV prevention, care, and treatment services.” (p. 32)

• “. . . The Joint United Nations Programme on HIV/AIDS (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…” (p. 32)
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<td>• “According to sources, arrests and prosecution are based on suspicion . . . rather than evidence. . . The joint report by Cameroonian civil society organizations reports that [translation] ‘prosecution is regularly based on a neighbour’s or stranger’s information, [and] stereotypes such as clothing and conduct are included as evidence of the charge of homosexual acts.’”</td>
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<td>• “Consensual same-sex sexual activity, including between adults, is illegal and punishable by a prison sentence lasting between six months and five years and a fine ranging from 20,000 to 200,000 CFA francs ($34 to $340).” (p. 35)</td>
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<td>• “Human rights issues include[] . . . violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and criminalization of consensual same-sex relations . . .” (p. 1-2)</td>
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<td>• “In a midterm report covering the period from January to May, Alternatives Cameroon recorded 64 cases of violence against LGBTI individuals, including three cases of arbitrary detention, 30 cases of psychological violence, one case of sexual violence, 18 cases of physical violence, and 12 cases of blackmail and extortion.” (p. 36)</td>
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<td>• LGBTI rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroon, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others reported several arrests of LGBTI persons. LGBTI individuals received anonymous threats by telephone, text message, and email, including of ‘corrective’ rape, but authorities did not investigate allegations of harassment. Civil society members stated there were also cases where LGBTI individuals underwent corrective rape, sometimes through the facilitation of the victim’s own family. Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.” (p. 35)</td>
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|  | • “AJO promoted the rights of LGBTI persons with HIV and sex workers in the West Region . . . men in civilian clothing from the territorial police, on April 20, arrested the executive director and two other members of AJO, including a care worker, as they were leaving the organization’s premises. On April 21, two additional care workers from the organization were arrested at their places of residence. Police did not have warrants and took the five members of AJO to the
Dschang central police station, where they experienced poor detention conditions on charges related to consensual same-sex conduct. In connection with this incident, 18 other men were arrested. For the first time in many years, authorities in the West Region introduced the prospect of forced anal exams for the 23 arrestees.” (p. 36)

- “In practice . . . security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. This practice and the fear it generated in turn restricted access to HIV/AIDS services. Anecdotal reports also suggested some discrimination occurred in places of employment with respect to sexual orientation.” (p. 36)
- “Discrimination in employment and occupation allegedly occurred with respect to ethnicity, HIV status, disability, gender, and sexual orientation, especially in the private sector.” (p. 44)


- “Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs ($37-$373).” (p. 30)
- “The most significant human rights issues included . . . criminalization and arrest of individuals engaged in consensual same-sex sexual conduct . . .” (p. 1)
- “Humanity First Cameroon and Alternatives Cameroun claimed in their joint 2017 annual report that eight LGBTI persons remained imprisoned for homosexuality in the Kondengu central prison in Yaounde. The two NGOs also documented 578 other cases of human rights abuses related to homosexuality, including 27 arbitrary arrests.” (p. 31)
- “Some LGBTI persons had difficulty accessing birth registration and other identification documents. Officials at identification units refused to issue identification cards for persons whose physical characteristics were not consistent with their birth certificate.” (p. 31)
- “In 2016 Johns Hopkins University, Metabiota Cameroon, and Care USA, in collaboration with the National AIDS Coordinating Council, conducted an Integrated Biological and Behavioral Survey on gay men, using a sample of 1,323 men. The preliminary report released in March showed inter alia that 14.7 percent were arrested for being homosexual.” (p. 31)
• “Lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroun, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others reported several arrests of LGBTI persons. LGBTI individuals received anonymous threats by telephone, text message, and email, including of ‘corrective’ rape, but authorities did not investigate allegations of harassment. Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.” (p. 30-31)

• “Human rights and health organizations continued to advocate for the LGBTI community by defending LGBTI individuals under prosecution, promoting HIV/AIDS initiatives, and working to change laws prohibiting consensual same-sex activity. Organizations undertaking these activities faced obstacles securing official registration, as well as, limited or non-existent responses from police when they experienced harassment.” (p. 31)

• “On August 11, police summoned CAMFAIDS’ leadership to the DGSN for ‘promotion of homosexual practices.’ On August 16, police interrogated four members of CAMFAIDS. While some questions concerned the legal status of the advocacy group and its funding sources, police also requested a list of its members and a list of similar organizations.” (p. 31)

• “Some LGBTI persons had difficulty accessing birth registration and other identification documents. Officials at identification units refused to issue identification cards for persons whose physical characteristics were not consistent with their birth certificate.” (p. 31)

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  • “The Committee notes with concern that consensual same-sex relationships are criminalized by article 347-1 of the Criminal Code and that lesbian, gay, bisexual, transgender and intersex persons are discriminated against in terms of
the enjoyment of their economic, social and cultural rights, particularly in the case of their right to health (art. 2).” (p. 4-5)


   - “The Committee reiterates its concerns about section 347 bis of the Penal Code, which criminalizes sexual relations between consenting adults of the same sex. It is concerned as well about section 83 of Act No. 2010/012 of 21 December 2010 on cybersecurity and cybercrime, which criminalizes the sexual propositioning of an adult of the same sex by means of electronic communication. The Committee also deplores the alleged existence of: (a) discrimination against lesbian, gay, bisexual, transgender and intersex persons; (b) pretrial detention of lesbian, gay, bisexual, transgender and intersex persons for extended periods of time, in violation of section 221 of the Code of Criminal Procedure; and (c) acts of violence committed against such persons in places of detention by both other detainees and prison staff (arts. 2, 7, 9, 17 and 26).” (p. 3)

**NON-GOVERNMENTAL SOURCES**


   - “In 2018, five LGBTI human rights defenders were arrested at a youth centre run by the Avenir Jeune de l’Ouest (Youthful Future of the West) and ordered to undergo anal exams after they were released on bail.” (p. 312-313)
   - “In addition to this state violence, there is a very high level of acts of physical and psychological violence in Cameroon motivated by hate of sexual orientation and gender identity. Blackmail and threats particularly are amongst the most common forms of aggression. In 2017, 578 cases of violence and violations of LGBTI rights were registered. Alarmingly, in 2018, 1,134 of such cases were registered, which represents a vertiginous increase.” (p. 314-315)
   - “In June 2018, it was reported that the family members of LGBT human rights activist Dominique Menoga were also seeking asylum in France because of their association with him. Attacks on LGBT human rights defenders are frequently reported: in 2016, anti-gay Cameroonians threatened and harassed LGBTI rights advocates in Douala, driving some of them from their homes. In Yaoundé, Jules...
Eloundou, president of Humanity First, was the target of two homophobic attacks in the guise of burglaries.” (p. 313)

- “Particularly tragic was the case of a young man, Tobi Aubin Parfait Kenfack, who was murdered on the 12 August 2018 in the city of Douala: his older brother murdered him because of his sexual orientation.” (p. 315)

- “Four cases of ‘corrective rape’ were documented in 2014, and seven cases in 2016.” (p. 313)

- “…[E]ven though in the second cycle, Cameroon accepted the recommendation to investigate police violence motivated by sexual orientation, real or perceived, there have been 137 documented arrests in the last 5 years. Further still, a law recently sanctioned the criminalisation of certain forms of expression between persons of the same sex.” (p. 48)

- “[NGO] [g]roups report that they face obstacles in the process of obtaining legal recognition and some groups have had to exclude any reference to LGBT people to become legally registered.” (p. 219)

- “In the international arena, Cameroon has rejected all recommendations on issues of sexual orientation and gender identity.” (p. 92)


- “Cameroonian human rights organizations documented the arrest of at least 25 other men and at least two women on homosexuality charges in the first half of 2018. They also reported numerous cases of physical violence by private citizens targeting LGBT people.” (p. 1-2)

- “Cameroon’s laws deny LGBT people access to the highest attainable standard of physical and mental health. The criminalization of consensual same-sex conduct under article 347(1) of the Penal Code, which punishes “sexual relations with a person of the same sex” with up to five years in prison, infringes on the right to health of people who are sexual and gender minorities.” (p. 1)

- “The Joint United Nations Programme on HIV/AIDS (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.” (p. 2)

13. **Acodevo et al., Report to the Committee Against Torture, Torture and Other Cruel, Inhuman and Degrading Treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon (Oct. 2017), available at** [https://www.ohchr.org/EN/HRBodies/CAT/Pages/Reports.aspx](https://www.ohchr.org/EN/HRBodies/CAT/Pages/Reports.aspx)
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| https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CMR/INT_CAT_CSS_CMR_29204_E.pdf. | • “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.” (p. 4)  
• “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.” (p. 9)  
• “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, 9 cases in 2015 and 20 cases in 2016).” (p. 11)  
• “In Cameroon, it is common for people to be prosecuted 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.” (p. 10) |
| Acodevo et al., Report to the Human Rights Committee, *The Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon* (Oct. 2017), available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CMR/INT_CCPR_CSS_CMR_29079_E.pdf | • “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. 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. 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,
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<td>at least three in pre-trial detention. At least four others have cases pending against them but are free on bail.””  (p. 9)</td>
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<td>“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. . .’ Local organizations reported 4 cases of ‘corrective’ rape in 2014, and 7 cases in 2016. 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.”  (p. 14)</td>
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<td>“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.”  (p. 10)</td>
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<td>“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.”  (p. 11)</td>
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<td>“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 Kodengu.”  (p. 11)</td>
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<td>“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 CFA francs (197.46€) in exchange for not imprisoning them. As the men declined to pay this amount, the staff sergeant hurled insulted 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.”  (p. 12-13)</td>
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| | • “Michel Togué, a lawyer in the African country of Cameroon, has received death threats for defending lesbians and gays.  
  ○ *This one, like the others, came anonymously ‘We know that your wife is now shopping in the mall. We know your children are now standing in front of their school. They will die if you don’t stop.’*”  
| | • “After the death threats began, [Togué] requested help from the Lawyer’s Association in his country, but their president said: ‘Stop defending the LGBT community and you won’t have problems anymore.’”  
| | • “Togué filed a complaint with the police, but they laughed him away, saying, ‘Don’t defend those faggots.’ He did not receive any protection.”  
| | • “Between 2010 and 2013 [Human Rights Watch] documented 28 arrests for consensual same-sex conduct in Cameroon, and in 2013 an activist, Eric Lembembe, was brutally murdered.”  
| | • “As the death threats against Togué and his family escalated, he was left no other choice but to seek asylum for his wife and kids. The US government during the Obama administration granted them refugee status. His family now lives in the US. So not only gays and lesbians are victims of homophobia.”  
| | • “Michel Togué and Alice Nkom are the only two lawyers in Cameroon who have been representing the LGBT community for many years. In such a hostile environment this calls for tremendous courage. In spite of death threats, in spite of bureaucratic obstruction, they keep on doing their work.” |
| | • “Cameroon, which punishes ‘sexual relations with a person of the same sex’ with up to five years in prison, is one of a handful of countries that has vigorously
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<td>applied its anti-homosexuality law—often using forced anal examinations to seek ‘proof’ of same-sex conduct.” (p. 19)</td>
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<td>• “In Cameroon . . . prosecutors have introduced medical reports based on anal exams into court, contributing to convictions of individuals charged with consensual homosexual conduct.” (p. 3)</td>
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<td>• “Some [MSM or men who have sex with men] participants observed that healthcare facilities had dedicated, decentralised centres for HIV/AIDS care. In terms of the structural barriers to receiving care, these participants highlighted that they experienced enacted stigma and discrimination upon entering these spaces because staff, visitors and other patients would sometimes assume that they were HIV-infected.” (p. 318)</td>
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<td>• “Similarly, more effeminate MSM experience and report homophobia and discrimination more often in the health clinic for HIV services.” (p. 316)</td>
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<td>• “…[M]any participants also cited pervasive homophobia in society. This mentality appears to inhibit the effectiveness of HIV campaigns that are carried out by community-specific CBOs.” (p. 317)“…MSM were sometimes hesitant, if not discouraged as a consequence of significant perceived and enacted stigma. While seeking out HIV/STI care, they found that stigma and discrimination were commonplace in the public health clinics…” (p. 319)</td>
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<td>• “More than a year and a half after the murder of Eric Ohena Lembembe [executive director of CAMFAIDS, an organization that defends LGBT rights in Cameroon], the judicial investigation is at a standstill. The attitude of the courts in this case and in other referrals that have led nowhere summarise the passive role of the courts and tribunals in protecting defenders of LGBTI persons’ rights.” (p. 28)</td>
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<td>“The criminalisation of homosexuality, and the homophobia exacerbated by statements by representatives of the political and religious authorities, and also by the media create legal and physical insecurity for the defenders of LGBTI persons’ rights. Although their actions are protected by international, regional and national law, they are threatened, insulted, harassed and are subjected to violence that can even lead to assassination.” (p. 29)</td>
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- “Instead of comforting him, family members beat him up again. They forced him to tell them which of his friends were gay. Charles mentioned three friends — Franck, Joël and Lynkoln, age 19. The family alerted police, who arrested the four young men and tortured them until they acknowledged their homosexuality. On Friday, June 12, police turned them over to the prosecutor at Bafang District Court. Joël was released, thanks on the intervention of his older brother, a lawyer. The other three were placed in pre-trial detention at the prison in Bafang. They were scheduled for a hearing today (June 15) on charges of indecency and engaging in homosexual behavior.” |


- “‘Arbitrary and discriminatory arrests and harassment of LGBTI people must stop,’ said Winnie Byanyima, UNAIDS Executive Director. ‘The COVID-19 crisis has exposed and exacerbated the inequality, violence and abuse that LGBTI people face every day. We need to break the silence against these draconian laws, which only serve to further marginalize people,’ she added.”
- “Since the start of the COVID-19 pandemic, there have been news reports of... increasing violence and abuse in Cameroon...” |

“Cameroonian athlete Thierry Essamba still trains every day, even though he has little hope of reviving a career cut off when he was ousted from the national squad in a scandal over homosexuality. The 38-year-old hurdling champion was training for the 2014 Commonwealth Games when a senior sports official told a crowd of journalists and fellow athletes that he was gay - a career-ending slur in a country where homosexual acts are illegal.”

“When Essamba’s family heard the media reports about him, they kicked him out. Unemployed, shunned by relatives and ridiculed by his peers, the one-time star said he tried to take his own life more than once.”

“Berthe Ngoume, who runs a support group for female footballers in Yaounde, said she knew of at least three women who were forced to leave the national team and banned from international competitions over rumours they were gay. ‘One player who was ousted from the national team emigrated to the U.S. Another ended up killing herself with drugs,’ said Ngoume.”

“Stenie was made to leave her football club in 2018 after her coach heard rumours from a relative that she was in a gay relationship. ‘I was accused of having a relationship with another woman like me, which is strictly forbidden in female teams,’ said the 19-year-old, who asked that her real name be concealed because she feared for her safety . . . Being a lesbian is considered an ‘abomination’ in Cameroon, Stenie said, and witch-doctors are sometimes called upon to perform so-called corrective rape as a ‘cure’.”

“Between 2010 and 2014, at least 50 people were convicted for crimes ranging from cross-dressing to a man texting ‘I love you’ to another man, according to CAMFAIDS, an LGBT+ advocacy group.”

“Despite its secrecy, the refuge has become known to policemen of malicious intent. The premises have been raided at least four times this year, Jean-Pierre says, adding that he had recently been held for two weeks at a police station, where he said he was tortured. ‘They told me, 'confess you're the queers' godfather, you homo,' and beat me on the soles of the feet with the flat of a machete blade,’ he says. Criminals claiming to be plain-clothes police sometimes show up to extort gays, Jean-Pierre says.”
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<td>• “One night Maxime endured a terrifying experience. ‘They burst in here, put us in their truck, stripped us of all our things -- money, cellphones and clothes as well -- then they threw us out naked on the far side of town,’ he recalls, his eyes looking at a spot on the wall.”</td>
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- “An attack by anti-gay youths shut down a gay advocacy organization and forced the cancellation of Saturday’s planned gay Pride celebration and anti-AIDS gathering in Kribi in south coastal Cameroon.”
- “They began vandalizing the Acodevo office, overturned a projector, drew knives and threatened to kill Acodevo members. They trashed the office and set part of it on fire.”
- “Because of pressure from neighborhood residents, Acodevo’s landlord announced that she will not renew the organization’s lease.”


- “After being seriously wounded by homophobic attackers wielding clubs, rocks and machetes, Pierre wants to leave Cameroon. But so far he has been blocked.”
- “Pierre quickly dressed and ran out of the house, but he was intercepted by angry neighbors. They surrounded him and began beating him with clubs and rocks. Some sliced at him with machetes. Fearing that he was about to die, Pierre called out to Jacques, pleading with him to declare that they were together. As soon as Jacques admitted it, his family took him away. Pierre’s beating intensified and continued until five o’clock.”
- “At that point, police intervened after receiving an anonymous call from a spectator . . . . They were arrested on charges of homosexuality . . . . Pierre remained in the police cell for five days without medical attention for injuries to his legs that were caused by the clubs and machetes. His flesh became infected and started to rot.”
- “Today [Pierre] cannot move safely in Cameroon because he could be stopped for an identity check and rearrested. He has difficulty finding a job because his previous employer fired him for homosexuality.”
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| | • “At school and at church in Cameroon’s capital, Yaounde, she had long been told that liking someone of the same sex was not only a sin, but could also be a sign that a sinister spell had been cast on you . . . Four years later, Viviane was chained to the wall and violently raped by a man who her family forced her to marry after discovering that she was a lesbian.”  
• “Sometimes it is done under the cover of darkness or when the pounding of rain on tin roofs muffles the screams, gay Cameroonians told the Thomson Reuters Foundation . . . Even though it is illegal to practice black magic, authorities do little to stop families consulting sorcerers who perform ritual sacrifices to ‘cure’ their relatives of homosexuality.”  
• “The (anti-LGBT+) violence is getting worse,” said Michel Engama, head of CAMFAIDS, whose predecessor, Eric Ohena Lembembe was found dead in 2013, with his neck broken and his face burned with an iron, according to Human Rights Watch.”  
• “It is not easy,’ she said. Lesbians in Cameroon live with secrecy and caution every day, communicating via code names and frequently changing the public places where they gather. ‘We continue to fight on, even though we’re doubly discriminated – first as women, secondly as lesbians,’ she said.” |
| | • “Two LGBTI leaders in Cameroon are barricaded in their homes and too afraid to leave after a homophobic attack. Renée and Soltera are the leader of Women in Front Cameroon (WIFC) which advocates for women’s and queer rights in the African country. According to a media statement [from] the women their landlord’s son allegedly attacked them. He had tried to evict them because of their sexuality. After they refused to leave the property, he allegedly beat them with a wooden panel.”  
• “‘When they refused to leave, he savagely assaulted them at home and beat them with a thick board. He ignorantly declared that, as lesbians, they must die because they are witches.’” |
### SUMMARY

- “But that wasn’t the end of their ordeal, three days later their attacker returned with a group of people wielding knives and iron bars. ‘The attacker returned at night three days later with accomplices who were armed with knives and iron bars. Their goal was to ‘finish off the witches’,’ WIFC said.”


  - “Police raided a well known gay bar and cinema in the capital, Yaoundé in the early hours of Friday (11 May) where they arrested the 25 men. Along with homosexuality, police arrested the men for failing to carry national ID cards and drug possession.”
  - “We were interrogated several times. Despite threats by the police, we kept our cool. We were brutalized and then we were released,” said one of the men arrested.”
  - “Parents worried about their children also went to the police station where officers there told them that their children ‘deserve their fate’. Those arrested complained they did not get food or water during their detention.”

28. **Cédric Tchante, I Was Beaten In Cameroon For Being Gay, Now I’m In The U.S. And I’m Still Scared, Huffington Post (Mar. 10, 2017), available at [https://www.huffingtonpost.com/entry/once-beaten-in-cameroon-lgbt-advocate-now-in-us-is_us_58c1b428e4b0a797c1d39a60](https://www.huffingtonpost.com/entry/once-beaten-in-cameroon-lgbt-advocate-now-in-us-is_us_58c1b428e4b0a797c1d39a60)**

  - “Gay people in Cameroon can be bullied, beaten, jailed for up to five years and even killed. You are considered a prostitute. You are against religion. You are the devil. But obviously this isn’t true.”
  - “My friend Eric, who was also an activist, was killed because he was gay. I was also beaten and the gang who killed Eric also threatened me. They left a note under my door: ‘Dirty fag. You are dead.'”
  - “I was forced to change apartments and ultimately Shaun and Deb [filmmakers documenting Cedric Tchante’s story] realized the threat was real and called the U.S. Embassy, who agreed to help. While I was staying at a hotel near the embassy in Yaoundé, the threats against my family and me got even worse. The U.S. moved me to Benin where I spent three weeks before I was put on a plane to San Francisco. I was scared to death but happy to be alive.”
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<td>- “While one in 25 people in Cameroon are living with HIV, almost a quarter of men who have sex with men in Yaounde have the virus which causes AIDS . . . But the fear of discrimination and threat of five years in prison are driving MSM and LGBT people away from hospitals and state programs, according to civil society groups who say they fill the gap by providing condoms, counseling and healthcare.”</td>
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<td>- “Jo Mandeng, a staffer at Alternatives-Cameroon, was one of several activists to speculate that the lawmakers’ vote [to renew the law criminalizing homosexuality] could precipitate a crackdown while emboldening homophobic civilians and security officers to engage in blackmail, beatings and other abuses. ‘We are not discouraged, but we are afraid that one day a car can pull up outside the office and take all of us,’ she says.”</td>
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<td>- “There is also a chance that the legal environment for gay Cameroonians could become even more hostile. A Yaounde court is currently hearing the first known case brought under a cybercrime law that bans using electronic communications to make sexual propositions to someone of the same sex. If the suspect, a 25-year-old man, is sentenced and convicted, the precedent could endanger the many LGBT Cameroonians who use Facebook and dating apps to seek out potential partners.”</td>
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<td>- “I was born in Cameroon in 1985, into a society that believes it is perfectly fine to bully, beat, jail, and kill LGBT people. As you can imagine, coming to realize that one is gay in his teens under these circumstances is terrifying.”</td>
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|     | - “I eventually found work at Alternatives Cameroon, an HIV/AIDS underground activist group. Doing this kind of work in a homophobic society is extremely
dangerous. Eventually, local youth found out and my personal experience with assault and beatings began. One night, on my way home, a group of boys surrounded me on the street. They began beating me with clubs and one boy had a knife. I was saved by my ability to take the blows without flinching and by the intervention of a residence guard who miraculously showed up and asked the boys to stop beating me because I was already almost dead. I dragged myself home and realized that I would have to leave before I was killed. I was also starting to believe that I was, indeed, a terrible person as I turned their insults into truths about my humanity.”

- “Not long after, a fellow gay activist and friend named Eric was burned with hot irons for hours before he finally, mercifully, died. I was terrified. It was then that the boys who had beaten me found my phone number and the death threats started to flow. They called me a dirty homosexual. They said I was a disgrace, a nobody, and that the only way out for me was death. When I got home, I saw that they had written “Dirty faggot we know where you live” on my front door in animal blood. I had more frightening messages on my phone every day and received notes saying that I deserved the same punishment as Eric. Then, they started calling and threatening my family. I knew that this had to stop. I was tired of being treated like an animal.”


- “A 22-year-old [J] was sitting at a bar in Cameroon when he was arrested. The police weren’t looking for him, he had done nothing wrong, they were looking for any gay man they could torture . . . he was beaten up so badly he could barely breathe. They burned him with cigarettes all over his body. At one point the policemen tied a cord around his penis and led him around. He was treated like he was an ‘evil demon’ that needed to be punished. They didn’t care if he survived or not.”
- “[W]hen he got to 19 and he refused to take a wife, it got worse. He was considered weird, an outcast, a ‘pederast’ (a word used in Cameroon as a homophobic slur).”
- “Years later, J developed a relationship with an older, wealthy man who was married. But the wife became jealous and suspected J, so threatened him to have him arrested.”
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<td>“He discovered the underground scene, where many gay people knew it was safer to be invisible. No one used a real name. You never knew if the guy you were talking to was who they said they were. They could be a cop. They could be a blackmailer. They could want to hurt you.”</td>
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<td>“Roger Mbede walked out of the central prison in Cameroon’s capital city, having served 16 months of a three-year term for violating the country’s anti-gay law . . . Mbede had been arrested and convicted under a penal-code provision imposing prison terms of up to five years for same-sex sexual acts. This in itself was not unusual. Cameroonian officials have carried out waves of arrests targeting sexual minorities for the last decade. According to Human Rights Watch, the country prosecutes more people for homosexuality than any other in sub-Saharan Africa, often on limited or fabricated evidence. But the specific claims against Mbede were flimsy even by Cameroonian standards. Instead of being accused of having sex with another man, he was arrested on the basis of three amorous text messages he sent to a government official. One of these messages confessed ‘an attraction to men,’ while another declared, ‘I’ve fallen in love with you.’”</td>
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<td>“Mbede remained the face of gay rights in Cameroon even after he was let out. On the ground, however, in his home village of Ngoumou, he was impoverished and ailing, desperate even for basics such as money for food . . . Mbede would die a scant month later, his final weeks shrouded in mystery. The news came as a shock to those who had worked on his case. According to the reports, Mbede was held in his village by his family, who were intentionally depriving him of medical treatment. Speaking to The Associated Press, Nkom [his lawyer] said, ‘His family said he was a curse for them and that we should let him die.’”</td>
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<td>“Yaoundé’s central prison is by all accounts a rough place, and Mbede fared especially poorly. Inmates familiar with his story refused to share a cell with him, and he was often expelled to the courtyard, exposed to the sun and rain, said Lambert Lamba, a Cameroonian activist who became close with Mbede. Some called him ‘pédé,’ a derogatory slang word derived from ‘pedophile’ or ‘pederast,’ and ‘diaper wearer,’ a slur hurled at gay men based on the belief that anal sex renders them incontinent. Guards did little to protect him from violence, Lamba said. At the time of his release, Mbede had a scar on his brow where, he said, he had been hit with a wooden bench.”</td>
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<td>“Mbede had been working toward a master’s degree at a local Catholic university, but resuming his studies also proved difficult. The university had become a hostile environment. One friend recalled that someone posted a sign on Mbede’s door that read ‘Dirty Pédé,’ and Amnesty reported that he was later assaulted by four unknown men just off campus.”</td>
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<td>“Mbede believed his situation was becoming more precarious. In a January 2013 email to an activist at All Out, he reported having received a letter the previous week — it was apparently ‘slipped under his door’ — that included a threat: ‘Be very careful and don’t be stupid. You risk losing your life, while those who are encouraging you will remain living.’”</td>
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<td>“Michel Togué, a lawyer who has defended members of the LGBT community, says that even his children have been threatened. One message he received said that if he didn’t stop ‘defending homo ideas’ he might find himself ‘at the bedside of his dying children’. This was sent with an image of his children, photographed walking home from school.”</td>
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<td>“At first it was primarily activists who were threatened and assaulted. Now, more and more lawyers are being targeted. Out of 2,500 practicing lawyers in Cameroon, only four or five are willing to defend homosexuals. And those who do are often stigmatised by their peers, the FIDH report said.”</td>
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<td>“The director of the human rights advocacy group REDHAC, Maximilienne Ngo Mbe, received death threats while her niece, who lives with her, was sexually assaulted and tortured by a group of armed men. Previously, unidentified assailants had also tried to kidnap Ngo Mbe’s son from his school.”</td>
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Dated: [DATE]

Respectfully submitted,

[CITY, STATE]

[FIRM]

*Pro Bono* Counsel for Respondent

By: _______________________

[NAME]

[FIRM]
TAB 1
LAW No. 2016/007 OF 12 JUL. 2016

RELATING TO THE PENAL CODE

The Parliament deliberated and adopted, the President of the Republic hereby enacts the law set out below:
PART I

BOOK I

CRIMINAL LAW

APPLICATION OF CRIMINAL LAW

CHAPTER I

PRELIMINARY PROVISIONS

SECTION 1: Content

The penal code is composed of:

a) book I comprising Sections 1 to 101;

b) book II comprising Sections 102 to 361;

c) the decree relating to regulatory provisions of the Penal Code which define offences, comprising Sections 362 to 370;

d) sections 371 and 372, which lay down the transitional and final provisions.

SECTION 1-1: No exemption

All persons shall be subject to the criminal law.

SECTION 2: General and special application

(1) This Code and every provision of criminal law shall be subject to the rules of international law and to all treaties duly promulgated and published.

(2) Book I of this Code shall govern all other criminal law, unless special provision has been made, even before the entry into force of this book, concerning particularly the exclusion of suspension and the exclusion or limitation of mitigating circumstances by a law or by regulations possessing force of law. This Subsection shall apply actively from the 1st October 1966 inclusive.

(3) Any other general provision shall be subject to any special provision on the same matter, save as otherwise provided.
SECTION 346: Indecency to Child under Sixteen

(1) Whoever commits an indecent act in the presence of a child under the age of 16 (sixteen) shall be punished with imprisonment for from 2 (two) to 5 (five) years and with fine of from CFAF 20 000 (twenty thousand) to CFAF 200 000 (two hundred thousand).

(2) The penalty shall be doubled where the offence is accompanied by assault or where the offender is one of the persons described in Section 298.

(3) The penalty shall be imprisonment for from 10 (ten) to 15 (fifteen) years where the offender has sexual intercourse with the victim notwithstanding his or her consent.

(4) In case of rape, the imprisonment shall be from fifteen to twenty-five years, or for life where the offender is one of the persons described by Section 298.

(5) Upon conviction under this Section, the Court may deprive the offender of parental power and disqualify him from being guardian or curator of any minor for the time prescribed by Section 31 (4) of this Code.

SECTION 347: Indecency to Minor between Sixteen and Twenty-One

(1) For any offence under Sections 295, 296 and 347-1 of this Code committed against a person over 16 (sixteen) and under 21 (twenty-one) years of age, the penalty shall be doubled.

(2) Upon conviction under this Section, the Court may deprive the offender of parental power and disqualify him from being guardian or curator of any minor for the time prescribed by Section 31 (4) of this Code.

SECTION 347-1: Homosexuality

Whoever has sexual relations with a person of the same sex shall be punished with imprisonment for from 6 (six) months to 5 (five) years and a fine of from CFAF 20 000 (twenty thousand) to CFAF 200 000 (two hundred thousand).

SECTION 348: Drink

(1) Whoever:

a) being licensed to sell intoxicating liquor for consumption on the premises admits to the said premises any person under 16 (sixteen)
SECTION 362 to 370: The provisions of Section 362 to 370 which define offences shall be laid down by regulation.

PART V
TRANSITIONAL AND FINAL PROVISIONS

SECTION 371:

(1) All previous provisions repugnant hereto and having the same objective are hereby repealed.

(2) However, felonies, misdemeanours, or simple offence committed and previously prosecuted prior to the entry into force of this Law shall remain subject to the provisions of Law No. 65/LF/24 of 12 November 1965 and No. 67/LF/1 of 12 June 1967, until the final judicial decision on related matters.

SECTION 372: This law shall be registered, and published in the Official Gazette in English and French.

YAOUNDE, 12 JUL 2016

PAUL BIYA
PRESIDENT OF THE REPUBLIC
TAB 2
LOI N°2010/012 DU 21 DECEMBRE 2010 RELATIVE A LA CYBERSECURITE ET LA CYBERCRIMINALITE AU CAMEROUN
TITRE PREMIER
DISPOSITIONS GENERALES

Article 1er.- La présente loi régit le cadre de sécurité des réseaux de communications électroniques et des systèmes d'information, définit et réprime les infractions liées à l'utilisation des technologies de l'information et de la communication au Cameroun. A ce titre, elle vise notamment à :

- instaurer la confiance dans les réseaux de communications électroniques et les systèmes d'information ;
- fixer le régime juridique de la preuve numérique, des activités de sécurité, de cryptographie et de certification électronique ;
- protéger les droits fondamentaux des personnes physiques, notamment le droit à la dignité humaine, à l'honneur et au respect de la vie privée, ainsi que les intérêts légitimes des personnes morales.

Article 2.- Sont exclues du champ de la présente loi, les applications spécifiques utilisées en matière de défense et de sécurité nationales.

Article 3.- Les réseaux de communications électroniques visés par la présente loi comprennent : les réseaux satellitaires, les réseaux terrestres, les réseaux électriques lorsqu'ils servent à l'acheminement de communications électroniques, les réseaux assurant la diffusion ou la distribution de services de communication audiovisuelle.

Article 4.- Au sens de la présente loi et de ses textes d'application, les définitions ci-après, sont admises :

1) **Accès illégal** : accès intentionnel, sans en avoir le droit, à l'ensemble ou à une partie d'un réseau de communications électroniques, d'un système d'information ou d'un équipement terminal ;

2) **Administration chargée des Télécommunications** : Ministère ou Ministre selon le cas, investi pour le compte du Gouvernement, d'une compétence générale sur le secteur des télécommunications et des technologies de l'information et de la communication.

3) **Algorithme** : suite d'opérations mathématiques élémentaires à appliquer à des données pour aboutir à un résultat désiré ;

4) **Algorithme asymétrique** : algorithme de chiffrement utilisant une clé publique pour chiffrer et une clé privée (différente) pour déchiffrer les messages ;

5) **Algorithme symétrique** : algorithme de chiffrement utilisant une même clé pour chiffrer et déchiffrer les messages ;

6) **Attaque active** : acte modifiant ou altérant les ressources ciblées par l'attaque (atteinte à l'intégrité, à la disponibilité et à la confidentialité des données) ;

7) **Attaque passive** : acte n'altérant pas sa cible (écoute passive, atteinte à la confidentialité) ;
8) **Atteinte à l'Intégrité** : fait de provoquer intentionnellement une perturbation grave ou une interruption de fonctionnement d'un système d'information, d'un réseau de communications électroniques ou d'un équipement terminal, en introduisant, transmettant, endommageant, effaçant, détériorant, modifiant, supprimant ou rendant inaccessibles des données ;

9) **Audit de sécurité** : examen méthodique des composantes et des acteurs de la sécurité, de la politique, des mesures, des solutions, des procédures et des moyens mis en œuvre par une organisation, pour sécuriser son environnement, effectuer des contrôles de conformité, des contrôles d'évaluation de l'adéquation des moyens (organisationnels, techniques, humains, financiers) investis au regard des risques encourus, d'optimisation, de rationalité et de performance.

10) **Authentification** : critère de sécurité défini par un processus mis en œuvre notamment pour vérifier l'identité d'une personne physique ou morale et s'assurer que l'identité fournie correspond à l'identité de cette personne préalablement enregistrée ;

11) **Autorité de certification** : autorité de confiance chargée de créer et d'attribuer des clés publiques et privées ainsi que des certificats électroniques ;

12) **Autorité de Certification Racine** : Organisme investi de la mission d'accréditation des autorités de certification, de la validation de la politique de certification des autorités de certification accréditées, de la vérification et de la signature de leurs certificats respectifs ;

13) **Certificat électronique** : document électronique sécurisé par la signature électronique de la personne qui l’a émis et qui atteste après constat, la véracité de son contenu ;

14) **Certificat électronique qualifié** : certificat électronique émis par une autorité de certification agréée ;

15) **Certification électronique**" : émission de certificat électronique

16) **Chiffrement** : procédé grâce auquel on transforme à l'aide d’une convention secrète appelée clé, des informations claires en informations inintelligibles par des tiers n’ayant pas la connaissance de la clé ;

17) **Clé** : dans un système de chiffrement, elle correspond à une valeur mathématique, un mot, une phrase, qui permet, grâce à l’algorithme de chiffrement, de chiffrer ou de déchiffrer un message ;

18) **Clé privée** : clé utilisée dans les mécanismes de chiffrement asymétriques (ou chiffrement à clé publique), qui appartient à une entité et qui doit être secrète ;

19) **Clé publique** : clé servant au chiffrement d’un message dans un système asymétrique et donc librement diffusée ;

20) **Clé secrète** : clé connue de l’émetteur et du destinataire servant de chiffrement et de déchiffrement des messages et utilisant le mécanisme de chiffrement symétrique ;
21) **Code source** : ensemble des spécifications techniques, sans restriction d'accès ni de mise en œuvre, d'un logiciel ou protocole de communication, d'interconnexion, d'échange ou d'un format de données ;

22) **Communication audiovisuelle** : communication au public de services de radiodiffusion télévisuelle et sonore ;

23) **Communication électronique** : émission, transmission ou réception de signes, signaux, d'écrits, d'images ou de sons, par voie électromagnétique ;

24) **Confidentialité** : maintien du secret des informations et des transactions afin de prévenir la divulgation non autorisée d'informations aux non destinataires permettant la lecture, l'écoute, la copie illicite d'origine intentionnelle ou accidentelle durant leur stockage, traitement ou transfert ;

25) **Contenu** : ensemble d'informations relatives aux données appartenant à des personnes physiques ou morales, transmises ou reçues à travers les réseaux de communications électroniques et les Systèmes d'information ;

26) **Contenu illicite** : contenu portant atteinte à la dignité humaine, à la vie privée, à l'honneur ou à la sécurité nationale ;

27) **Courrier électronique** : message, sous forme de texte, de voix, de son ou d'image, envoyé par un réseau public de communication, stocké sur un serveur d'un réseau ou dans l'équipement terminal du destinataire, jusqu'à ce que ce dernier le récupère ;

28) **Cryptage** : utilisation de codes ou signaux non usuels permettant la conversion des informations à transmettre en des signaux incompréhensibles par les tiers ;

29) **Cryptanalyse** : ensemble des moyens qui permet d'analyser une information préalablement chiffrée en vue de la déchiffrer ;

30) **Cryptogramme** : Message chiffré ou codé ;

31) **Cryptographie** : application des mathématiques permettant d'écrire l'information, de manière à la rendre inintelligible à ceux ne possédant pas les capacités de la déchiffrer ;

32) **Cybercriminalité** : ensemble des infractions s'effectuant à travers le cyberspace par d'autres moyens que ceux habituellement mis en œuvre, et de manière complémentaire à la criminalité classique ;

33) **Cybersécurité** : ensemble de mesures de prévention, de protection et de dissuasion d'ordre technique, organisationnel, juridique, financier, humain, procédural et autres actions permettant d'atteindre les objectifs de sécurité fixés à travers les réseaux de communications électroniques, les systèmes d'information et pour la protection de la vie privée des personnes ;

34) **Déclaration des pratiques de certification** : ensemble des pratiques (organisation, procédures opérationnelles, moyens techniques et humains) que l'autorité de certification compétente applique dans le cadre de la fourniture de ce service et en conformité avec la (les) politique(s) de certification qu'il s'est engagé à respecter ;
35) **Déchiffrement** : opération inverse du chiffrement ;
36) **Déni de service** : attaque par saturation d’une ressource du système d’information ou du réseau de communications électroniques, afin qu’il s’effondre et ne puisse plus réaliser les services attendus de lui ;
37) **Déni de service distribué** : attaque simultanée des ressources du système d’information ou du réseau de communications électroniques, afin de les saturer et amplifier les effets d’entrave ;
38) **Disponibilité** : critère de sécurité permettant que les ressources des réseaux de communications électroniques, des systèmes d’information ou des équipements terminaux soient accessibles et utilisables selon les besoins (le facteur temps) ;
39) **Dispositif de création de signature électronique** : ensemble d’équipements et/ou logiciels privés de cryptage, homologués par une autorité compétente, configurés pour la création d’une signature électronique ;
40) **Dispositif de vérification de signature électronique** : ensemble d’équipements et/ou logiciels publics de cryptage, homologués par une autorité compétente, permettant la vérification par une autorité de certification d’une signature électronique ;
41) **Données** : représentation de faits, d’informations ou de notions sous une forme susceptible d’être traitée par un équipement terminal, y compris un programme permettant à ce dernier d’exécuter une fonction ;
42) **Données de connexion** : ensemble de données relatives au processus d’accès dans une communication électronique ;
43) "**Données de trafic**" : données ayant trait à une communication électronique indiquant l’origine, la destination, l’itinéraire, l’heure, la date, la taille et la durée de la communication ou le type du service sous-jacent ;
44) **Équipement terminal** : appareil, installation ou ensemble d’installations destiné à être connecté à un point de terminaison d’un système d’information et émettant, recevant, traitant, ou stockant des données d’information ;
45) **Flabilité** : aptitude d’un système d’information ou d’un réseau de télécommunications à fonctionner sans incident pendant un temps suffisamment long ;
46) **Fournisseur des services de communications électroniques** : personne physique ou morale fournissant les prestations consistant entièrement ou principalement en la fourniture de communications électroniques ;
47) **Gravité de l’Impact** : appréciation du niveau de gravité d’un incident, pondéré par sa fréquence d’apparition ;
48) **Intégrité des données** : critère de sécurité définissant l’état d’un réseau de communications électroniques, d’un système d’information ou d’un équipement terminal qui est demeuré intact et permet de s’assurer que les ressources n’ont pas été altérées (modifiées ou détruites) d’une façon tant intentionnelle qu’accidentelle, de manière à assurer leur exactitude, leur fiabilité et leur pérennité ;
49) **Interception illégale**: accès sans en avoir le droit ou l’autorisation, aux données d’un réseau de communications électroniques, d’un système d’information ou d’un équipement terminal ;

50) **Interception légale**: accès autorisé aux données d’un réseau de communications électroniques, d’un système d’information ou d’un équipement terminal

51) **Intrusion par intérêt**: accès intentionnel et sans droit dans un réseau de communications électroniques ou dans un système d’information, dans le but soit de nuire soit de tirer un bénéfice économique, financier, industriel, sécuritaire ou de souveraineté ;

52) **Intrusion par défi intellectuel**: accès intentionnel et sans droit dans un réseau de communications électroniques ou dans un système d’information, dans le but de relever un défi intellectuel pouvant contribuer à l’amélioration des performances du système de sécurité de l’organisation ;

53) **Logiciel trompeur**: logiciel effectuant des opérations sur un équipement terminal d’un utilisateur sans informer préalablement cet utilisateur de la nature exacte des opérations que le logiciel va effectuer sur son équipement terminal ou sans demander à l’utilisateur s’il consent à ce que le logiciel procède à ces opérations ;

54) **Logiciel espion**: type particulier de logiciel trompeur collectant les informations personnelles (sites web les plus visités, mots de passe, etc.) auprès d’un utilisateur du réseau de communications électroniques ;

55) **Logiciel potentiellement indésirable**: logiciel présentant des caractéristiques d’un logiciel trompeur ou d’un logiciel espion ;

56) **Message clair**" : version intelligible d’un message et compréhensible par tous ;

57) **Moyen de cryptographie**: équipement ou logiciel conçu ou modifié pour transformer des données, qu’il s’agisse d’informations ou de signaux, à l’aide de conventions secrètes ou pour réaliser une opération inverse avec ou sans convention secrète afin de garantir la sécurité du stockage ou de la transmission de données, et d’assurer leur confidentialité et le contrôle de leur intégrité ;

58) **Non répudiation**: critère de sécurité assurant la disponibilité de preuves qui peuvent être opposées à un tiers et utilisées pour prouver la traçabilité d’une communication électronique qui a eu lieu ;

59) **Politique de certification** : ensemble de règles identifiées, définissant les exigences auxquelles l’autorité de certification se conforme dans la mise en place de ses prestations et indiquant l’applicabilité d’un service de certification à une communauté particulière et/ou à une classe d’applications avec des exigences de sécurité communes ;

60) **Politique de sécurité** : référentiel de sécurité établi par une organisation, reflétant sa stratégie de sécurité et spécifiant les moyens de la réaliser ;

61) **Prestation de cryptographie** : opération visant à la mise en œuvre, pour le compte d’autrui, de moyens de cryptographie ;
62) Réseau de communications électroniques : Systèmes de transmission, actif ou passif et, le cas échéant, les équipements de commutation et de routage et les autres ressources qui permettent l'acheminement des signaux par câble, par voie hertzienne, par moyen optique ou par d'autres moyens électromagnétiques comprenant les réseaux satellitaires, les réseaux terrestres fixes (avec commutation de circuit ou de paquet, y compris l'Internet) et mobile, les systèmes utilisant le réseau électrique, pour autant qu'ils servent à la transmission des signaux, les réseaux utilisés pour la radiodiffusion sonore et télévisuelle et les réseaux câblés de télévision, quel que soit le type d'information transmise ;

63) Réseau de télécommunications : installation ou ensemble d'installations assurant soit la transmission et l'acheminement de signaux de télécommunications, soit l'échange d'informations de commande et de gestion associés à ces signaux entre les points de ce réseau ;

64) Sécurité : situation dans laquelle quelqu'un, quelque chose n'est exposé à aucun danger. Mécanisme destiné à prévenir un événement dommageable, ou à en limiter les effets ;

65) Service de certification : prestation fournie par une autorité de certification ;

66) Service de communications électroniques : prestation consistant entièrement ou principalement en la fourniture de communications électroniques à l'exclusion des contenus des services de communication audiovisuelle ;

67) Signataire : personne physique, agissant pour son propre compte ou pour celui de la personne physique ou morale qu'elle représente, qui met à contribution un dispositif de création de signature électronique ;

68) Signature électronique : signature obtenue par un algorithme de chiffrement asymétrique permettant d'authentifier l'émetteur d'un message et d'en vérifier l'intégrité ;

69) Signature électronique avancée : signature électronique obtenue à l'aide d'un certificat électronique qualifié ;

70) Standard ouvert : protocole de communication, d'interconnexion ou d'échange et format de données interopérable, dont les spécifications techniques sont publiques et sans restriction d'accès ni de mise en œuvre ;

71) Système de détection : système permettant de détecter les incidents qui pourraient conduire aux violations de la politique de sécurité et permettant de diagnostiquer des intrusions potentielles ;

72) Système d'Information : dispositif isolé ou groupe de dispositifs interconnectés ou apparentés, assurant par lui-même ou par un ou plusieurs de ses éléments, conformément à un programme, un traitement automatisé de données ;

73) Vulnérabilité : défaut de sécurité se traduisant soit intentionnellement, soit accidentellement par une violation de la politique de sécurité, dans
l’architecture d’un réseau de communications électroniques, dans la conception d’un système d’information.

**Article 5.** Les termes et expressions non définis dans cette loi, conservent leurs définitions ou significations données par les instruments juridiques internationaux auxquels l’État du Cameroun a souscrit, notamment, la Constitution et la Convention de l’Union Internationale des Télécommunications, le Règlement des Radiocommunications et le Règlement des Télécommunications Internationales.

**TITRE II**
**DE LA CYBERSECURITE**

**CHAPITRE I**
**DE LA POLITIQUE GENERALE DE SECURITE ELECTRONIQUE**

**Article 6.** L’Administration chargée des Télécommunications élabore et met en œuvre, la politique de sécurité des communications électroniques en tenant compte de l’évolution technologique et des priorités du Gouvernement dans ce domaine.

A ce titre, elle :

– assure la promotion de la sécurité des réseaux de communications électroniques et des systèmes d’information ainsi que le suivi de l’évolution des questions liées à la sécurité et aux activités de certification ;
– coordonne sur le plan national les activités concourant à la sécurisation et à la protection des réseaux de communications électroniques et des systèmes d’information ;
– veille à la mise en place d’un cadre adéquat pour la sécurité des communications électroniques ;
– arrête la liste des autorités de certification ;
– assure la représentation du Cameroun aux instances internationales chargées des activités liées à la sécurisation et à la protection des réseaux de communications électroniques et des systèmes d’information.

**CHAPITRE II**
**DE LA REGULATION ET DU SUIVI DES ACTIVITES DE SECURITE ELECTRONIQUE**

**Article 7.** (1) L’Agence Nationale des Technologies de l’Information et de la Communication, ci-après désignée l’Agence, instituée par la loi régissant les communications électroniques au Cameroun, est chargée de la régulation des activités de sécurité électronique, en collaboration avec l’Agence de Régulation des Télécommunications.
(2) L'Agence prévue à l'alinéa 1 ci-dessus, assure pour le compte de l'Etat, la régulation, le contrôle et le suivi des activités liées à la sécurité des systèmes d'information et des réseaux de communications électroniques, et à la certification électronique. À ce titre, elle a notamment pour missions :

- d'instruire les demandes d'accréditation et de préparer les cahiers de charges des autorités de certification et de les soumettre à la signature du Ministre chargé des Télécommunications ;
- de contrôler la conformité des signatures électroniques émises ;
- de participer à l'élaboration de la politique nationale de sécurité des réseaux de communications électroniques et de certification ;
- d'émettre un avis consultatif sur les textes touchant à son domaine de compétence ;
- de contrôler les activités de sécurité des réseaux de communications électroniques, des systèmes d'information et de certification ;
- d'instruire les demandes d'homologation des moyens de cryptographie et de délivrer les certificats d'homologation des équipements de sécurité ;
- de préparer les conventions de reconnaissance mutuelle avec les parties étrangères et de les soumettre à la signature du Ministre chargé des Télécommunications ;
- d'assurer la veille technologique et d'émettre des alertes et recommandations en matière de sécurité des réseaux de communications électroniques et de certification ;
- de participer aux activités de recherche, de formation et d'études afférentes à la sécurité des réseaux de communications électroniques, des systèmes d'information et de certification ;
- de s'assurer de la régularité, de l'effectivité des audits de sécurité des systèmes d'information suivant les normes en la matière, des organismes publics et des autorités de certification ;
- d'assurer la surveillance, la détection et l'information aux risques informatiques et cybercriminels ;
- d'exercer toute autre mission d'intérêt général que pourrait lui confier l'autorité de tutelle.

(3) Un décret du Premier Ministre précise les modalités d’application des dispositions de l’alinéa 1 ci-dessus.

**Article 8.** (1) L'Agence est l'Autorité de Certification Racine.

(2) L'Agence est l'autorité de certification de l'Administration Publique.
Article 9.- (1) Les autorités de certification accréditées, les auditeurs de sécurité, les éditeurs de logiciels de sécurité et les autres prestataires de services de sécurité agréés, sont assujettis au paiement d’une contribution de 1,5 % de leur chiffre d’affaires hors taxes, destinée au financement d’un fonds dénommé « Fonds Spécial des Activités de Sécurité Electronique », au titre du financement de la recherche, du développement, de la formation et des études en matière de cybersécurité.

(2) Les ressources visées à l’alinéa 1 ci-dessus sont recouvrées par l’Agence et déposées dans un compte ouvert à la Banque Centrale.

(3) Il est créé un Comité chargé de la validation des projets prioritaires de recherche, de développement, de formation et des études en matière de cybersécurité. Les modalités de fonctionnement de ce Comité sont fixées dans un texte réglementaire.

(4) Le Ministre chargé des Télécommunications est l’ordonnateur des dépenses engagées sur le fonds visé à l’alinéa 1 ci-dessus.

(5) Les conditions et les modalités de perception et de gestion de cette redevance sont définies par voie réglementaire.

CHAPITRE III
DU REGIME JURIDIQUE DES ACTIVITES DE CERTIFICATION

Article 10.- L’activité de certification électronique est soumise à autorisation préalable. Elle est exercée par des autorités de certification.

Article 11.- Peuvent faire l’objet d’une autorisation :

– la mise en place et l’exploitation d’une infrastructure en vue d’émettre, de conserver et de délivrer les certificats électroniques qualifiés ;
– la mise à la disposition du public, des clés publiques de tous les utilisateurs.

Article 12.- Les conditions et les modalités d’octroi de l’autorisation visée à l’article 10 ci-dessus sont fixées par voie réglementaire.

CHAPITRE IV
DES ACTIVITES DE SECURITE

Article 13.- (1) Sont soumis à un audit de sécurité obligatoire, les réseaux de communications électroniques et les systèmes d’information, des opérateurs, des autorités de certification et des fournisseurs de services de communications électroniques.

(2) Les conditions et les modalités de l’audit de sécurité prévu à l’alinéa 1 ci-dessus sont définies par voie réglementaire.

Article 14.- Le personnel de l’Agence et les experts commis en vue d’accomplir des opérations d’audit sont astreints au secret professionnel.
CHAPITRE V
DE LA CERTIFICATION ELECTRONIQUE

**Article 15.**- (1) Les certificats électroniques qualifiés ne sont valables que pour les objets pour lesquels ils ont été émis.

(2) Les dispositifs de création et de vérification des certificats qualifiés sont du point de vue technologique neutres, normalisés, homologués et interopérables.

**Article 16.**- (1) Les autorités de certification sont responsables du préjudice causé aux personnes qui se sont fiées aux certificats présentés par elles comme qualifiés dans chacun des cas suivants :

- les informations contenues dans le certificat, à la date de sa délivrance, étaient inexactes ;
- les données prescrites pour que le certificat puisse être regardé comme qualifié étaient incomplètes ;
- la délivrance du certificat qualifié n'a pas donné lieu à la vérification que le signataire détient la convention privée correspondant à la convention publique de ce certificat ;
- les autorités de certification et les prestataires de certification n'ont pas, le cas échéant, fait procéder à l'enregistrement de la révocation du certificat qualifié et tenu cette information à la disposition des tiers.

(2) Les autorités de certification ne sont pas responsables du préjudice causé par un usage du certificat qualifié dépassant les limites fixées à son utilisation ou à la valeur des transactions pour lesquelles il peut être utilisé, à condition que ces limites figurent dans le certificat qualifié et soient accessibles aux utilisateurs.

(3) Les autorités de certification doivent justifier d'une garantie financière suffisante, spécialement affectée au paiement des sommes qu'elles pourraient devoir aux personnes s'étant fiées raisonnablement aux certificats qualifiés qu'elles délivrent, ou d'une assurance garantissant les conséquences pécuniaires de leur responsabilité civile professionnelle.

CHAPITRE VI
DE LA SIGNATURE ELECTRONIQUE

**Article 17.**- La signature électronique avancée a la même valeur juridique que la signature manuscrite et produit les mêmes effets que cette dernière.

**Article 18.**- Une signature électronique avancée doit remplir les conditions ci-après:

- les données afférentes à la création de la signature sont liées exclusivement au signataire et sont sous son contrôle exclusif ;
- toute modification à elle apportée, est facilement décelable ;
elle est créée au moyen d'un dispositif sécurisé dont les caractéristiques techniques sont fixées par un texte du Ministre chargé des Télécommunications ;

le certificat utilisé pour la génération de la signature est un certificat qualifié. Un texte du Ministre chargé des Télécommunications fixe les critères de qualification des certificats.

**CHAPITRE VII**

**DES CERTIFICATS ET SIGNATURES ELECTRONIQUES DELIVRES PAR LES AUTORITES DE CERTIFICATION**

**Article 19.** L’autorité de certification ayant conféré la validité à un certificat électronique ne peut se renier.

**Article 20.** (1) Un certificat électronique émis hors du territoire national produit les mêmes effets juridiques qu’un certificat qualifié émis au Cameroun à condition qu’il existe un acte de reconnaissance de l’autorité émettrice signé par le Ministre chargé des Télécommunications.

(2) L’interopérabilité des certificats électroniques qualifiés est réglementée par un texte du Ministre chargé des Télécommunications.

**CHAPITRE VIII**

**DU DOCUMENT ELECTRONIQUE**

**Article 21.** Toute personne désirant apposer sa signature électronique sur un document peut créer cette signature par un dispositif fiable dont les caractéristiques techniques sont fixées par un texte du Ministre chargé des Télécommunications.

**Article 22.** Toute personne utilisant un dispositif de signature électronique doit :

- prendre les précautions minimales qui sont fixées par le texte visé à l’article 21 ci-dessus, afin d’éviter toute utilisation illégale des éléments de cryptage ou des équipements personnels relatifs à sa signature ;
- informer l’autorité de certification de toute utilisation illégitime de sa signature ;
- veiller à la véracité de toutes les données qu’elle a déclarées au fournisseur de services de certification électronique et à toute personne à qui il a demandé de se fier à sa signature.

**Article 23.** En cas de manquement aux engagements prévus à l’article 22 ci-dessus, le titulaire de la signature est responsable du préjudice causé à autrui.
CHAPITRE IX
DE LA PROTECTION DES RESEAUX DE COMMUNICATIONS ELECTRONIQUES,
DES SYSTEMES D'INFORMATION ET DE LA VIE PRIVEE DES PERSONNES

SECTION I
DE LA PROTECTION DES RESEAUX DE COMMUNICATIONS ELECTRONIQUES

Article 24.- Les opérateurs des réseaux de communications électroniques et les fournisseurs de services de communications électroniques doivent prendre toutes les mesures techniques et administratives nécessaires pour garantir la sécurité des services offerts. A cet effet, ils sont tenus d'informer les usagers :

- du danger encouru en cas d'utilisation de leurs réseaux ;
- des risques particuliers de violation de la sécurité notamment, les dénis de service distribués, le re-routage anormal, les pointes de trafic, le trafic et les ports inhabituels, les écoutes passives et actives, les intrusions et tout autre risque ;
- de l'existence de moyens techniques permettant d'assurer la sécurité de leurs communications.

Article 25.- (1) Les opérateurs de réseaux et les fournisseurs de services de communications électroniques ont l'obligation de conserver les données de connexion et de trafic pendant une période de dix (10) ans.

(2) Les opérateurs de réseaux et les fournisseurs de services de communications électroniques installent des mécanismes de surveillance de trafic des données de leurs réseaux. Ces données peuvent être accessibles lors des investigations judiciaires.

(3) La responsabilité des opérateurs de réseaux et celles des fournisseurs de services de communications électroniques est engagée si l'utilisation des données prévue à l’alinéa 2 ci-dessus porte atteinte aux libertés individuelles des usagers.

SECTION II
DE LA PROTECTION DES SYSTEMES D'INFORMATION

Article 26.- (1) Les exploitants des systèmes d’information prennent toutes les mesures techniques et administratives afin de garantir la sécurité des services offerts. A cet effet, ils se dotent de systèmes normalisés leur permettant d'identifier, d'évaluer, de traiter et de gérer continûment les risques liés à la sécurité des systèmes d’information dans le cadre des services offerts directement ou indirectement.

(2) Les exploitants des systèmes d’information mettent en place des mécanismes techniques pour faire face aux atteintes préjudiciables à la disponibilité permanente des systèmes, à leur intégrité, à leur authentification, à leur non répudiation par des utilisateurs tiers, à la confidentialité des données et à la sécurité physique.

(4) Les plates-formes des systèmes d’information font l’objet de protection contre d’éventuels rayonnements et des intrusions qui pourraient compromettre l’intégrité des données transmises et contre toute autre attaque externe notamment par un système de détection d’intrusions.

**Article 27.** Les personnes morales dont l'activité est d'offrir un accès à des systèmes d’information sont tenues d’informer les usagers :

- du danger encouru dans l’utilisation des systèmes d’information non sécurisés notamment pour les particuliers ;
- de la nécessité d’installer des dispositifs de contrôle parental ;
- des risques particuliers de violation de sécurité, notamment la famille générique des virus ;
- de l’existence de moyens techniques permettant de restreindre l’accès à certains services et de leur proposer au moins l’un de ces moyens, notamment l’utilisation des systèmes d’exploitation les plus récents, les outils antivirus et contre les logiciels espions et trompeurs, l’activation des pare-feu personnels, de systèmes de détection d’intrusions et l’activation des mises à jour automatiques.

**Article 28.**

(1) Les exploitants des systèmes d’information informent les utilisateurs de l’interdiction faite d’utiliser le réseau de communications électroniques pour diffuser des contenus illicites ou tout autre acte qui peut entamer la sécurité des réseaux ou des systèmes d’information.

(2) L’interdiction porte également sur la conception de logiciel trompeur, de logiciel espion, de logiciel potentiellement indésirable ou de tout autre outil conduisant à un comportement frauduleux.

**Article 29.**

(1) Les exploitants des systèmes d’information ont l’obligation de conserver les données de connexion et de trafic de leurs systèmes d’information pendant une période de dix (10) ans.

(2) Les exploitants des systèmes d’information sont tenus d’installer des mécanismes de surveillance de contrôle d’accès aux données de leurs systèmes d’information. Les données conservées peuvent être accessibles lors des investigations judiciaires.

(3) Les installations des exploitants des systèmes d’information peuvent faire l’objet de perquisition ou de saisie sur ordre d’une autorité judiciaire dans les conditions prévues par les lois et règlements en vigueur.

**Article 30.**

(1) Les exploitants des systèmes d’information évaluent, révisent leurs systèmes de sécurité et introduisent en cas de nécessité les modifications appropriées dans leurs pratiques, mesures et techniques de sécurité en fonction de l’évolution des technologies.
(2) Les exploitants des systèmes d’information et leurs utilisateurs peuvent coopérer entre eux pour l’élaboration et la mise en œuvre des pratiques, mesures et techniques de sécurité de leurs systèmes.

**Article 31.** (1) Les fournisseurs de contenus des réseaux de communications électroniques et systèmes d’information sont tenus d’assurer la disponibilité des contenus, ainsi que celle des données stockées dans leurs installations.

(2) Ils ont l’obligation de mettre en place des filtres pour faire face aux atteintes préjudiciables aux données personnelles et à la vie privée des utilisateurs.

**Article 32.** (1) Les réseaux de communications électroniques et les systèmes d’information sont soumis à un régime d’audit de sécurité obligatoire et périodique de leurs systèmes de sécurité par l’Agence.

(2) L’audit de sécurité et les mesures d’impact de gravité sont effectuées chaque année ou lorsque les circonstances l’exigent.

(3) Les rapports d’audit sont confidentiels et adressés au Ministre chargé des Télécommunications.

(4) Un texte du Ministre chargé des Télécommunications fixe les conditions d’évaluation des niveaux d’impact de gravité.

**SECTION III**

**DES OBLIGATIONS DES FOURNISSEURS D’ACCES, DE SERVICES ET DES CONTENUS**

**Article 33.** Les personnes dont l’activité est d’offrir un accès à des services de communications électroniques, informent leurs abonnés de l’existence de moyens techniques permettant de restreindre l’accès à certains services ou de les sélectionner et leur proposent au moins un de ces moyens.

**Article 34.** (1) La responsabilité des personnes qui assurent, même à titre gratuit, le stockage des signaux, d’écrits, d’images, de sons ou de messages de toute nature fournis par les destinataires de ces services, peut être engagée.

(2) Toutefois, la responsabilité prévue à l’alinéa 1 ci-dessus n’est point engagée dans les cas suivants :

- les personnes n’avaient pas effectivement connaissance de leur caractère illicite ou de faits et circonstances faisant apparaître ce caractère ;
- si, dès le moment où elles ont eu connaissance des faits, elles ont agi promptement pour retirer ces données ou en rendre l’accès impossible.

**Article 35.** (1) Les personnes mentionnées aux articles 33 et 34 ci-dessus, sont tenues de conserver, pendant une durée de dix (10) ans, les données permettant l’identification de toute personne ayant contribué à la création du contenu des services dont elles sont prestataires.
(2) Elles fournissent aux personnes qui éditent un service de communications électroniques des moyens techniques permettant à celles-ci de satisfaire aux conditions d'identification prévues aux articles 37 et 38 ci-dessous.

(3) L'autorité judiciaire peut requérir communication auprès des prestataires mentionnés aux articles 33 et 34 ci-dessus des données prévues à l'alinéa 1 ci-dessus.

Article 36.- La juridiction compétente saisie statue dans un délai maximum de trente (30) jours sur toutes mesures propres à prévenir un dommage ou à faire cesser un dommage occasionné par le contenu d'un service de communication électronique.

Article 37.- Les personnes dont l'activité consiste à éditer un service de communications électroniques, mettent à la disposition du public :
   - leurs nom, prénoms, domicile et numéro de téléphone et, si elles sont assujetties aux formalités d'inscription au registre de commerce et du crédit mobilier, le numéro de leur inscription, s'il s'agit des personnes physiques ;
   - leur dénomination ou leur raison sociale et leur siège social, leur numéro de téléphone et, s'il s'agit des personnes morales assujetties aux formalités d'inscription au registre de commerce et du crédit mobilier, le numéro de leur inscription, leur capital social, l'adresse de leur siège social, s'il s'agit des personnes morales ;
   - le nom du directeur ou du codirecteur de la publication et, le cas échéant, celui du responsable de la rédaction ;
   - le nom, la dénomination ou la raison sociale, l'adresse et le numéro de téléphone du prestataire mentionné aux articles 33 et 34.

Article 38.- (1) Les personnes éditant à titre non professionnel un service de communications électroniques peuvent ne tenir à la disposition du public que le nom, la dénomination ou la raison sociale et l'adresse du prestataire.

   (2) Les personnes mentionnées aux articles 33 et 34 ci-dessus, sont assujetties au secret professionnel.

Article 39.- (1) Toute personne victime d'une diffamation au moyen d'un service de communications électroniques, dispose d'un droit de réponse et peut en exiger la rectification.

   (2) Les conditions d'insertion du droit de réponse sont celles prévues par les textes en vigueur.

Article 40.- (1) Toute personne assurant une activité de transmission de contenus sur un réseau de communications électroniques ou de fourniture d'accès à un réseau de communications électroniques ne peut voir sa responsabilité engagée que lorsque :
   - elle est à l'origine de la demande de transmission litigieuse ;
elle sélectionne ou modifie les contenus faisant l'objet de la transmission.

(2) Toute personne assurant dans le seul but de rendre plus efficace leur transmission ultérieure, une activité de stockage automatique, intermédiaire et temporaire des contenus qu'un prestataire transmet, ne peut voir sa responsabilité civile ou pénale engagée en raison de ces contenus que dans le cas où elle a modifié ces contenus, ne s'est pas conformée à leurs conditions d'accès et aux règles usuelles concernant leur mise à jour ou a entravé l'utilisation licite et usuelle de la technologie utilisée pour obtenir les données.

SECTION IV
DE LA PROTECTION DE LA VIE PRIVÉE DES PERSONNES

Article 41.- Toute personne a droit au respect de sa vie privée. Les juges peuvent prendre les mesures conservatoires, notamment le séquestre et la saisie pour empêcher ou faire cesser une atteinte à la vie privée.

Article 42.- La confidentialité des communications acheminées à travers les réseaux de communications électroniques et les systèmes d’information, y compris les données relatives au trafic, est assurée par les opérateurs et exploitants des réseaux de communications électroniques et des systèmes d’information.

Article 43.- Le fournisseur de contenus est responsable des contenus véhiculés par son système d’information, notamment lorsque ces contenus portent atteinte à la dignité humaine, à l’honneur et à la vie privée.

Article 44.- (1) Interdiction est faite à toute personne physique ou morale d’écouter, d’intercepter, de stocker les communications et les données relatives au trafic y afférent, ou de les soumettre à tout autre moyen d’interception ou de surveillance, sans le consentement des utilisateurs concernés, sauf lorsque cette personne y est légalement autorisée.

(2) Toutefois, le stockage technique préalable à l’acheminement de toute communication est autorisé aux opérateurs et exploitants des réseaux de communications électroniques, sans préjudice du principe de confidentialité.

Article 45.- L’enregistrement des communications et des données de trafic y afférentes, effectué dans le cadre professionnel en vue de fournir la preuve numérique d’une communication électronique est autorisé.

Article 46.- (1) Les fournisseurs de contenus des réseaux de communications électroniques et systèmes d’information, sont tenus de conserver les contenus ainsi que les données stockées dans leurs installations pendant une durée de dix (10) ans.
(2) Les fournisseurs de contenus des réseaux de communications électroniques et systèmes d’information, ont l’obligation de mettre en place des filtres pour faire face aux atteintes préjudiciables aux données personnelles et à la vie privée des utilisateurs.

**Article 47.** L’utilisation des réseaux de communications électroniques et des systèmes d’information aux fins de stocker les informations ou d’accéder à des informations stockées dans un équipement terminal d’une personne physique ou morale, ne peut se faire qu’avec son consentement préalable.

**Article 48.** (1) L’émission des messages électroniques à des fins de prospection en dissimulant l’identité de l’émetteur au nom duquel la communication est faite, ou sans indiquer une adresse valide à laquelle le destinataire peut transmettre une demande visant à obtenir l’arrêt de ces informations est interdite.

(2) L’émission des messages électroniques en usurpant l’identité d’autrui est interdite.

**SECTION V**
**DE L’INTERCEPTION DES COMMUNICATIONS ELECTRONIQUES**

**Article 49.** Nonobstant les dispositions du Code de Procédure Pénale, en cas de crimes ou délits prévus dans la présente loi, l’Officier de Police Judiciaire peut intercepter, enregistrer ou transcrire toute communication électronique.

**Article 50.** Si les opérateurs de réseaux de communications électroniques ou les fournisseurs de services de communications électroniques procèdent au codage, à la compression ou au chiffrement des données transmises, les interceptions correspondantes sont fournies en clair aux services qui les ont requis.

**Article 51.** Les personnels des opérateurs des réseaux de communications électroniques ou des fournisseurs de services de communications électroniques sont astreints au secret professionnel quant aux réquisitions reçues.

**TITRE III**
**DE LA CYBERCRIMINALITE**

**CHAPITRE I**
**DES DISPOSITIONS DU DROIT PROCESSUEL**

**Article 52.** (1) En cas d’infraction cybernétique, les Officiers de Police Judiciaire à compétence générale et les agents habilités de l’Agence, procèdent aux enquêtes conformément aux dispositions du Code de Procédure Pénale.

(2) Avant leur entrée en fonction, les agents habilités de l’Agence prêtent serment, devant le Tribunal de Première Instance compétent, selon la formule suivante : « Je Jure de remplir loyalement mes fonctions et d’observer en tout les devoirs qu’elles m’imposent, de garder secrètes les informations dont j’ai eu connaissance à l’occasion ou dans l’exercice de mes fonctions ». 
(3) Les Officiers de Police Judiciaire et les agents habilités de l'Agence peuvent, lors des investigations, accéder aux moyens de transport, à tout local à usage professionnel, à l'exclusion des domiciles privés, en vue de rechercher, de constater les infractions, de demander la communication de tous les documents professionnels et en prendre copie, recueillir, sur convocation ou sur place, les renseignements et justifications.

**Article 53.**— (1) Les perquisitions en matière de cybercriminalité sont susceptibles de porter sur des données qui peuvent être des supports physiques ou des copies réalisées en présence des personnes qui assistent à la perquisition.

(2) Lorsqu’une copie des données saisies a été faite, celle-ci peut être détruite sur instruction du Procureur de la République pour des raisons de sécurité.

(3) Sur accord du Procureur de la République, seuls seront gardés sous scellé par l'Officier de Police Judiciaire, les objets, documents et données utilisées à la manifestation de la vérité.

(4) Les personnes présentes lors de la perquisition peuvent être réquisitionnées de fournir les renseignements sur les objets, documents et données saisies.

**Article 54.**— Les perquisitions et les saisies sont effectuées conformément aux dispositions du Code de Procédure Pénale en tenant compte du dépérissement des preuves.

**Article 55.**— (1) Lorsqu'il apparaît que les données saisies ou obtenues au cours de l'enquête ou de l'Instruction ont fait l'objet d'opérations de transformation empêchant d'accéder en clair ou sont de nature à compromettre les informations qu'elles contiennent, le Procureur de la République, le Juge d'Instruction ou la juridiction de jugement peuvent réquisitionner toute personne physique ou morale qualifiée, en vue d'effectuer les opérations techniques permettant d'obtenir la version en clair desdites données.

(2) Lorsqu'un moyen de cryptographie a été utilisé, les autorités judiciaires peuvent exiger la convention secrète de déchiffrement du cryptogramme.

**Article 56.**— La réquisition prévue à l’article 50 ci-dessus peut être faite à tout expert. Dans ce cas, son exécution est faite conformément aux dispositions du Code de procédure pénale relatives à la commission d’expert.

**Article 57.**— (1) Les autorités judiciaires camerounaises peuvent donner commission rogatoire tant nationale qu'internationale, à toute personne morale ou physique pour rechercher les éléments constitutifs des infractions de cybercriminalité, dont au moins l’un des éléments constitutifs a été commis sur le territoire camerounais ou dont l’un des auteurs ou complices se trouve dans ledit territoire.
(2) Sous réserve des règles de réciprocité entre le Cameroun et les pays étrangers liés par un accord de coopération judiciaire, les commissions rogatoires sont exécutées conformément aux dispositions du Code de Procédure Pénale.

Article 58.- (1) Les personnes physiques ou morales qui fournissent des prestations de cryptographie visant à assurer une fonction de confidentialité, sont tenues de remettre aux Officiers de Police Judiciaire ou aux agents habilités de l'Agence, sur leur demande, les conventions permettant le déchiffrement des données transformées au moyen des prestations qu'elles ont fournies.

(2) Les Officiers de Police Judiciaire et agents habilités de l'Agence peuvent demander aux fournisseurs des prestations visés à l'alinéa 1 ci-dessus de mettre eux-mêmes en œuvre ces conventions, sauf si ceux-ci démontrent qu'ils ne sont pas en mesure de satisfaire à de telles réquisitions.

Article 59.- (1) Lorsque les nécessités de l'enquête ou de l'instruction le justifient, l'audition ou l'interrogatoire d'une personne et/ou la confrontation entre plusieurs personnes, peuvent être effectuées en plusieurs points du territoire national se trouvant reliés par des moyens de communications électroniques garantissant la confidentialité de la transmission. Il est dressé, dans chacun des lieux, un Procès-verbal des opérations qui y ont été effectuées. Ces opérations peuvent faire l'objet d'enregistrement audiovisuel et/ou sonore.

(2) Lorsque les circonstances l'exigent, l'interprétation peut être faite au cours d'une audition, d'un interrogatoire ou d'une confrontation par des moyens de communications électroniques.

(3) Les dispositions du présent article sont également applicables pour l'exécution simultanée, sur un point du territoire national et sur un point situé à l'extérieur, des demandes d'entraide émanant des autorités judiciaires étrangères ou des actes d'entraide réalisés à l'étranger sur demande des autorités judiciaires camerounaises.

(4) Les modalités d'application du présent article sont définies par voie réglementaire.

CHAPITRE II
DES INFRACTIONS ET DES SANCTIONS

Article 60.- (1) Lorsqu'une autorité de certification ne respecte pas les obligations auxquelles elle est assujettie, l'Agence peut, après avoir mis la structure en demeure de présenter ses observations, prononcer l'interdiction de mise en circulation du moyen de cryptographie concerné.

(2) L'interdiction de mise en circulation est applicable sur l'ensemble du territoire national. Elle emporte en outre pour le fournisseur, l'obligation de procéder au retrait des :
- moyens de cryptographie dont la mise en circulation a été interdite auprès des diffuseurs commerciaux ;
- matériels constituant des moyens de cryptographie dont la mise en circulation a été interdite et qui ont été acquis à titre onéreux, directement ou par l'intermédiaire de diffuseurs commerciaux.

(3) Le moyen de cryptographie concerné pourra être remis en circulation dès que les obligations antérieurement non respectées auront été satisfaites et dûment constatées par l'Agence.

**Article 61.**

(1) Sont punis d'un emprisonnement de trois (03) mois à trois (03) ans et d'une amende de 20.000 (vingt mille) à 100.000 (cent mille) F CFA, les personnels de l'Agence et les experts des personnes morales chargés des audits qui révèlent sans autorisation, des informations confidentielles dont ils ont eu connaissance à l'occasion d'un audit de sécurité.

(2) Est puni d'un emprisonnement de trois (03) mois à quatre (04) ans, le refus de déférer aux convocations des agents habilités de l'Agence.

(3) Est puni d'un emprisonnement de un (01) à cinq (05) ans et d'une amende de 100.000 (cent mille) à 1.000.000 (un million) F CFA ou de l'une de ces deux peines seulement, celui qui, par quelque moyen que ce soit, fait obstacle, incite à résister ou à empêcher le déroulement des audits de sécurité prévus au présent article ou refuse de fournir les informations ou documents y afférents.

**Article 62.**

(1) Est puni d'un emprisonnement de un (01) à cinq (05) ans et d'une amende de 200.000 (deux cent mille) à 2.000.000 (deux millions) F CFA, celui qui présente aux personnes mentionnées aux articles 33 et 34 ci-dessus, un contenu ou une activité comme étant illicite dans le but d'en obtenir le retrait ou d'en faire cesser la diffusion, alors qu'elle sait cette information inexacte.

(2) Le directeur de la publication est tenu d'insérer, sous peine d'une amende de 100.000 (cent mille) à 2.000.000 (deux millions) F CFA, dans les quarante huit (48) heures de leur réception, les réponses de toute personne désignée dans le service de communications électroniques.

**Article 63.**

(1) Est puni d'un emprisonnement de un (01) à cinq (05) ans et d'une amende de 40.000 (quarante mille) à 4.000.000 (quatre millions) F CFA, le dirigeant de droit ou de fait d'une personne morale exerçant l'activité définie aux articles 33 et 34 de la présente loi, qui n'a pas conservé les éléments d'information visés aux articles 25 et 29 ci-dessus.

(2) Est passible des mêmes peines, le dirigeant de droit ou de fait d'une personne morale exerçant l'activité définie aux articles 37 et 38 qui ne respecte pas les prescriptions prévues auxdits articles.
**Article 64.** (1) Les personnes morales sont pénalement responsables des infractions commises, pour leur compte, par leurs organes dirigeants.

(2) La responsabilité pénale des personnes morales n'exclut pas celle des personnes physiques auteurs ou complices des mêmes faits.

(3) Les peines encourues par les personnes morales sont des amendes de 5.000.000 (cinq millions) à 50.000.000 (cinquante millions) F CFA.

(4) Nonobstant la peine prévue à l’alinéa 3 ci-dessus, l'une des peines accessoires suivantes peut également être prononcée à l’encontre des personnes morales :

- la dissolution lorsqu'il s'agit d'un crime ou d'un délit puni en ce qui concerne les personnes physiques d'une peine d'emprisonnement supérieure ou égale à trois (03) ans et que la personne morale a été détournée de son objet pour servir de support à la commission des faits incriminés ;
- l'interdiction, à titre définitif ou pour une durée de cinq ans au moins, d'exercer directement ou indirectement une ou plusieurs activités professionnelles ou sociales ;
- la fermeture temporaire pour une durée de cinq (05) ans au moins, dans les conditions prévues par l'article 34 du Code Pénal, des établissements ou de l'un ou de plusieurs des établissements de l'entreprise ayant servi à commettre les faits incriminés ;
- l'exclusion des marchés publics à titre définitif ou pour une durée de cinq (05) ans au moins ;
- l'interdiction, à titre définitif ou pour une durée de cinq (05) ans au moins, de faire appel public à l'épargne ;
- l'interdiction, pour une durée de cinq (05) ans au moins, d'émettre des chèques autres que ceux qui permettent le retrait de fonds par le tireur auprès du tiré ou ceux qui sont certifiés ou d'utiliser des cartes de paiement ;
- la confiscation de la chose qui a servi ou était destinée à commettre l'infraction ou de la chose qui en est le produit ;
- la publication ou la diffusion de la décision prononcée soit par la presse écrite, soit par tout moyen de communication au public par voie électronique.

**Article 65.** (1) Est puni d'un emprisonnement de cinq (05) à dix (10) ans et d'une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l'une de ces deux peines seulement, celui qui effectue, sans droit ni autorisation, l'interception par des moyens techniques, de données lors des transmissions ou non, à destination, en provenance ou à l'intérieur ou non d'un réseau de communications électroniques, d'un système d'information ou d'un équipement terminal.
(2) Est puni des peines prévues à l’alinéa 1 ci-dessus, tout accès non autorisé, à l’ensemble ou à une partie d’un réseau de communications électroniques ou d’un système d’information ou d’un équipement terminal.

(3) Les peines prévues à l’alinéa 1 ci-dessus sont doublées, en cas d’accès illicite portant atteinte à l’intégrité, la confidentialité, la disponibilité du réseau de communications électroniques ou du système d’information.

(4) Est puni des mêmes peines prévues à l’alinéa 1 ci-dessus, celui qui, sans droit, permet l’accès dans un réseau de communications électroniques ou dans un système d’information par défi intellectuel.

**Article 66.** (1) Est puni d’un emprisonnement de deux (02) à cinq (05) ans et d’une amende de 1.000.000 (un million) à 2.000.000 (deux millions) F CFA ou de l’une de ces deux peines seulement, celui qui entraîne la perturbation ou l’interruption du fonctionnement d’un réseau de communications électroniques ou d’un équipement terminal, en introduisant, transmettant, endommageant, effaçant, détériorant, modifiant, supprimant ou rendant inaccessibles les données.

(2) Sont passibles des mêmes peines prévues à l’alinéa 1 ci-dessus, les personnes qui font usage d’un logiciel trompeur ou indésirable en vue d’effectuer des opérations sur un équipement terminal d’un utilisateur sans en informer au préalable celui-ci de la nature exacte des opérations que ledit logiciel est susceptible d’endommager.

(3) Est puni des mêmes peines prévues à alinéa 1 ci-dessus, celui qui, à l’aide d’un logiciel potentiellement indésirable collecte, tente de collecter ou facilite l’une de ces opérations pour accéder aux informations de l’opérateur ou du fournisseur d’un réseau ou de service électronique afin de commettre des infractions.

**Article 67.** Constitue une atteinte à l’intégrité d’un réseau de communications électroniques ou d’un système d’information et punie des peines prévues à l’article 66, alinéa 1 ci-dessus, le fait de provoquer une perturbation grave ou une interruption de fonctionnement d’un réseau de communications électroniques d’un équipement terminal par l’introduction, la transmission, la modification, la suppression, l’altération des données.

**Article 68.** (1) Est puni d’un emprisonnement de cinq (05) à dix (10) ans et d’une amende de 10.000.000 (dix millions) à 50.000.000 (cinquante millions) F CFA ou de l’une de ces deux peines seulement, celui qui accède ou se maintient, frauduleusement, dans tout ou partie d’un réseau de communications électroniques ou d’un système d’information en transmettant, endommageant, provoquant une perturbation grave ou une interruption du fonctionnement dudit système ou dudit réseau.

(2) Les peines prévues à l’alinéa 1 ci-dessus sont doublées s’il en est résulté, soit la suppression ou la modification des données contenues dans le système d’information, soit une altération de son fonctionnement.
Article 69.- Est puni d'un emprisonnement de cinq (05) à dix (10) ans et d'une amende de 10.000.000 (dix millions) à 100.000.000 (cent millions) F CFA ou de l'une de ces deux peines seulement, celui qui accède sans droit, et en violation des mesures de sécurité, à l'ensemble ou à une partie d'un réseau de communications électroniques, d'un système d'information ou d'un équipement terminal, afin d'obtenir des informations ou des données, en relation avec un système d'information connecté à un autre système d'information.

Article 70.- Est puni d'une amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA, celui qui provoque par saturation, l'attaque d'une ressource de réseau de communications électroniques ou d'un système d'information dans le but de l'effondrer en empêchant la réalisation des services attendus.

Article 71.- Est puni d'un emprisonnement de deux (02) à cinq (05) ans et d'une amende de 1.000.000 (un million) à 25.000.000 (vingt cinq millions) F CFA, celui qui introduit sans droit, des données dans un système d'information ou dans un réseau de communications électroniques en vue de supprimer ou de modifier les données qui en sont contenues.

Article 72.- Est puni des peines prévues par l’article 66 ci-dessus celui qui, de quelque manière que ce soit, sans droit, introduit, altère, efface, ou supprime, afin d'obtenir un bénéfice économique, les données électroniques, de manière à causer un préjudice patrimonial à autrui.

Article 73.- (1) Est puni d'un emprisonnement deux (02) à dix (10) ans et d'une amende de 25.000.000 (vingt cinq millions) à 50.000.000 (cinquante millions) F CFA, ou de l'une de ces deux peines seulement, celui qui, par la voie d'un système d'information ou dans un réseau de communications contrefait, falsifie une carte de paiement, de crédit, ou de retrait ou fait usage ou tente de faire usage en connaissance de cause, d'une carte de paiement, de crédit ou de retrait contrefaite ou falsifiée.

(2) Est puni des peines prévues à l’alinéa 1 ci-dessus, quiconque, en connaissance de cause, accepte de recevoir par voie de communications électroniques, un règlement au moyen d'une carte de paiement, de crédit ou de retrait contrefaite ou falsifiée.

Article 74.- (1) Est puni d’un emprisonnement de un (01) à deux (02) ans et d'une amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA, quiconque, au moyen d'un procédé quelconque porte atteinte à l'intimité de la vie privée d'autrui en fixant, enregistrant ou transmettant, sans le consentement de leur auteur, les données électroniques ayant un caractère privé ou confidentiel.

(2) Sont passibles des peines prévues à l’alinéa 1 ci-dessus les personnes qui, sans droit, interceptent des données personnelles lors de leur transmission d'un système d'information à un autre ;
(3) Est puni d’un emprisonnement d’un (01) à trois (03) ans et d’une amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA ou de l’une de ces deux peines seulement, quiconque procède ou fait procéder, même par négligence au traitement des données à caractère personnel en violation des formalités préalables à leur mise en œuvre.

(4) Est puni d’un emprisonnement de six (06) mois à deux (02) ans et d’une amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA ou de l’une de ces deux peines seulement, le fait de collecter par des moyens illicites, des données nominatives d’une personne en vue de porter atteinte à son intimité et à sa considération.

(5) Les peines prévues à l’alinéa 4 ci-dessus sont doublées, à l’encontre de celui qui met, fait mettre en ligne, conserve ou fait conserver en mémoire informatisée, sans l’accord exprès de l’intéressé, des données nominatives qui, directement ou indirectement, font apparaître ses origines tribales, ses opinions politiques, religieuses, ses appartenances syndicales ou ses mœurs.

(6) Les peines prévues à l’alinéa 5 ci-dessus, s’appliquent aux personnes qui détournent les informations, notamment, à l’occasion de leur enregistrement, de leur classement, de leur transmission.

(7) Est puni d’un emprisonnement de six (06) mois à deux (02) ans et d’une amende de 5.000.000 (cinq millions) à 50.000.000 (cinquante millions) F CFA, ou de l’une de ces deux peines seulement, celui qui conserve des informations sous une forme nominative ou chiffrée au-delà de la durée légale indiquée dans la demande d’avis ou la déclaration préalable à la mise en œuvre du traitement automatisé.

(8) Est puni des peines prévues à l’alinéa 7 ci-dessus, le fait de divulguer des données nominatives portant atteinte à la considération de la victime.

Article 75.-(1) Est puni d’un emprisonnement de deux (02) à cinq (05) ans et d’une amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA ou de l’une de ces deux peines seulement, celui qui enregistre et diffuse à but lucratif, par la voie de communications électroniques ou d’un système d’information sans le consentement de l’intéressé, des images portant atteinte à l’intégrité corporelle.

(2) Le présent article n’est pas applicable lorsque l’enregistrement et la diffusion résultent de l’exercice normal d’une profession ayant pour objet d’informer le public ou sont réalisés afin de servir de preuve en justice conformément aux dispositions du Code de procédure pénale.

Article 76.- Est puni d’un emprisonnement de cinq (05) à dix (10) ans et d’une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l’une de ces deux peines seulement, celui qui confectionne, transporte, diffuse, par voie de communications électroniques ou d’un système d’information, un message à caractère pornographique enfantine, ou de nature à porter gravement atteinte à la dignité d’un enfant.
Article 77.- (1) Est puni d’un emprisonnement de deux (02) à cinq (05) ans et d’une amende de 2.000.000 (deux millions) à 5.000.000 (cinq millions) F CFA ou de l’une de ces deux peines seulement, celui qui, par la voie de communications électroniques ou d’un système d’information, commet un outrage à l’encontre d’une race ou d’une religion.

(2) Les peines prévues à l’alinéa 1 ci-dessus sont doublées lorsque l’infraction est commise dans le but de susciter la haine ou le mépris entre les citoyens.

Article 78.- (1) Est puni d’un emprisonnement de six (06) mois à deux (02) ans et d’une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l’une de ces deux peines seulement, celui qui publie ou propage par voie de communications électroniques ou d’un système d’information, une nouvelle sans pouvoir en rapporter la preuve de vérité ou justifier qu’il avait de bonnes raisons de croire à la vérité de ladite nouvelle.

(2) Les peines prévues à l’alinéa 1 ci-dessus sont doublées lorsque l’infraction est commise dans le but de porter atteinte à la paix publique.

Article 79.- Les peines réprimant les faits d’outrage privé à la pudeur prévus à l’article 295 du Code Pénal, sont un emprisonnement de cinq (05) à dix (10) ans et une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l’une de ces deux peines seulement, lorsque la victime a été mise en contact avec l’auteur desdits faits, grâce à l’utilisation des communications électroniques ou des systèmes d’information.

Article 80.- (1) Est puni d’un emprisonnement de trois (03) à six (06) ans et d’une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l’une de ces deux peines seulement, celui qui diffuse, fixe, enregistre ou transmet à titre onéreux ou gratuit l’image présentant les actes de pédophilie sur un mineur par voie de communications électroniques ou d’un système d’information.

(2) Est puni des mêmes peines prévues à l’alinéa 1 ci-dessus, quiconque offre, rend disponible ou diffuse, importe ou exporte, par quelque moyen électronique que ce soit, une image ou une représentation à caractère pédophile.

(3) Est puni d’un emprisonnement de un (01) à cinq (05) ans et d’une amende de 5.000.000 (cinq millions) à 10.000.000 (dix millions) F CFA ou de l’une de ces deux peines seulement, celui qui détient dans un réseau de communications électroniques ou dans un système d’informations, une image ou une représentation à caractère pédophile.

(4) Les peines prévues à l’alinéa 3 ci-dessus sont doublées, lorsqu’il a été utilisé un réseau de communications électroniques pour la diffusion de l’image ou la représentation du mineur à destination du public.
(5) Les dispositions du présent article sont également applicables aux images pornographiques mettant en scène les mineurs.

**Article 81.** (1) Sont punis des peines prévues à l’article 82 ci-dessous, les faits ci-dessous, lorsqu’ils sont commis en utilisant un réseau de communications électroniques ou un système d’information :

- l’offre, la production, la mise à disposition de pornographie enfantine en vue de sa diffusion ;
- le fait de se procurer ou de procurer à autrui de la pornographie enfantine par le biais d’un système d’information ;
- le fait pour les personnes majeures de faire des propositions sexuelles à des mineurs de moins de quinze (15) ans ou une personne se présentant comme telle ;
- la diffusion ou la transmission de pornographie enfantine par le biais d’un système d’information.

(2) Est considéré comme pornographie enfantine, tout acte présentant de manière visuelle :

- un mineur se livrant à un comportement sexuellement explicite ;
- une personne qui apparaît comme mineur se livrant à un comportement sexuellement explicite ;
- des images réalistes présentant un mineur se livrant à un comportement sexuellement explicite.

**Article 82.** Est puni du double des peines prévues à l’article 79 de la présente loi celui qui commet ou tente de commettre par voie de communications électroniques un outrage à la pudeur sur un mineur de moins de quinze (15) ans.

**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) F CFA 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.

**Article 84.** (1) Est puni d’un emprisonnement de six mois (06) à deux (02) ans et d’une amende de 500.000 à 1.000.000 F CFA ou de l’une de ces deux peines seulement, celui qui accède, prend frauduleusement connaissance, retarde l’accès ou supprime les communications électroniques adressées à autrui.

(2) Est puni des mêmes peines prévues à l’alinéa 1 ci-dessus, celui qui intercepte sans autorisation, détourne, utilise ou divulgue les communications électroniques émises, ou reçues par des voies électroniques ou procède à l'installation d'appareils conçus pour réaliser de telles interceptions.
Article 85.- Est punie des peines prévues à l'article 84 ci-dessus, celui qui, chargé d'une mission de service public, agissant dans l'exercice ou à l'occasion de l'exercice de ses fonctions, détourne ou facilite le détournement, la suppression ou l'accès aux communications électroniques ou la révélation du contenu de ces communications.

Article 86.- (1) Est puni des peines prévues l'article 71 ci-dessus, celui qui importe, détient, offre, cède, vend ou met à disposition, sous quelle que forme que ce soit, un programme informatique, un mot de passe, un code d'accès ou toutes données informatiques similaires conçus et ou spécialement adaptés, pour permettre d'accéder, à tout ou partie d'un réseau de communications électroniques ou d'un système d'information.

(2) Est également puni des mêmes peines prévues à l'alinéa 1 ci-dessus, quiconque provoque une perturbation grave ou une interruption d'un réseau de communications électroniques ou d'un système d'information dans l'intention de porter atteinte à l'intégrité des données.

Article 87.- Les auteurs de l'une des infractions prévues à l'article 86 ci-dessus encourrent également les peines complémentaires suivantes :

- la confiscation selon les modalités prévues par l'article 35 du Code Pénal, de tout objet ayant servi ou destiné à commettre l'infraction ou considéré comme en étant le produit, à l'exception des objets susceptibles de restitution ;
- l'interdiction dans les conditions prévues par l'article 36 du Code Pénal, pour une durée de cinq (05) ans au moins, d'exercer une fonction publique ou une activité socioprofessionnelle, lorsque les faits ont été commis dans l'exercice ou à l'occasion de l'exercice des fonctions ;
- la fermeture, dans les conditions prévues par l'article 34 du Code Pénal pour une durée de cinq (05) ans au moins, des établissements ou de l'un ou de plusieurs des établissements de l'entreprise ayant servi à commettre les faits incriminés ;
- l'exclusion, pour une durée de cinq (05) ans au moins, des marchés publics.

Article 88.- 1) Est puni d'un emprisonnement de (01) à cinq (05) ans et d'une amende de 100.000 (cent mille) à 1.000.000 (un million) F CFA ou de l'une de ces deux peines seulement, celui qui, ayant connaissance de la convention secrète de déchiffrement, d'un moyen de cryptographie susceptible d'avoir été utilisé pour préparer, faciliter ou commettre un crime ou un délit, refuse de remettre ladite convention aux autorités judiciaires ou de la mettre en œuvre, sur les réquisitions de ces autorités.
(2) Si le refus est opposé alors que la remise ou la mise en œuvre de la convention aurait permis d'éviter la commission d'un crime ou d'un délit ou d'en limiter les effets, les peines prévues à l’alinéa 1 ci-dessus, sont portées de trois (03) à cinq (05) ans d'emprisonnement et l'amende de 1.000.000 (un million) à 5.000.000 (cinq millions) F CFA.

Article 89.- Le sursis ne peut être accordé pour les infractions prévues dans la présente loi.

TITRE IV
DE LA COOPERATION ET DE L'ENTRAIDE JUDICIAIRE INTERNATIONALES

CHAPITRE I
DE LA COOPERATION INTERNATIONALE

Article 90.- (1) Dans le cadre de l’exercice de leurs activités, les autorités de certification camerounaises peuvent, sous le contrôle de l’Agence, établir des conventions, avec les autorités de certification étrangères.

(2) Les modalités d’établissement des conventions prévues à l’alinéa 1 ci-dessus sont déterminées par voie règlementaire.

CHAPITRE II
DE L'ENTRAIDE JUDICIAIRE INTERNATIONALE

Article 91.- (1) A moins qu’une convention internationale à laquelle le Cameroun est partie n’en dispose autrement, les demandes d’entraide émanant des autorités judiciaires camerounaises et destinées aux autorités judiciaires étrangères sont transmises par l'intermédiaire du Ministère chargé des Relations Extérieures. Les pièces d'exécution sont renvoyées aux autorités de l'Etat requérant par la même voie.

(2) Les demandes d'entraide émanant des autorités judiciaires étrangères et destinées aux autorités judiciaires camerounaises doivent être présentées par la voie diplomatique par le Gouvernement étranger intéressé. Les pièces d'exécution sont renvoyées aux autorités de l'Etat requérant par la même voie.

(3) En cas d'urgence, les demandes d'entraide demandées par les autorités camerounaises ou étrangères peuvent être transmises directement aux autorités de l'Etat requis pour leur exécution. Le renvoi des pièces d'exécution aux autorités compétentes de l'Etat requérant est effectué selon les mêmes modalités.

(4) Sous réserve des conventions internationales, les demandes d'entraide émanant des autorités judiciaires étrangères et destinées aux autorités judiciaires camerounaises doivent faire l'objet d'un avis de la part du gouvernement étranger intéressé. Cet avis est transmis aux autorités judiciaires compétentes par voie diplomatique.
(5) En cas d'urgence, les demandes d'entraide émanant des autorités judiciaires étrangères sont transmises au Procureur de la République ou au Juge d'Instruction territorialement compétent.

(6) Si le Procureur de la République reçoit directement d'une autorité étrangère, une demande d'entraide qui ne peut être exécutée que par le Juge d'Instruction, il la transmet pour exécution à ce dernier ou saisit le Procureur Général dans le cas prévu à l'article 94 de la présente loi.

(7) Avant de procéder à l'exécution d'une demande d'entraide dont il a été directement saisi, le Juge d'Instruction la communique immédiatement pour avis au Procureur de la République.

Article 92.- (1) Les demandes d'entraide émanant des autorités judiciaires étrangères sont exécutées par le Procureur de la République ou par les officiers ou agents de Police Judiciaire requis à cette fin par ce magistrat.

(2) Elles sont exécutées par le Juge d'Instruction ou par des officiers de Police Judiciaire agissant sur commission rogatoire de ce magistrat lorsqu'elles nécessitent certains actes de procédure qui ne peuvent être ordonnés ou exécutés qu'au cours d'une instruction préparatoire.

Article 93.- (1) Les demandes d'entraide émanant des autorités judiciaires étrangères sont exécutées selon les règles de procédure prévues par le Code de Procédure Pénale.

(2) Toutefois, si la demande d'entraide le précise, elle est exécutée selon les règles de procédure expressément indiquées par les autorités compétentes de l'Etat requérant, sans que ces règles ne réduisent les droits des parties ou les garanties procédurales prévues par le Code de Procédure Pénale.

(3) Lorsque la demande d'entraide ne peut être exécutée conformément aux exigences de l'Etat requérant, les autorités compétentes camerounaises en informent sans délai les autorités de l'Etat requérant et indiquent dans quelles conditions la demande pourrait être exécutée.

(4) Les autorités camerounaises compétentes et celles de l'Etat requérant peuvent ultérieurement s'accorder sur la suite à réserver à la demande, le cas échéant, en la subordonnant au respect desdites conditions.

(5) L'irrégularité de la transmission de la demande d'entraide ne peut constituer une cause de nullité des actes accomplis en exécution de cette demande.

Article 94.- (1) Si l'exécution d'une demande d'entraide émanant d'une autorité judiciaire étrangère est de nature à porter atteinte à l'ordre public ou aux intérêts essentiels de la Nation, le Procureur de la République saisit ou avisé de cette demande, la transmet au Procureur Général qui en saisit le Ministre chargé de la Justice et donne, le cas échéant, avis de cette transmission au Procureur de la République.
(2) S'il est saisi, le Ministre chargé de la Justice informe l'autorité requérante, le cas échéant, de ce qu'il ne peut être donné suite, totalement ou partiellement, à sa demande. Cette information est notifiée à l'autorité judiciaire concernée et fait obstacle à l'exécution de la demande d'entraide ou au retour des pièces d'exécution.

TITRE V
DISPOSITIONS TRANSITOIRES ET FINALES

Article 95.- Des textes d’application fixent, en tant que de besoin, les modalités d’application de la présente loi.

Article 96.- Les autorisations et les déclarations de fourniture, d’importation et d’exportation de moyens de cryptographie délivrées par les autorités compétentes demeurent valables jusqu’à l’expiration du délai prévu par celles-ci.

Article 97.- La présente loi sera enregistrée et publiée suivant la procédure d’urgence, puis insérée au Journal Officiel en français et en anglais./-

YAOUNDE, LE

LE PRESIDENT DE LA REPUBLIQUE,

PAUL BIYA
LAW No. 2010/012 OF DECEMBER 21, 2010 REGARDING CYBERSECURITY AND CYBERCRIMINALITY IN CAMEROON
PART ONE
GENERAL PROVISIONS

**Article 1.** This law governs the security framework of electronic communication networks and information systems and defines and punishes offenses related to the use of information and communication technologies in Cameroon. As such, it aims in particular to:

- build confidence in electronic communication networks and information systems;
- determine the legal system for digital proof, security activities, cryptography and electronic certification;
- protect the fundamental rights of natural persons, in particular the right to human dignity, honor and respect for private life, as well as the legitimate interests of legal persons.

**Article 2.** Specific applications used in the field of national defense and security are excluded from the scope of this law.

**Article 3.** The electronic communications networks covered by this law include: satellite networks, terrestrial networks, electrical networks when they are used for the delivery of electronic communications, and networks ensuring the broadcast or distribution of audiovisual communication services.

**Article 4.** The definitions below are accepted within the meaning of this law and its application texts:

1) **Illicit access**: intentional access, without the right, to all or part of an electronic communications network, an information system or terminal equipment;
2) **Administration in charge of Telecommunications**: Ministry or Minister, as the case may be, invested on behalf of the Government, with general competence over the telecommunications sector and information and communications technology.
3) **Algorithm**: a series of basic mathematical operations to be applied to data to achieve a desired result;
4) **Asymmetric algorithm**: encryption algorithm using a public key to encrypt and a (different) private key to decrypt messages;
5) **Symmetric algorithm**: encryption algorithm using the same key to encrypt and decrypt messages;
6) **Active attack**: act modifying or altering the resources targeted by the attack (breach of data integrity, availability and confidentiality);
7) **Passive attack**: act that does not alter its target (passive listening, breach of confidentiality);
(5) The provisions of this article are also applicable to pornographic images featuring minors.

**Article 81.** - (1) The penalties provided for in Article 82 below are punishable by the acts below, when they are committed using an electronic communications network or an information system:

- the offer, production, and provision of child pornography with a view to its distribution;
- the act of procuring, for oneself or for others, child pornography through an information system;
- the act by adults of making sexual proposals to minors under the age of fifteen (15) years or a person presenting himself/herself as such;
- the dissemination or transmission of child pornography through an information system.

(2) Child pornography is considered to be any act that visually presents:

- a minor engaging in sexually explicit behavior;
- a person who appears to be a minor engaging in sexually explicit behavior;
- realistic images of a minor engaging in sexually explicit behavior.

**Article 82.** - Anyone who commits or attempts to commit by electronic communications an indecent offense against a minor under the age of fifteen (15) years shall be punished with double the penalties provided for in Article 79 of this law.

**Article 83.** - (1) Anyone who makes sexual proposals to another person of his/her same sex by means of electronic communications shall be punished by imprisonment from one (01) to two (02) years and a fine of 500,000 (five hundred thousand) to 1,000,000 (one million) CFA francs or one of these two penalties.

(2) The penalties provided for in paragraph 1 above are doubled when the proposals have been followed by sexual intercourse.

**Article 84.** - (1) Anyone who accesses, becomes fraudulently aware of, delays access or suppresses electronic communications addressed to others shall be punished by imprisonment of six months (06) to two (02) years and a fine of 500,000 to 1,000,000 CFA francs or only one of these penalties.

(2) Anyone who intercepts without authorization, hijacks, uses or discloses electronic communications sent or received by electronic means or installs devices designed to carry out these interceptions shall be punished with the same penalties provided for in paragraph 1 above.
This is to certify that the attached translation is, to the best of my knowledge and belief, a true and accurate translation from French into English of the attached documents:

- LAW No. 2010/012 OF DECEMBER 21, 2010 REGARDING CYBERSECURITY AND CYBERCRIMINALITY IN CAMEROON
- Au Cameroun, des progrès contrastés dans la lutte contre le sida
- Cameroun : menacé d’expulsion pour homosexualité
- Cameroun: Les jeunes porteurs du VIH toujours victimes de discrimination
- Le nouveau Code pénal viole la Constitution camerounaise

Linguistic Systems, Inc. adheres to an ISO-certified quality management system that ensures best practices are always followed in the selection of linguists skilled in both the languages and subject matters necessary for every translation.

Patrick Evanson
Production Manager
Linguistic Systems
TAB 3
Cameroon
Republic of Cameroon

Global Health Advisory: Do Not Travel. Avoid all international travel due to the global impact of COVID-19

Embassy Messages Alerts

Health Alert – Evacuation Update Tue, 09 Jun 2020
Health Alert – COVID-19 Cases Still on the Rise in Cameroon, U. S. Embassy Yaounde, Cameroon (June 1, 2020) Mon, 01 Jun 2020
Security Alert – U. S. Embassy Yaounde Cameroon Tue, 19 May 2020

View Alerts and Messages Archive

Quick Facts

PASSPORT VALIDITY: VACCINATIONS:
Six months Yellow fever

BLANK PASSPORT PAGES: CURRENCY RESTRICTIONS FOR ENTRY:
One page per stamp None

TOURIST VISA REQUIRED: CURRENCY RESTRICTIONS FOR EXIT:
Yes

While there are no official restrictions, travelers are required to make a declaration when they are exiting with XAF 3,000,000 or more.
Embassies and Consulates

Destination Description

Entry, Exit and Visa Requirements

Safety and Security

Local Laws & Special Circumstances

**Criminal Penalties:** You are subject to local laws. If you violate local laws, even unknowingly, you may be expelled, arrested, or imprisoned. You may be taken in for questioning by the police if unable to produce an acceptable form of identification, travel permit, or Cameroonian driver’s license. Convictions for possessing, using, or trafficking in illegal drugs, can be severe.

Furthermore, some laws are also prosecutable in the United States, regardless of local law. For examples, see our website on crimes against minors abroad and the Department of Justice website.

**Photography:** It is illegal to take pictures of government buildings, military installations, and other public facilities, many of which are unmarked. You could be fined, have your photographic equipment confiscated, or be detained or arrested. **Do not take photos of people without their permission.**

**Arrest Notification:** If you are arrested or detained, ask police or prison officials to notify the U.S. Embassy immediately. See our webpage for further information.

**Phone Service:** Cellular phones are the norm, as other telephone service is unreliable and landlines are nearly non-existent. It may be possible to purchase a SIM card locally and use a U.S.-compatible cell phone. You will need to show your passport.
Currency: The Central African franc (XAF) is the official currency of Cameroon, but U.S. dollars and Euros are accepted in urban areas. Cameroon is primarily a cash economy. Due to the potential for fraud and other criminal activity, avoid using credit cards and be cautious when using ATMs. Exchange currency only at reputable banks. Money transfer services are found throughout the country.

Customs: Strict import and export regulations, particularly with regard to pharmaceuticals and wood products, are enforced. It is illegal to buy, sell, kill, or capture any protected wild animal or trade its parts without a license, including ivory. Cameroon is a signatory to the Convention on International Trade in Endangered Species. You will be prosecuted and could receive a prison sentence or a fine if you buy or traffic in these goods.

Wild Animal Parks: Heed all instructions given by guides or trackers. Use common sense and maintain a safe distance around wildlife. Even in the most serene settings, wild animals pose a lethal threat. There have been reports of armed poachers attacking tourists.

Faith-Based Travelers: See our following webpages for details:

- Faith-Based Travel Information
- International Religious Freedom Report – see country reports
- Human Rights Report – see country reports, and
- Best Practices for Volunteering Abroad

LGBTI Travelers: Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs ($35-$353). Homophobia is a major concern and LGBTI individuals face social stigmatization, harassment, and discrimination. Police and civilians may extort money from presumed LGBTI individuals with the threat of exposure or arrest. Suspected members of the LGBTI community have received anonymous threats by phone, text, and email.

See our LGBTI Travel Information page and section 6 of our Human Rights report for further information.

Travelers Who Require Accessibility Assistance: Persons with disabilities face limited access to transportation, public buildings, hotels, and communication accommodations. There are few sidewalks and no curb-cuts, and most buildings lack elevators.

Students: See our Students Abroad page and FBI travel tips.

Women Travelers: See our travel tips for Women Travelers.

Health
Travel and Transportation

Fact Sheet

Please see Fact Sheet for this country/area.

For additional travel information

- Enroll in the Smart Traveler Enrollment Program (STEP) to receive security messages and make it easier to locate you in an emergency.
- Call us in Washington, D.C. at 1-888-407-4747 (toll-free in the United States and Canada) or 1-202-501-4444 (from all other countries) from 8:00 a.m. to 8:00 p.m., Eastern Standard Time, Monday through Friday (except U.S. federal holidays).
- See the State Department’s travel website for the Worldwide Caution and Travel Advisories.
- Follow us on Twitter and Facebook.
- See traveling safely abroad for useful travel tips.

International Parental Child Abduction

Review information about International Parental Child Abduction in Cameroon. For additional IPCA-related information, please see the International Child Abduction Prevention and Return Act (ICAPRA) report.

Last Updated: March 27, 2019
EXECUTIVE SUMMARY

Cameroon is a republic dominated by a strong presidency. The president retains the power over the legislative and judicial branches of government. In October 2018 Paul Biya was reelected president in an election marked by irregularities. He has served as president since 1982. His political party--the Cameroon People’s Democratic Movement (CPDM)--has remained in power since its creation in 1985. New legislative and municipal elections are scheduled to take place in February 2020. Regional elections were also expected during the year, but as of late November, the president had not scheduled them.

The national police and the national gendarmerie have primary responsibility over law enforcement and maintenance of order within the country and report, respectively, to the General Delegation of National Security and to the Secretariat of State for Defense in charge of the Gendarmerie. The army is responsible for external security but also has some domestic security responsibilities and reports to the Ministry of Defense. The Rapid Intervention Battalion (BIR) reports directly to the president. Civilian authorities at times did not maintain effective control over the security forces.

Maurice Kamto, leader of the Cameroon Renaissance Movement (CRM) party and distant runner-up in the October 2018 presidential elections, challenged the election results, claiming he won. On January 26, when Kamto and his followers demonstrated peacefully, authorities arrested him and hundreds of his followers. A crisis in the Anglophone Northwest and Southwest Regions that erupted in 2016 has led to more than 2,000 persons killed, more than 44,000 refugees in Nigeria, and more than 500,000 internally displaced persons. A five-day national dialogue to address the crisis took place from September 30 to October 4, producing a number of recommendations, including some new ones. Anglophone separatists in the Northwest and Southwest Regions as well as in the diaspora shunned the meeting. On October 3, President Biya announced the pardoning of 333 lower-level Anglophone detainees, and on October 5, the Military Tribunal ordered the release of Kamto and hundreds of his associates.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings, by security forces, armed Anglophone separatists, and Boko Haram and ISIS-West Africa (ISIS-WA) fighters; forced disappearances by security forces; torture by security forces and nonstate armed groups; arbitrary
detention by security forces and nonstate armed groups; harsh and life-threatening prison conditions; political prisoners; significant problems with the independence of the judiciary; the worst forms of restrictions on freedom of expression, the press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions against journalists, and abuse of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; crimes involving violence against women, in part due to government inaction; violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; criminalization of consensual same-sex relations; and child labor, including forced child labor.

Although the government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, it did not do so systematically and rarely made the proceedings public. Some offenders, including serial offenders, continued to act with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary and unlawful killings through excessive use of force in the execution of official duties (see also section 1.g., Abuses in Internal Conflict).

According to a credible organization, on January 29, government security forces shot and killed a nurse who was on his way to his duty station at the Oku health district in the Northwest Region. The same organization reported that in March in the Ndu subdivision of the Northwest Region, government security forces burned alive 13 civilians, including seven businesspersons who were returning from a business trip to neighboring Nigeria.

Anglophone separatists attacked and killed members of defense and security forces, as well as civilians considered loyal to the central government. For example, during the night of April 23 and the morning of April 24 in Muyuka, Southwest Region, separatist fighters decapitated and dismembered gendarme Adam Assana and scattered his body parts on the highway.

On September 16, a short video of less than three minutes circulated on social media depicting a woman being buried alive by suspected Anglophone separatist
fighters. The perpetrators of the crime forced the woman to lie face down in a shallow grave. One of the captors shot the woman once at close range, and others threw dirt on her body. In a statement issued by the Governing Council of the self-proclaimed State of the Ambazonia shortly after the release of the video online, the spokesperson condemned the killing. Others, including some Francophones, said the video was a fake designed to inflame public opinion against the Anglophones.

Boko Haram and ISIS-WA continued killing civilians, including members of so-called vigilance committees--organized groups of local residents cooperating with government forces in the Far North. On June 10, approximately 300 armed ISIS-WA jihadists attacked military positions in Darak in Logon and Shari division in the Far North Region, killing at least 16 soldiers and eight civilians, according to the defense minister.

While the government repeatedly promised to investigate abuses committed by security forces, it did not do so transparently or systematically and did not provide details. In an interview published in the April 30 edition of the daily newspaper *Le Jour*, Georges Parfait Nana, commander of the operational unit of the National Gendarmerie specialized in the fight against corruption, stated that the gendarmerie disciplined 100 gendarmes in the past year. There were reportedly more than 600 telephone calls made to a toll-free hotline number established in the previous year to report abuses by gendarmes. There were no reported punishments for human rights abuses, and the meaning of the discipline highlighted in the commander’s statement was not specified.

**b. Disappearance**

As in the previous year, government security forces were widely believed to be responsible for disappearances of suspected Anglophone separatists and political opponents. In a May report, Human Rights Watch (HRW) documented the cases of 26 detainees, including two women and an 18-month-old child, who were held incommunicado at the State Secretariat for Defense for the Gendarmerie (SED) between January 2018 and January 2019, many for several months, without any contact with family, friends, or legal counsel. HRW also reported that it had received additional credible accounts since April indicating that these violations continued (see also section 1.g., Abuses in Internal Conflict).

According to credible nongovernmental organization (NGOs), the government did not readily account for most of the inmates removed from the Yaounde Kondengui and Buea prisons following July 22 and 23 riots provoked by overcrowding, poor
living conditions, and extensive delays in cases going to trial. Family members of detainees were unable to obtain information about individuals’ welfare or whereabouts. On July 30, the Mandela Center described the situation as forced disappearances. Anglophone separatist leader Julius Sisiku Ayuk Tabe and nine other members of his entourage staged a hunger strike to protest the disappearances. That same day Communication Minister Rene Emmanuel Sadi tweeted that Mancho Bibixy and other insurgent inmates were alive and in good condition but did not disclose their location. On August 2, Sadi stated that prison authorities had transferred 244 Yaounde and 20 Buea insurgents to police and gendarmerie for questioning.

There were no developments concerning the alleged disappearance of Franklin Mowha, the president of human rights NGO Frontline Fighters for Citizen Interests. In an August 24, 2018 press release, Ekombo Favien, Frontline Fighter’s vice president, announced that Mowha had disappeared after leaving his hotel room in August 6, 2018 while on a mission to monitor human rights abuses in Kumba, Southwest Region.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were reports that security force members tortured or otherwise abused citizens, including separatist fighters and political opponents. Amnesty International and HRW documented several cases in which security forces severely mistreated political opponents, and others where armed separatists mistreated civilians and members of defense forces.

In a July 24 communiqué, the group of lawyers defending Maurice Kamto and other CRM detainees reported that during a planned peaceful protest on June 1 in Yaounde and Douala, security forces arrested 59 activists and transferred them to SED for questioning. The lawyers claimed the activists suffered from abuse. They cited beatings on the back, buttocks, and soles of the feet with machetes and wooden sticks, asphyxia by simulation of drowning, and being forced to lie in excrement. In a July 26 press release, Amnesty International stated security forces had abused the 59 opposition supporters, including six women, beating them with sticks and forcing them into humiliating positions before they were eventually released.

HRW stated it interviewed 14 detainees held at the SED, all of whom said they were tortured and held incommunicado during their time there. HRW reported
hearing credible accounts that individuals had been tortured. A 29-year-old detainee from Kumba, Southwest Region, described being beaten daily with machetes and experiencing unhygienic conditions. A 30-year-old detainee from the Northwest Region told HRW of being subjected to beatings in the middle of the night.

The lawyer of Mamadou Mota, the first vice president of the CRM, told HRW that a prison guard and a gendarme had beaten his client at the Yaounde Central Prison, breaking his arm, and that he was then taken to a security facility where he was held in solitary confinement for 12 days. On July 25, Olivier Bibou Nissack, Kamto’s spokesperson, published a live video on his Facebook page alleging Mota suffered harsh treatment during his transfer from the Yaounde Central prison to the SED. In the video, three defense lawyers who were present at Mota’s questioning that day at a facility belonging to security forces, including barrister Serges Emmanuel Chendjou, said they saw their client in bad shape, with bruises all over his body, a bandage on his head, and his left arm in a sling.

Police detained a 16-year-old boy named Ibrahim Bello at the Ombessa police station, in the Mbam and Inoubou division of Center Region. As a result of the mistreatment he received at the police station in 2017, Belo lost both legs and his left hand. As of September 30, according to the independent local NGO Mandela Center, which has consultative status with the UN Economic and Social Council, the courts had not issued a verdict, nor did the policemen who allegedly committed the abuse receive any disciplinary action. Human rights organizations, under the leadership of the Mandela Center, filed a complaint with the prosecutor in Bafia and State for Defense in charge of the Gendarmerie.

The lawyers defending Maurice Kamto and his allies reported that security forces arrested more than 200 CRM members and sympathizers in various cities, removing some of them from their hospital beds, and transporting them overnight to Yaounde under inhuman conditions following the January 26 protest. Security forces handcuffed Maurice Kamto from Douala to Yaounde and refused to allow him the opportunity to use the restroom. According to the lawyers, the persons arrested were starved and detained in undisclosed areas without access to lawyers for 70 hours after arriving in Yaounde. According to credible reports, security forces tore the clothes off many detainees involved in the July 22 and 23 prison riots before transferring them from the Yaounde Central Prison to other locations. Most detainees remained naked throughout their detention at the new locations, and at least one detainee was forced to appear in court naked reportedly because no one brought them clothing.
Press reporting and NGOs indicated there were cases of rape and sexual abuse by persons associated with the government in the Anglophone Northwest and Southwest Regions. In July HRW reported that on June 21 in Kumbo, a soldier raped a 40-year-old woman. She reported that five soldiers from the group broke into her house and beat her while asking for the whereabouts of her husband. Following this, they brought her in front of her neighbor’s house and asked her and the neighbor’s wife where the separatists were. After the two women said they knew nothing about the separatists’ whereabouts, the soldiers proceeded to beat them. At some point, one of the soldiers requested a condom from a colleague and demanded the victim to go toward the bathroom located in her neighbor’s home. The soldier raped the woman, threatening to kill her if she reported the attack to anyone.

**Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to food shortages and poor-quality food, gross overcrowding, physical abuse, as well as inadequate sanitary conditions and medical care.

**Physical Conditions:** Overcrowding remained a significant problem in most prisons, especially in major urban centers. Prison overcrowding was exacerbated by the significant increase in arrests related to the Anglophone crisis and CRM protests following the October 2018 elections. Officials held prisoners in dilapidated, colonial-era prisons. Authorities often held pretrial detainees and convicted prisoners in the same cells. In many prisons, toilets were only common pits. In some cases, women benefitted from better living conditions, including improved toilet facilities and less crowded living quarters. Prisons generally had separate wards for men, women, and children. Authorities claimed to hold the sick separately from the general prison population, but this was often not the case.

According to prison administration officials, the country had 79 operational prisons, with an intended capacity of 17,915. During the past five years, the prison population increased steadily, from 23,500 in 2013 to 30,701 in December 2017, according to the latest report published in 2018 by the National Commission on Human Rights and Freedoms (NCHRF). In its 2018 country report on Cameroon, Amnesty International indicated that the Central Prison in Maroua, Far North Region, held 1,500 detainees, more than four times the planned capacity. Malnutrition, tuberculosis, bronchitis, malaria, hepatitis, scabies, and numerous
other untreated conditions, including infections, parasites, dehydration, and diarrhea, were rampant.

In a July 23 press release following the riots at Yaounde’s Kondengui and Buea prisons, Amnesty International noted that prison conditions were dire, stating that until the situation improved there was a strong risk of further violence. During an August 2 press briefing, Justice Minister Laurent Esso announced some measures to address overcrowding: acceleration of judicial proceedings, a strengthening of disciplinary measures, modernization of the means of controlling and monitoring prisoners, decongestion of prisons with proven overcrowding, and the prohibition on the use of certain items in the prison environment.

Physical abuse by prison guards and prisoner-on-prisoner violence were problems. For instance, during the July 22 riots at the Kondengui Central Prison, at least two high-profile inmates, including former prime minister Inoni Ephraim and former health minister Olanguena Awono, sustained injuries after other prisoners attacked them for the privileged lifestyles they carried on within the prison. Corruption among prison personnel was reportedly widespread. Visitors were at times forced to bribe wardens to be granted access to inmates. Prisoners bribed wardens for special favors or treatment, including temporary freedom, cell phones, beds, and transfers to less crowded areas of the prisons. Due to their inability to pay fines, some prisoners remained incarcerated after completing their sentences or after they had received court orders of release.

Administration: Independent authorities often investigated credible allegations of mistreatment. Visitors needed formal authorization from the state counsel; without authorization, they had to bribe prison staff to communicate with inmates. Visits to Boko Haram suspects, alleged Anglophone separatists, and political opponents detained after the October 2018 presidential election were restricted. Authorities allowed prisoners and detainees to observe their religions without interference.

Independent Monitoring: The government permitted monitoring by some NGOs, including Buea-based Human Is Right, which in July helped identify at least one case of prolonged illegal detention. The NCHRF and the Commissions for Justice and Peace of the Catholic Archdioceses also conducted prison visits. In a February 27 press release, the NCHRF deplored the challenges in gaining access to CRM activists incarcerated at Kondengui Central Prison. With the exception of the International Committee of the Red Cross, the government restricted international humanitarian organizations’ access to prisoners.
d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness in court of an arrest or detention. The law states that except in the case of an individual discovered in the act of committing a felony or misdemeanor, the officials making the arrest must disclose their identity and inform the person arrested of the reason. Any person illegally detained by police, the state counsel, or the examining magistrate may receive compensation. The government did not always respect these provisions.

The national police and the national gendarmerie have primary responsibility over law enforcement and maintenance of order within the country. The army is responsible for external security but also has some domestic security responsibilities. The national police, which includes public security, judicial, territorial security, and frontier police, reports to the General Delegation of National Security (DGSN), which is under the direct authority of the presidency. The national gendarmerie reports to the Secretariat of State for Defense (SED) in charge of the gendarmerie, a dedicated branch of the Ministry of Defense. In addition to the gendarmerie, the army and the army’s military security unit are other components of the ministry, which is headed by a minister delegate under the direct authority of the president. The General Delegation for External Research (DGRE) serves as the intelligence agency for both internal and external security, and like the Ministry of Defense and DGSN, reports to the office of the president, resulting in strong presidential control of security forces. The Rapid Intervention Battalion (BIR) falls outside the purview of conventional security forces, reporting directly to the president. Civilian authorities at times did not maintain effective control over the security forces, including police and gendarmerie.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from a judge or prosecutor before making an arrest, except when a person is caught in the act of committing a crime, but police often did not respect this requirement. The law provides that suspects be brought promptly before a judge or prosecutor, although this often did not occur, and citizens were detained without judicial authorization. Police may legally detain a person in connection with a common crime for up to 48 hours, renewable once. This period may, with the written approval of the state counsel, be exceptionally extended twice before charges are brought. Nevertheless, police and gendarmes reportedly often exceeded these detention periods. The law also permits detention without charge for renewable periods of 15 days by
administrative authorities such as governors and civilian government officials serving in territorial command. The law also provides that individuals arrested on suspicion of terrorism and certain other crimes may be detained for investigation for periods of 15 days, renewable without limitation with authorization of the prosecutor. The law provides for access to legal counsel and family members, although police frequently denied detainees access to both. The law prohibits incommunicado detention, but such cases occurred, especially in connection with the Anglophone crisis and the postelection situation. The law permits bail, allows citizens the right to appeal, and provides the right to sue for unlawful arrest, but these rights were seldom respected.

**Arbitrary Arrest:** Police, gendarmes, the BIR, and other government authorities reportedly continued to arrest and detain persons arbitrarily, often holding them for prolonged periods without charge or trial and at times incommunicado. “Friday arrests,” a practice whereby individuals arrested on a Friday typically remained in detention until at least Monday unless they paid a bribe, continued.

There were credible reports that authorities held some suspects in both the Anglophone and postelectoral crises for long periods without notifying them of the charges. For example, on August 8, the NGO Human is Right reported that during a visit to the Buea Central Prison in July, it came across a minor who had been in pretrial detention since 2017. The minor was 14 at the time of his arrest and had been kept in detention without trial for approximately two years. As of October the Fako High Court had not yet reviewed the case.

**Pretrial Detention:** The code of criminal procedure provides for a maximum of 18 months’ detention before trial, but many detainees waited years to appear in court. The 2014 antiterrorism law provides that a suspect may be held indefinitely in investigative detention with the authorization of the prosecutor. No comprehensive statistics were available on pretrial detainees. While updated numbers were not easy to access, the Ministry of Justice in 2015 indicated that more than 26,000 inmates occupied the 17,000 spaces available in prisons across the country. In an August 20 release following the sentencing of separatist leader Sisiku Ayuk Tabe and others to life imprisonment, the Central Africa Human Rights Defenders Network (REDHAC) indicated that 174 individuals arrested in the context of the Anglophone crisis and detained in Yaounde had been in detention there for more than one year without being presented before an investigating judge. The 2014 antiterrorism law does not require that individuals charged with terrorism be presented to an investigating judge.
e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary is under the president. In some instances, the outcomes of trials appeared influenced by the government, especially in politically sensitive cases.

Under the 2014 antiterrorism law, military tribunals have jurisdiction over terrorism and national security-related crimes. When the Military Tribunal declared in August that it was competent to handle the case against the CRM leaders, defense lawyers filed an appeal, requesting the Court of Appeal to rule whether trial of civilians before a military court conformed to the country’s constitution and international commitments. The Court of Appeals of the Center Region avoided the question, stating that the Military Tribunal was handling the matter and could not be declared incompetent. Most habeas corpus pleas before the Mfounedi High Court, Center Region, involving Anglophone separatists and CRM leaders ended with the judges maintaining the suspects in detention, despite solid evidence that the detentions deviated from the applicable laws.

On May 31, Joseph Elaba, the investigating magistrate at the Douala High Court, demanded that complainants make a deposit of five million CFA francs ($8,500) before the court could register a case against members of security forces who shot and wounded participants of the CRM protest march in January. When the Yaounde Military Tribunal on August 20 sentenced Ayuk Tabe and nine other Anglophone leaders to life imprisonment, the military court required the victims to pay five million CFA francs ($8,500) before they could appeal the decision.

Despite the judiciary’s partial independence from the executive and legislative branches, the president appoints all members of the bench and legal department of the judicial branch, including the president of the Supreme Court, and may dismiss them at will.

Military courts may exercise jurisdiction over civilians in a broad number of offenses including civil unrest.

Trial Procedures

The constitution and law provide for the right to a fair and public trial without undue delay, and the defendant is presumed innocent. Authorities did not always respect the law. Criminal defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Pretrial suspects were
frequently held in the same quarters as convicted criminals. Defendants have the right to be present and to consult with an attorney of their choice, but in many cases the government did not respect this right, restricting access to lawyers, particularly in cases of individuals suspected of complicity with Boko Haram, Anglophone separatists, or political opponents. When defendants cannot pay for their own legal defense, the court may appoint trial counsel at the public’s expense; the process was often burdensome and lengthy, and the quality of legal assistance was poor. Authorities generally allowed defendants to question witnesses and to present witnesses and evidence on their own behalf. Defendants have the right to adequate time and facilities to prepare a defense and not to be compelled to testify or confess guilt, but authorities often violated this right. Hearsay testimony and anonymous testimony was sometimes permitted, especially in terrorism cases. Defendants are entitled to an interpreter at no charge, but often the quality of interpretation was described as poor. Defendants may appeal convictions. In some cases, authorities did not give the victim a chance to confront the offender and present witnesses or evidence to support his or her case.

On August 31, the Cameroon Bar Association announced a five-day lawyers’ strike from September 16 to 20. The lawyers said that they had consistently been denied access to their clients in various detention centers. They stated the government repeatedly violated at all phases of the judicial process the rights of the defense as enshrined in domestic and international law. They cited as key areas of concern that trials were sometimes held in a language not understood by the accused, the use of torture and inducements to extract confessions, and illegal and prolonged detentions.

Political Prisoners and Detainees

There were reports of newly identified political prisoners or detainees, but no comprehensive or accurate statistics were available. Political prisoners were detained under heightened security, often in SED facilities and at the Principal and Central Prisons in Yaounde. Some were allegedly held at DGRE facilities. The government did not readily permit access to such persons.

There were allegations that the government falsely charged peaceful dissidents with violence, including former presidential candidate Maurice Kamto. In a statement signed in March, Kamto and four of his supporters, including campaign manager Paul Eric Kingue, Albert Zongang of the La Dynamique political party, Penda Ekoka of the Mouvement Agir, and popular singer Gaston Philip Abbe, popularly known as Valsero, all of whom were detained at the Kondengui prison,
claimed they were political prisoners, along with their 160 supporters in other prisons throughout the country.

On October 3, President Biya announced the pardoning of 333 lower-level Anglophone detainees, and on October 5, the Military Tribunal ordered the release of Kamto and hundreds of his associates.

Former minister of state for territorial administration Marafa Hamidou Yaya, who was convicted in 2012 on corruption charges and sentenced to 25 years’ imprisonment, remained in detention despite a June 2016 decision of the UN Working Group on Arbitrary Detention describing Marafa’s detention “a violation of international laws.” The government did not respond to repeated requests for members of the diplomatic community to meet with Marafa.

**Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports that for politically motivated purposes the government attempted to exert bilateral pressure on other countries aimed at having them take adverse legal action against specific individuals, including Anglophones separatists and other political opponents.

On August 20, the Yaounde military court sentenced Julius Sisiku Ayuk Tabe and nine other Anglophone leaders to life imprisonment and a fine of 250 billion CFA francs ($425 million) in the early morning hours without their lawyers present. In January 2018 Nigerian special forces had arrested Sisiku and 46 other Anglophone separatists in a hotel in Abuja, Nigeria, and forcibly repatriated them to Cameroon, in spite of the fact that some had applied for asylum. From the time of their transfer to Cameroon, the group had been held in pretrial detention.

**Civil Judicial Procedures and Remedies**

Citizens and organizations have the right to seek civil remedies for human rights violations through administrative procedures or the legal system; both options involved lengthy delays. Individuals and organizations may appeal adverse decisions domestically or to regional human rights bodies, but the decisions of regional human rights bodies are not compelling. There were reports that entities associated with the government had failed to comply with civil court decisions pertaining to labor matters.
Property Restitution

The government continued to compensate relocated families in connection with infrastructure projects, including the Kribi Sea Port and the Yaounde-Douala highway projects. In 2014 the government initiated a judicial procedure against officials suspected of having misappropriated money earmarked for compensations. On February 26, the newspaper Cameroon Tribune reported that the Special Criminal Court arrested the mayor of Lobo in Lekie division, Center Region, and 13 others under suspicion of embezzling funds from the Yaounde-Douala highway construction project. There were no reported developments on the cases of previously arrested officials.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence, these rights were subject to restriction for the interests of the state, and there were credible reports police and gendarmes abused their positions by harassing citizens and conducting searches without warrants.

The law permits a police officer to enter a private home during daylight hours without a warrant only if pursuing a person suspected of or seen committing a crime. Police and gendarmes often did not comply with this provision and entered private homes without a warrant whenever they wished.

An administrative authority, including a governor or senior divisional officer, may authorize police to conduct neighborhood sweeps without warrants, and this practice occurred, especially in the restive Southwest and Northwest Regions.

g. Abuses in Internal Conflict

Killings: There were credible reports that members of government forces deliberately killed innocent citizens. On January 21, for example, according to credible organizations, members of government security forces removed a young man from his bike at Squares Kumbo, Northwest Region, and killed him. The victim reportedly had just dropped off a passenger when security forces laid hands on him. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), a video circulated on social media showing the military harassing a group of men, reportedly from Kurt-Nwa, Northwest Region. These men were reportedly found dead after the incident.
Boko Haram and ISIS-WA intensified deadly attacks on civilians and members of security forces in the Far North Region. On July 22, in Amchide, Boko Haram fighters killed a man in his residence because they believed he had notified the army of their presence. On July 28, individuals believed to be Boko Haram operatives killed three vigilance committee members in Double, Far North Region. On August 1, assailants believed to be Boko Haram fighters attacked the border village of Guederou in the Mayo Sava Division and killed four persons, including three brothers ages 11 to 16. On September 14, six security force members were killed and nine others were wounded during a Boko Haram attack on the Multilateral Force Post in Souarem, Far North Region.

Abductions: As in the previous year, armed separatists carried out abductions in the Anglophone Northwest and Southwest Regions and held noncombatants as hostages, including public officials, political leaders, teachers, schoolchildren, and traditional leaders. There were credible allegations that separatists physically abused abduction victims, including forcing them to sit in excrement, putting them in stress positions, beating them, and flogging them with the flat edges of machetes. In most cases, the abductors subsequently freed the victims, after either negotiations or payment of ransoms.

A June 30 situation report by OCHA indicated that kidnapping rates increased in June. On June 7, gunmen kidnapped the owner of a travel agency in Bamenda, Northwest Region, before releasing him hours later. On November 5, armed Anglophone separatists stormed a Presbyterian school in Bamenda, Northwest Region. The head of the Presbyterian Church in Cameroon and the Council of the Protestant Churches of Cameroon reported 79 children and three adults were kidnapped, adding that 11 students had also been kidnapped on October 31. In November Anglophone separatists kidnapped three Franciscan sisters and 13 novices who were traveling in the Northwest Region.

Physical Abuse, Punishment, and Torture: There were credible reports that members of government forces physically abused civilians and prisoners in their custody, including those detained in the conflicts in the Far North and Southwest and Northwest Regions, especially after the July 22-23 riot at the Yaounde and Buea prisons.

Child Soldiers: The government did not directly recruit or use child soldiers, but vigilance committees may have employed children. Some community neighborhood watch groups, known as vigilance committees, may have used and
recruited children as young as 12 in operations against Boko Haram. Boko Haram continued to use child soldiers, including girls, in its attacks on civilian and military targets. There were also some reports that Anglophone separatist armed groups in the Southwest and Northwest Regions used children.

Other Conflict-related Abuse: There were reports of repeated attacks on health workers and institutions and the use of firearms around health facilities by both members of security forces and Anglophone separatists. On February 13, security forces reportedly attacked the Bangolan Baptist Health Center using heavy weapons, destroyed property, and took valuable items belonging to the institution and its personnel.

On September 3, according to online media platform Cameroon Info, armed men believed to be Anglophone separatists attacked the Bonakanda community radio in Buea, Southwest Region. The assailants abducted Mary Namondo, a journalist working with the station. Namondo was released on September 5.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government often restricted this right, explicitly or implicitly.

Freedom of Expression: Government officials penalized individuals or organizations that criticized or expressed views at odds with government policy. Individuals who criticized the government publicly or privately frequently faced reprisals. On several occasions, the government invoked laws requiring permits or government notification of public protests to stifle discourse. Many civil society and political organizations reported increased difficulty when obtaining approval to organize public gatherings.

In the early hours of February 23, police surrounded CRM headquarters in the Odza neighborhood of Yaounde and the New-Deido in Douala to prevent prospective activists from registering with the party. In other cities, such as Bafoussam and Mbouda in the West Region, security forces disrupted the registration process and arrested CRM activists. In Bafoussam, police seized CRM’s campaign truck and detained it along with its driver. On April 30, Zacheus Bakoma, the divisional officer for Douala 5, ordered a 90-day provisional closure
of the Mtieki community hall after the CRM used the hall as a venue for a meeting on April 28.

Press and Media, including Online Media: Independent media were active and expressed diverse views. This landscape, however, included restrictions on editorial independence, in part due to stated security concerns related to the fight against Boko Haram, the Anglophone crisis, and the postelectoral crisis. Journalists reported practicing self-censorship to avoid repercussions for criticizing the government, especially on security matters. According to the 2018 Press Freedom Index by Reporters without Borders, the re-election of President Biya for a seventh term of office was accompanied by multiple instances of intimidation, attacks, and arrests of journalists.

Violence and Harassment: Police, gendarmes, and other government agents arrested, detained, physically attacked, and intimidated journalists for their reporting. Journalists were arrested in connection with their reporting on the Anglophone crisis. According to reports by multiple organizations, including the Committee to Protect Journalists (CPJ), police arrested Pidgin news anchor Samuel Wazizi, who worked for the Buea-based independent station Chillen Muzik and Television. The arrest occurred on August 2 in Buea, Southwest Region. Police initially held Wazizi at the Buea police station and subsequently handed him over to the military, who detained him on August 7 without access to his lawyer or family. As of late November, he was presumed to still be in detention.

Censorship or Content Restrictions: Under a 1990 law, the Ministry of Communication requires editors to submit two signed copies of their newspapers within two hours after publication. Journalists and media outlets reported practicing self-censorship, especially if the National Communication Council (NCC) had suspended them previously. In February the NCC issued a press release calling on journalists to be professional in their publications. The release was in reaction to media coverage following the January 26 protests called for by CRM, the arrests of hundreds of activists, including Maurice Kamto, and the ransacking of the Cameroonian embassy in Paris by anti-President Biya protesters. The NCC chairman indicated that the government had informed all professional media about the facts through official procedures and regretted that some press organizations continued to spread opinion contrary to government’s position, thereby maintaining confusion.
At its 23rd ordinary session, the NCC issued warning notices in 21 media regulation cases. The charges stated that the groups engaged in practices contrary to professional ethics, social cohesion, and national integration.

In a July 20 meeting with 100 private media outlet managers, Minister of Communications Rene Sadi chided Cameroon’s private media for abandoning its duty to “inform, educate, and entertain” by publishing articles that “sowed divisiveness and promoted tribalism.” He accused the private press of “playing politics under the influence of journalistic cover.” As of year’s end, no private television or radio station held a valid broadcasting license. Although the few that could afford the licensing fee made good-faith efforts to obtain accreditation, the ministry had not issued or renewed licenses since 2007. The high financial barriers coupled with bureaucratic hurdles rendered Cameroonian private media’s very existence illegal.

**Libel/Slander Laws:** Press freedom is constrained by libel laws that authorize the government to initiate a criminal suit when the president or other senior government officials are the alleged victims. These laws place the burden of proof on the defendant, and crimes are punishable by prison terms and heavy fines.

In Yaounde, on May 28, five police officers arrested Paul Chouta, who worked as a reporter for a privately owned *Cameroon Web* news website, in response to a defamation complaint filed by French-Cameroonian writer Calixthe Beyala. Chouta was detained at the judicial police headquarters following his arrest. Chouta had reported on a video circulating on the internet depicting Beyala, threatening a man identified as her paramour, with a large rock. Emmanuel Simh, Chouta’s lawyer, reportedly told the CPJ that his client was denied bail on May 31. On June 10, Chouta was charged with defamation, spreading false news, and hate speech, but the hate speech charge was reportedly dropped the following day. Chouta was sent to Kondengui maximum-security prison in Yaounde to await trial. Beyala was known as a supporter of the government and reportedly spread rhetoric against the Bamileke ethnic group.

**National Security:** Authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government. During a security meeting in Douala on August 9, Minister of Territorial Administration Paul Atanga Nji called on the representatives of NGOs and media professionals to be responsible, contribute their own quota to nation building, and avoid derogatory language that discredits government actions. Atanga Nji said many media houses in Douala organized weekly debates in order to sabotage government actions and promote
secessionist tendencies. He urged private media organizations to exercise responsibility when carrying out their activities, warning them to construct, not destroy, the nation. He called on opposition political parties to respect the law and not to force his hand to suspend them. The minister also warned NGOs to respect the contract they signed with his ministry or be suspended.

Nongovernmental Impact: There were reports that separatist groups in the Southwest and Northwest Regions sought to inhibit freedom of expression, including for the press. In an August 13 online post, Moki Edwin Kindzeka, a Yaounde-based journalist, said it was becoming impossible for journalists to practice their profession, because they faced pressure from both separatist fighters and the government. The article was in reaction to Atanga Nji’s August 9 statements.

Internet Freedom

No credible reports indicated that the government monitored private online communications without appropriate legal authority. The government occasionally disrupted access to the internet.

Academic Freedom and Cultural Events

Although there were no legal restrictions on academic freedom or cultural events, some school authorities reportedly sanctioned academic personnel for their teaching on politically sensitive topics, and administrative officials often deterred teachers from criticizing the government.

On March 5, Jean-Pierre Voundi Abondo, the principal of Yaounde’s Government Bilingual High School Mendong, suspended Felix Ningue from his duties as a philosophy teacher. Ningue reportedly proposed an abstract from Maurice Kamto’s 1993 book entitled L’Urgence de la Pensee (The Urgency of Thought), as one of the topics for student discussion in an examination on February 17. In an interview on Canal 2 television channel, Voundi said the school was apolitical and that he asked Ningue to stop teaching pending an investigation.

b. Freedoms of Peaceful Assembly and Association

The government limited and restricted freedoms of peaceful assembly and association.
Freedom of Peaceful Assembly

Although the law provides for freedom of peaceful assembly, the government often restricted this right. The law requires organizers of public meetings, demonstrations, and processions to notify officials in advance but does not require prior government approval of public assemblies, nor does it authorize the government to suppress public assemblies that it did not approve in advance. Nevertheless, officials routinely asserted the law implicitly authorizes the government to grant or deny permission for public assemblies. The government often refused to grant permits for gatherings and used force to suppress assemblies for which it had not issued permits. Authorities typically cited security concerns as the basis for deciding to block assemblies.

On January 26, in Yaounde, Douala, Bafoussam, and other cities across the country, police arrested several dozen CRM activists who participated in a rally to denounce electoral irregularities in the October 2018 presidential election, the ongoing crisis in the two Anglophone regions, and poor management of infrastructure projects associated with the 2019 African Cup of Nations. The CRM notified authorities in advance of the protests but did not receive authorization. Security forces, in response, used excessive force against demonstrators. According to Amnesty International, more than one hundred protesters were arrested in Douala, Yaounde, Dschang, Bafoussam, and Bafang. Approximately 50 were released the following day, and the remainder were transferred to Yaounde and placed under administrative custody. Seven persons were shot and injured in the city of Douala, including lawyer Michele Ndoki, while other protesters were beaten. Communication Minister Rene Emmanuel Sadi denied the use of live ammunition against protesters, but social media contradicted that account with videos of gunfire in Douala and a member of the riot police firing a rubber bullet at close range into the leg of a peaceful protester.

On April 5, Minister of Territorial Administration Atanga Nji issued a press release prohibiting all meetings or public events by the CRM. Days later, on April 13, the party initiated a series of meetings throughout the country to demand the immediate release of Maurice Kamto, who by that time had been imprisoned for more than two months. The CRM also aimed to denounce “the selective modification of the electoral code” and the mismanagement of the funds dedicated to infrastructure projects associated with the 2019 African Cup of Nations, which was to be hosted by Cameroon before being ultimately awarded to Egypt. The CRM unsuccessfully appealed the ministry’s decision.
Freedom of Association

The constitution and law provide for the freedom of association, but the law also limits this right. On the recommendation of the prefet, the Ministry of Territorial Administration may suspend the activities of an association for three months on grounds that the association is disrupting public order. The minister may also dissolve an association if it is deemed a threat to state security. National associations may acquire legal status by declaring themselves in writing to the ministry, but the ministry must explicitly register foreign associations, and the president must accredit religious groups upon the recommendation of the Minister of Territorial Administration. The law imposes heavy fines for individuals who form and operate any such association without ministry approval. The law prohibits organizations that advocate a goal contrary to the constitution, laws, and morality, as well as those that aim to challenge the security, territorial integrity, national unity, national integration, or republican form of the state.

Conditions for recognition of political parties, NGOs, or associations were complicated, involved long delays, and were unevenly enforced. This resulted in associations operating in legal uncertainty, their activities tolerated but not formally approved.

During the year the government did not ban any organizations. The Ministry of Territorial Administration, however, regularly used threats of suspension on the heads of political parties and NGOs. At a press conference after the January 26 CRM protests, Minister Atanga Nji indicated that the ministry had the right to take certain precautionary measures, meaning the CRM’s suspension. A number of observers stated that political motivations were evident in the government’s selective application of the law.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

Although the constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, at times the government restricted these rights. Growing concerns over the entry of armed groups into Cameroon from the Central African Republic (CAR) and the conflict with Boko Haram in the
Far North Region appeared to have prompted the government to adopt a more restrictive approach to refugee movement. The government made it more difficult for refugees, asylum seekers, and stateless persons to move freely in the country.

In some instances, the government worked with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The government sometimes failed to respect its obligations under relevant international laws. There were instances where it forcibly returned asylum seekers to their countries and did not readily provide humanitarian organizations such as the United Nations access to asylum seekers before refouling them.

In-country Movement: Using minor infractions as a pretext, police and gendarmes at roadblocks and checkpoints in cities and on most highways often extorted bribes and harassed travelers. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Unaccompanied women were frequently harassed when traveling alone. Authorities restricted movements of persons and goods, including motorbikes, especially in the Northwest and Southwest Regions, citing security concerns. Armed Anglophone separatists also restricted the movements of persons and goods in the two Anglophone regions, sometimes in a deliberate attempt to harass and intimidate the local population. Humanitarian organizations cited difficulty in accessing certain areas and in some instances were harassed and denied passage by government authorities.

On June 14, Governor Adolphe Lele Lafrique of the Northwest Region lifted the curfew placed in the region since November 2018. The curfew, which lasted eight months, restricted movement of persons and property in the Northwest Region between 9 p.m. and 6 a.m.

e. Internally Displaced Persons

Evolving civil unrest and violence in Northwest and Southwest Regions continued to spur population displacement. According to OCHA, an estimated 710,000 individuals were displaced in Littoral, Northwest, Southwest, and West Regions. In addition, UNHCR estimated that more than 44,000 Cameroonian refugees were in southeastern Nigeria. An August 26 announcement by an armed separatist group on social media imposed a restriction of movement on all persons and closure of businesses starting September 2 for three weeks. This led to a further
exodus of persons from the Northwest and Southwest Regions. Even prior to the announcement, relief agencies estimated that more than 2,800 persons fled the two regions to seek refuge in the Littoral and West, and an additional 879 individuals crossed the border into Nigeria between August 1 and 20.

As of September 30, the displaced population in the Far North Region was 488,418, including 271,000 internally displaced persons (IDPs), 106,418 refugees, and 111,000 returnees, in part driven from their homes by attacks perpetrated by Boko Haram and ISIS-WA, according to estimates by the International Organization for Migration and UNHCR.

The government did not put in place mechanisms to promote the safe, voluntary return, resettlement, or local integration of IDPs in the Far North Region. Provision of basic social services to IDPs and assistance to returnees have been carried out by relief actors with minimal support from the government. In the Northwest and Southwest Regions, the government did not manage any efforts to ensure unhindered access for humanitarian actors to deliver aid to persons in need. Its actions were focused on blocking the delivery of aid to show that there is no humanitarian crisis in these regions. Although it made some effort to provide urgently needed in-kind assistance to crisis affected IDPs in the Northwest and Southwest based on its Humanitarian Assistance Response Plan, this assistance was distributed to populations without an assessment of their needs and only to persons in accessible areas, especially in regional capital cities.

f. Protection of Refugees

According to UNHCR and government estimates, the country hosted 403,208 refugees and 9,435 asylum seekers as of September 30. The refugee population included 291,803 CAR nationals, 108,335 Nigerians, and 1,599 Chadians. The remaining refugee population hailed from Rwanda, the Democratic Republic of Congo, Sudan, Cote d’Ivoire, Burundi, and the Republic of Congo.

In principle, Cameroon operates an open-door policy and has ratified the major legal instruments for refugee protection, including the 1951 Refugee Convention. These commitments were not translated into a progressive legal framework allowing refugees their rights as stated in various legal instruments.

Abuse of Migrants, Refugees, and Stateless Persons: The government cited other concerns, including security and suspicion of criminal activity, to justify arbitrary arrests and detention of refugees and asylum seekers. The government at times
cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Refoulement**: The government stated there was no official policy of forcibly repatriating refugees. On January 16, however, Cameroon forcefully returned 267 Nigerian refugees fleeing Boko Haram to northeast Nigeria. In a February 27 statement, Medics Sans Frontieres stated Cameroonian and Nigerian authorities ordered 40,000 refugees in Cameroon to return to northeast Nigeria and expressed concern over their possible fate due to continuing insecurity in Rann and a lack of humanitarian assistance. Tens of thousands of persons had fled the town of Rann in northeast Nigeria to Cameroon after a January attack by Islamist insurgents. In 2018 UNHCR and NGOs also reported cases of forced returns of asylum seekers, mostly of Nigerians. According to HRW, in 2017 more than 4,400 asylum-seeking Nigerians were forcibly returned to Nigeria. UNHCR reported that 1,300 were forcibly returned in 2018 and an estimated 600 in 2019. In February an estimated 40,000 Nigerian refugees who had fled to Cameroon in the wake of armed attacks were soon after returned to Nigeria, after Nigerian government officials advised that conditions were safe for their return. Humanitarian organizations, however, stated the conditions were unsafe for return and that the area was largely inaccessible to relief agencies.

**Access to Asylum**: The laws provide for granting asylum or refugee status, and the government has established a system of providing protection to refugees, but the implementation of this system is less likely. UNHCR continued to provide documentation and assistance to the refugee population. Nevertheless, local authorities did not always recognize these documents as official, which prevented refugees from travelling and engaging in business activities. UNHCR and the government continued to conduct biometric verification and registration of refugees in the Far North Region, including of those not living in a refugee camp.

**Access to Basic Services**: Refugees had limited access to health care, education, and employment opportunities. Their rural host communities faced similar challenges, but the situation was somewhat worse for refugees. Access to these services varied according to the location of the refugees, with those in camps receiving support through humanitarian assistance, while refugees living in host communities faced difficulty receiving services.

**Durable Solutions**: UNHCR and the governments of Cameroon and Nigeria started the voluntary repatriation of Nigerian refugees in Cameroon as agreed upon
under the 2017 tripartite agreement. The first phase of the voluntary repatriation exercise was conducted on August 22, and involved 133 Nigerian refugees, who departed Maroua for Yola in Nigeria’s Adamawa State, using a Nigerian Air Force plane.

In June 2018 UNHCR carried out return intention surveys using a sample of 4,000 CAR refugees that indicated that approximately one quarter of those surveyed would be interested in going back home, while three quarters would prefer local integration as a durable solution. As of year’s end, UNHCR had assisted more than 2,000 CAR refugees who elected to voluntary return to their areas of origin.

Temporary Protection: The government provided temporary, unofficial protection to individuals who may not qualify as refugees, extending this protection to hundreds of individuals during the year, including third-country nationals who had fled violence in CAR. Due to their unofficial status and inability to access services or support, many of these individuals were subject to harassment and other abuses.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In March 2018 the country held its second senate elections. The ruling CPDM won 63 of the 70 elected seats, while the opposition Social Democratic Front won seven elected seats. The president, in accordance with the constitution, appointed an additional 30 senators, including 24 from CPDM, two from National Union for Democracy and Progress, and one each from four other nominal opposition parties, including Union of the People of Cameroon, National Alliance for Democracy and Progress, Movement for the Defense of the Republic, and Cameroon National Salvation Front. The election was largely peaceful.

In October 2018 the country conducted a presidential election, against the backdrop of protracted sociopolitical unrest in the two Anglophone Northwest and Southwest Regions and insecurity in the Far North Region due to attacks by Boko
Haram and ISIS-WA. Eight candidates took part in the elections; a ninth dropped out just before election day to support a rival opposition candidate. The election was marred by irregularities, including intimidation of voters and representatives of candidates at polling sites, late posting of polling sites and voter lists, ballot stuffing, voters with multiple registration, and a lack of transparency in the vote tallying process. In its preliminary statement, the African Union election observation mission noted that the security environment resulted in the curtailment of civil and political liberties in certain regions and negatively impacted the level of participation of citizens in the electoral process.

New legislative and municipal elections were expected during the year, but in July the government extended the term of office of members of the National Assembly by two months, effective October 29. On July 15, the president signed a decree extending the term of office of municipal councilors until February 29, 2020. By law regional elections must be held by the end of February 2020.

Political Parties and Political Participation: As of September 2018, the country had 305 registered political parties. The CPDM remained dominant throughout every level of state institution. This was due to restrictions on opposition political parties, including gerrymandering, unbalanced media coverage, use of government resources for CPDM campaigning, interference with the right of opposition parties to organize during electoral campaigns, and influence of traditional rulers, who were largely coopted by the majority party. Additionally, membership in the ruling political party conferred significant advantages, including in the allocation of key jobs in state-owned entities and the civil service.

Human rights organizations and opposition political actors considered the drawing of voter districts and distribution of parliamentary or municipal councilors’ seats unfair, stating that smaller districts considered CPDM strongholds were allocated a disproportionate number of seats compared with more populous districts where the opposition was expected to poll strongly. Managers of state-owned companies and other high-level government officials used corporate resources to campaign for candidates sponsored by the ruling party in both senate and presidential elections to the detriment of the other candidates. Traditional rulers, who receive salaries from the government, openly declared their support for President Biya prior to the presidential election, and some reportedly compelled residents of their constituencies to prove that they did not vote for an opposition candidate by presenting unused ballots.
In March Cabral Libii submitted the documentation for the legalization of his political party, Les Citoyens. Minister of Territorial Administration Paul Atanga Nji refused to legalize the party, and Cabral instead joined the Cameroonian Party for National Reconciliation.

After President Biya announced legislative and municipal elections would be held on February 9, 2020, Kamto’s Cameroon Renaissance Movement party reported persistent interference from local government officials as party leaders sought the necessary documents to file candidate lists. Reports included local officials refusing to come to work during the registration period, judges requiring traditional rulers to confirm residency, and local officials refusing to certify birth certificates for CRM candidates. On November 25, as a result of this interference, CRM announced its decision to boycott the elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process; however, due to cultural factors, women remained underrepresented at all levels of government. Women occupied 26 of 374 council mayor positions, 81 of 280 parliamentary seats, and 11 of 66 cabinet positions. Similar disparities existed in other senior level offices, including territorial command and security and defense positions. With the voting age set at 20, youths older than 18 and younger than 20 are not allowed to vote. The minority Baka, a nomadic Pygmy people, were not represented in the senate, national assembly, or higher offices of government.

During the year Minister of Territorial Administration Atanga Nji maintained his refusal to recognize Edith Kah Walla, who was elected in 2011 as leader of the Cameroon People’s Party (CPP), as the legitimate leader of the party. Atanga Nji continued to maintain his stance that Samuel Tita Fon, who created the party in 1991 but became a supporter of the ruling party, remained the CPP leader.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. The penal code identifies different offenses as corruption, including influence peddling, involvement in a prohibited employment, and nondeclaration of conflict of interest. Reporting of corruption was encouraged through exempting whistleblowers from criminal proceedings. Corruption in official examinations is punishable by up to five years’ imprisonment, fines up to two million CFA francs ($3,400), or both. There were
reports that senior officials sentenced to prison were not required to forfeit ill-
gotten gains.

In 2018 the National Anticorruption Commission instituted a toll-free number to encourage citizens to denounce acts of corruption of which they were victims or witnesses. In addition, there were a number of organizations who joined a common platform known as the National Platform of Cameroonian Civil Society Organizations, which under the 2018 Finance Law was provided a budget of 150 million CFA francs ($255,000).

**Corruption:** The results of the 2019 competitive examination into the National School of Administration and Magistracy highlighted unethical practices surrounding the organization of public service examinations. Anecdotal reports suggested most successful candidates either hailed from specific localities or were sponsored by or related to senior-level government officials, to the detriment of ordinary candidates.

The government continued Operation Sparrow Hawk that was launched in 2006 to fight embezzlement of public funds. As in the previous year, the Special Criminal Court opened new corruption cases and issued verdicts on some pending cases. On March 8, the court placed former defense minister Edgar Alain Mebe Ngo’o and his wife in pretrial detention at the Yaounde Kondengui Central Prison. Authorities accused them of financial malpractices associated with the purchase of military equipment for the army, from the time Mebe Ngo’o served as minister of defense.

**Financial Disclosure:** The constitution requires senior government officials, including members of the cabinet, to declare their assets prior to and after leaving office, but the government had not implemented it since its promulgation in 1996.

**Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups investigated and published findings on human rights cases. Government officials impeded the effectiveness of many local human rights NGOs by harassing their members, limiting access to prisoners, refusing to share information, and threatening violence against NGO personnel. Human rights defenders and activists received anonymous threats by telephone, text message, and email. The government took no action to investigate or prevent such occurrences. The government at times...
denied international organization access to the country. The government criticized reports from international human rights organizations, including Amnesty International, HRW, and the International Crisis Group, accusing them of publishing baseless accusations. On April 12, for example, officials at Douala International Airport refused entry to an HRW researcher, even though she held a valid visa.

There were several reports of intimidation, threats, and attacks aimed at human rights activists including members of the REDHAC and the Network of Cameroonian Lawyers against the Death Penalty, among others. A female human rights advocate was sexually assaulted by an armed man who warned her to stop harassing the government.

The United Nations or Other International Bodies: In May UN High Commissioner for Human Rights Michelle Bachelet visited Cameroon, at the invitation of the Cameroonian government, to evaluate progress made in the protection and promotion of human rights. Bachelet expressed concern to the government over the shrinking of civic space in Cameroon.

Government Human Rights Bodies: In June the government passed a law establishing the Cameroon Human Rights Commission (CHRC), as a replacement for the existing NCHRF. Like the NCHRF, the CHRC is a nominally independent but government-funded institution. The law establishing the CHRC extended its missions to protect human rights, incorporating provisions of Articles 2 and 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The CHRC did not become operational during the year, because the president had not yet designated its members. The NCHRF continued to operate in its place. It coordinated actions with NGOs, visited some prisons and detention sites, and provided human rights education. NGOs, civil society, and the general population considered the NCHRF dedicated and effective, albeit inadequately resourced and with insufficient ability to effectively hold human rights violators to account. A number of observers questioned the decision to establish a new institution and expressed concerns about its ability to confront the government that funds it.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women
Rape and Domestic Violence: The law criminalizes rape and provides penalties of between five and 10 years of imprisonment for convicted rapists. Police and courts rarely investigated or prosecuted rape cases, especially since victims often did not report them. The law does not address spousal rape. In a report on the Northwest and Southwest Regions, OCHA revealed that it had recorded 74 cases of rape as of July 21, with only 13 victims being able to obtain health-care services due to the absence of services in their localities.

The law does not specifically prohibit domestic violence, although assault is prohibited and punishable by imprisonment and fines. OCHA recorded 785 cases of gender-based violence in July.

Female Genital Mutilation/Cutting (FGM/C): The law protects the bodily integrity of persons, and the 2016 penal code prohibits genital mutilation. Perpetrators are subject to a prison sentence of from 10 to 20 years, or imprisonment for life if the offender habitually carries out this practice for commercial purposes or the practice causes death. FGM/C remained a problem, but its prevalence was low. As in the previous year, children were reportedly subjected to FGM/C in isolated areas of the Far North, East, and Southwest Regions and among the Choa and Ejagham ethnic groups.

In 2018 the minister of women’s empowerment and the family said the government fully adopted a UN General Assembly resolution on the intensification of the global action aimed at eliminating FGM/C and had been carrying out initiatives to end FGM/C for more than 10 years. These initiatives included granting support for male and female excision practitioners to change professions and creating local committees to fight against the phenomenon in areas of high prevalence, such as the Southwest and North Regions.

Other Harmful Traditional Practices: Widows were sometimes forcibly married to one of their deceased husband’s relatives to secure continued use of property left by the husband, including the marital home. To protect women better, including widows, the government included provisions in the 2016 penal code outlawing the eviction of a spouse from the marital home by any person other than the other spouse. The practice of widow rites, by which widows forgo certain activities such as bathing or freedom of movement, was also prevalent in some parts of the country, including in some rural communities of the West Region.

Sexual Harassment: The law prohibits sexual harassment. Offenders can be imprisoned for periods of six months to one year and may be fined between
100,000 and one million CFA francs ($170 and $1,700). If the victim is a minor, the penalty can be one to three years in prison. If the offender is the victim’s teacher, to the penalty can increase to three to five years in prison. Despite these legal provisions, sexual harassment was widespread, and there were no reports that anyone was fined or imprisoned for sexual harassment. This was partially due to sexual harassment victims’ reluctance to file official complaints.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** The constitution provides for the same legal status and rights for women and men. In practice, women did not enjoy the same rights and privileges as men. Although local government officials including mayors claimed women had access to land in their constituencies, the overall sociocultural practice of denying women the right to own land, especially through inheritance, was prevalent in most regions. The government did not implement any official discriminatory policy against women in such areas as divorce, child custody, employment, credit, pay, owning or managing business or property, education, the judicial process, or housing. Although women and men have equal employment rights, fewer women occupied positions of responsibility.

**Children**

**Birth Registration:** Children derive citizenship through their parents, but not through birth in the country’s territory, and the responsibility to register birth falls upon parents. Many births went unregistered because children were not always born in health facilities, and many parents faced challenges in reaching local government offices. According to a recent study by the National Civil Status Bureau (BUNEC), nearly 43,000 final-year primary school children in the Far North Region risked missing their examinations because they did not have birth certificates. In all, 400,000 primary school children in the Far North Region were without birth certificates. In 2018, 18,000 pupils in the Far North Region missed their academic examinations for lack of birth certificates. A three-year pilot project by BUNEC in Betare-Oya Subdivision in Lom and Djerem Division of the East Region and Mokolo Subdivision, Mayo-Tsanaga Division of the Far North Region suggested that close to 1,000,000 children in the country could be without birth certificates.

**Education:** The law provides for tuition-free compulsory primary education but does not set an age limit. The law punishes any parent with sufficient means who
refuses to send his or her child to school with a fine between 50,000 and 500,000 CFA francs ($85 and $850). The punishment is imprisonment from one to two years in cases in which the offense is repeated. Children were generally expected to complete primary education at 12. Secondary school students have to pay tuition and other fees in addition to buying uniforms and books. This rendered secondary education unaffordable for many children.

During the year separatist attacks on the schools in the Anglophone Southwest and Northwest Regions continued to disrupt the normal operation of schools. In its July report on the Southwest and Northwest crisis, OCHA indicated that more than 700,000 children––representing almost nine of every 10 children––had been out of school for nearly three years and that 80 percent of schools remained closed in the Northwest and Southwest Regions.

In May Catholic authorities agreed to close St. Bede’s College in Kom, Northwest Region, after the school principal was kidnapped, allegedly for not respecting the separatists’ call for a school boycott. The Presbyterian Church also agreed to close all its schools in the two Anglophone regions after armed separatists kidnapped more than 90 children in two separate incidents in October and November.

Dozens of schools remained closed in the Far North Region due to attacks from Boko Haram and ISIS-WA.

Child Abuse: The law prohibits various forms of child abuse, including but not limited to assault, indecency, kidnapping, forced labor, rape, sexual harassment, and situations where one parent refuses to disclose the identity of the other parent to the child. Penalties for the offenses range from 10,000 CFA francs ($17) for forced labor to imprisonment for life in the case of assault leading to death or serious harm. Despite these legal provisions, child abuse remained a problem. Children continued to suffer corporal punishment, both within families and at school. Boko Haram continued to abduct children for use as child soldiers or as suicide bombers.

Early and Forced Marriage: The minimum legal age for marriage is 18. Despite the law, according to UNICEF’s March 2018 child marriage data, 31 percent of women between the ages of 20 and 24 were married before they turned 18, and of these, 10 percent were married before they turned 15. Childhood marriages were more prevalent in the northern part of the country. The law punishes anyone who compels an individual into marriage with imprisonment of from five to 10 years, and with fines between 25,000 and one million CFA francs ($43 and $1,700).
Sexual Exploitation of Children: The law prohibits commercial sexual exploitation, sale, offering or procuring for prostitution, and practices related to child pornography. A conviction requires proof of a threat, fraud, deception, force, or other forms of coercion. Penalties include imprisonment of between 10 and 20 years and a fine of between 100,000 and 10 million CFA francs ($170 and $17,000). The law does not specifically provide a minimum age for consensual sex. According to anecdotal reports, children younger than 18 were exploited in commercial sex, especially by restaurant and bar promoters, although no statistics were available. Anecdotal reports suggested the ongoing crisis in the two Anglophone regions had contributed to a dramatic increase in the prostitution of underage girls and number of early pregnancies, especially in areas with IDPs.

Infanticide or Infanticide of Children with Disabilities: There were no reports of infanticide of children with disabilities. The newspaper L’Oeil du Sahel reported that on July 1 local residents found the lifeless body of a child of an estimated age of seven months abandoned in a garbage bin in the neighborhood of Pitoare in Maroua, Far North Region.

Displaced Children: Many displaced children continued to live on the streets of urban centers, although the trend was in decline as a result of stringent security measures and the amended penal code that criminalizes vagrancy. According to estimates by the International Organization for Migration, there were approximately 2,570 unaccompanied children in the Far North Region as of April, including IDPs, returnees, out-of-camp refugees, and other migrants (see also sections 1.e. and 1.f.). These children faced many challenges, including limited access to school, health, and protection. As in 2018, thousands of children were negatively impacted by the humanitarian crisis in the Northwest and Southwest. These children faced significant abuses of their rights by armed forces and nonstate armed actors alike. The government had not established structures to ensure that internally displaced children were protected from recruitment by nonstate armed groups and terrorist organizations. The government, through the Ministry of Social Affairs and in joint action with the International Organization for Migration, in September provided temporary shelter to unaccompanied children who were rescued from a boat off the coast of Cameroon in Kribi.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s Annual Report on International Parental Child Abduction at
Anti-Semitism

The Jewish community was very small, and there were no known reports of anti-Semitic acts. A government minister made comments on a prime-time television program that were widely considered anti-Semitic. Speaking on Cameroon Radio Television in early February, Justice Minister Delegate Jean De Dieu Momo warned opposition leader Maurice Kamto that he was leading the Bamileke people to a fate similar to that of the Jews under Hitler in World War II. He said, “educated people like Maurice Kamto need to know where they are leading their people.” The government of Cameroon distanced itself from his comments, saying he was speaking on a strictly personal basis.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities

The constitution protects the rights of all persons, including persons with disabilities. A 2010 law provides additional protection to persons with physical, sensory, intellectual, or mental disabilities. The protections under the law cover access to education and vocational training, employment, health services, information and cultural activities, communications, buildings, sports and leisure, transportation, housing, and other state services. Public education is free for persons with disabilities and children born of parents with disabilities. Initial vocational training, medical treatment, and employment must be provided “when possible,” and public assistance “when needed.” The government did not enforce these provisions effectively.

There were no reports of police or other government officials inciting, perpetrating, or condoning violence against persons with disabilities during the reporting period. The majority of children with disabilities attended school with nondisabled peers. The government introduced inclusive education in many schools and reviewed the curriculum of teacher training colleges to include training in inclusive education skills. Other children with disabilities continued to attend specialized schools such
as the Bulu Blind Center in Buea and the Yaounde Special School for Hearing-impaired Children.

Persons with disabilities did not receive adequate protection in conflict zones. In an early August report, HRW remarked that persons with disabilities were among the most marginalized and at-risk population in any crisis-affected country, and that Cameroon was no exception. Persons with disabilities in the Northwest and Southwest Regions continued to face attack and abuse by belligerents, often because they were unable to flee. HRW claimed that between January and May, it interviewed 48 persons with disabilities living in the Anglophone regions, their families, representatives of UN agencies, and national and international humanitarian organizations to investigate how the crisis in the two regions had disproportionately affected persons with disabilities.

**National/Racial/Ethnic Minorities**

The population consists of more than 275 ethnic groups. Members of the president’s Beti/Bulu ethnic group from the South Region continued to hold many key positions and were disproportionately represented in the government, state-owned businesses, and security forces.

**Indigenous People**

An estimated 50,000 to 100,000 Baka, including Bakola and Bagyeli, resided primarily in (and were the earliest known inhabitants of) the forested areas of the South and East Regions. The government did not effectively protect the civil or political rights of either group. Logging companies continued to destroy indigenous peoples’ naturally forested land without compensation. Other ethnic groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. The government continued long-standing efforts to provide birth certificates and national identity cards to Baka. Most Baka did not have these documents, and efforts to reach them were impeded by the difficulty in accessing their homes deep in the forest.

There were credible reports from NGOs that the Mbororo, nomadic pastoralists living mostly in the North, East, Adamawa, and Northwest Regions, continued to be subjected to harassment, sometimes with the complicity of administrative or judicial authorities.
Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity between adults is illegal and punishable by a prison sentence lasting between six months and five years and a fine ranging from 20,000 to 200,000 CFA francs ($34 to $340).

LGBTI rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroon, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others continued to report arbitrary arrests of LGBTI persons, but they had become less frequent in the past year. While formal arrests may be diminishing, LGBTI individuals continued to receive anonymous threats by telephone, text message, and email. Authorities did not generally investigate these allegations. Civil society members stated there were also cases where LGBTI individuals were subjected to so-called corrective rape, sometimes with the complicity of the victim’s family. Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.

The constitution provides for equal rights for all citizens, but the law does not explicitly prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. Security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. Fear of exposure affected individuals’ willingness to access HIV/AIDS services, and a number of HIV-positive men who had sex with men took female partners to conceal their activities. Anecdotal reports suggested some discrimination occurred in places of employment with respect to sexual orientation. On September 3, members of Affirmative Action, an LGBTI rights group, remarked that transgender persons often avoided seeking formal employment due to discrimination.

In 2018 the National Observatory for the Rights of LGBTI persons and their Defenders, an umbrella organization representing 33 individual LGBTI organizations who were members of the Unity Platform, produced a report documenting 376 cases of abuses perpetrated against LGBTI persons in 2018. As of August CAMFAIDS alone had documented 206 human rights abuses. The
abuses were of a physical, psychological, economic, verbal, cultural, or religious nature.

On September 4, CAMFAIDS reported that members of an army security unit arrested six persons without a warrant at a snack bar in the Yaounde neighborhood of Emombo and detained them at gendarmerie headquarters on September 1. CAMFAIDS claimed the six persons were being detained on charges of homosexuality and indecency. Earlier in April, according to CAMFAIDS, members of security forces arrested 25 persons at the same location. They asked the victims to undress and photographed them while they were naked.

LGBTI organizations could not officially register as such and so sought registration either as general human rights organizations or as health-focused organizations. Many LGBTI organizations found that operating health programs, particularly HIV programs, shielded them from the potential harassment or shutdown rather than promoting advocacy for LGBTI persons as their primary mission.

**HIV and AIDS Social Stigma**

Persons with HIV often suffered social discrimination and were isolated from their families and society due to social stigma and lack of education on the disease. As in the previous year, while no specific cases of discrimination in employment were made public, anecdotal reports indicated some discrimination occurred with respect to HIV status, especially in the private sector.

**Other Societal Violence or Discrimination**

Several cases of vigilante action and arson attacks were reported during the year, involving destruction of both public and private property. On June 3, members of the Mbororo community killed two persons and burned homes in Wum, Northwest Region, allegedly in retaliation against repeated attacks by Anglophone separatists.

Vigilante and mob justice were a concern. The privately owned newspaper *Le Messager* announced that police on July 20 deposited the burned bodies of two young men at the mortuary of the Douala Bonassama district hospital. A crowd reportedly attacked the boys at a place called Total Nouvelle Route Bonaberi at approximately 10 a.m. the same day, beat them to death, and burned their corpses. The victims were on a motorcycle equipped with a global positioning system (GPS). They allegedly killed the motorbike owner earlier in the Douala Akwa
neighborhood before stealing the bike. A relative of the deceased located the engine using the GPS and alerted the crowd. Police reportedly arrested three persons suspected of having organized the mob justice and placed them in custody at the Douala Mobile Response Group number 2.

The privately owned newspaper *The Guardian Post* reported that during the night of August 1, a man, approximately 24 years of age, died as a result of mob vigilante violence in the Yaounde Etoug-Ebe neighborhood for allegedly stealing food from a local shop. Roseline, the lady whose items were stolen, reportedly told a journalist that, during her return to her shop at approximately 3 a.m., she saw the man carrying a bunch of plantains and a basket of tomatoes from her shop. She alerted her neighbors who reacted promptly, caught the thief, and assaulted him while she watched. Police reportedly came to the scene in the morning and took the corpse to the Yaounde University Teaching Hospital.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes. This does not apply to multiple groups of workers, including defense and national security personnel, prison administration civil servants, and judicial and legal personnel. The law also prohibits antiunion discrimination and requires the reinstatement of workers fired for union activity. Statutory limitations and other practices substantially restricted these rights. The law does not permit the creation of a union that includes both public- and private-sector workers, or the creation of a union that includes different, even if closely related, sectors. The law requires that unions register with the government, have a minimum of 20 members, and formalize the union by submitting a constitution and by-laws. Founding members must also have clean police records. Those who form a union and carry out union activities without registration can be fined under the law. More than 100 trade unions and 12 trade union confederations were in operation, including one public-sector confederation. Trade unions or associations of public servants may not join a foreign occupational or labor organization without prior authorization from the minister responsible for “supervising public freedoms,” currently the minister of territorial administration.

The constitution and law provide for collective bargaining between workers and management, as well as between labor federations and business associations in
each sector of the economy. The law does not apply to the agricultural or informal sectors, which included the majority of the workforce.

Legal strikes or lockouts may be called only after conciliation and arbitration procedures have been exhausted. Workers who ignore procedures to conduct a legal strike may be dismissed or fined. Free Industrial Zones are subject to some labor laws; however, there are several exceptions. The employers have the right to determine salaries according to productivity, the free negotiation of work contracts, and the automatic issuance of work permits for foreign workers.

The government and employers did not effectively enforce the applicable legislation on freedom of association and the right to collective bargaining. Penalties for violations were rarely enforced and were ineffective as a deterrent. Administrative judicial procedures were infrequent and subject to lengthy delays and appeals.

Collective agreements are binding until after a party has given three months’ notice to terminate. Unlike in the previous year, there were no reported allegations that the minister of labor and social security negotiated collective agreements with trade unionists who had nothing to do with the sectors concerned and did not involve trade union confederations that prepared the draft agreements. The government continued to undermine the leadership of the Cameroon Workers Trade Union Confederation (CSTC), one of 12 trade union confederations elected in 2015.

Despite multiple complaints by CSTC’s elected leadership, the government continued to work with former leaders. In June for example, the minister of labor reportedly included Celestin Bama, a member of the former leadership team, as CSTC’s representative in the Cameroonian delegation to the International Labor Conference in Geneva. The International Trade Union Confederation worked with CSTC’s legitimate leadership for its 4th Congress held in Copenhagen, Denmark, in early December 2018.

Trade unionists reported some company officials disregarded labor legislation and prohibited the establishment of trade unions in their companies. They cited the examples of Sarsel and Harjap, two Lebanese-owned businesses based in Douala, as well as several small- and medium-sized Cameroonian companies. Unlike in 2018, there were no reported allegations that some companies retained 1 percent of unionized workers’ salaries as union dues but refused to transfer the money to trade unions.
Many employers used subcontractors to avoid hiring workers with bargaining rights. Workers’ representatives said most major companies, including parastatal companies, engaged in the practice, citing the electricity company Energy of Cameroon, the water company Camerounaise des Eaux, cement manufacturer Cimencam, Guinness, Aluminum Smelter (Alucam), COTCO, Ecobank, and many others. Subcontracting was reported to involve all categories of personnel, from the lowest to senior levels. As a result, workers with equal expertise and experience did not always enjoy similar advantages when working for the same business, and subcontracted personnel typically lacked a legal basis to file complaints.

Several strikes were announced during the year. Some were called off after successful negotiation, and some were carried out peacefully, while others faced some degree of repression.

On July 31, the Free National Union of Dockers and Related Activities of Cameroon embarked on a peaceful and lawful strike at the port of Douala. The striking workers demanded improved working conditions, including the effective implementation of a presidential decree of January 24 that offered them hope for better conditions of employment and work. Port officials allegedly called police and administrative authorities to the scene shortly after the start of the strike. They threatened the striking workers with dismissal if they did not return to work and arrested Jean Pierre Voundi Ebale, the elected leader of the dockers’ union, and two other members of the union, Guialbert Oumenguele and Elton Djoukang Nkongo. The senior divisional officer for Wouri placed them on a renewable two-week administrative custody at the Douala Central Prison. Voundi Ebale and his codetainees were released on September 1, after one full month of detention, reportedly on banditry-related charges.

As of November 30, the government delegate to the Douala City Council had not implemented a September 2017 decision of the Littoral Court of Appeal’s Labor Arbitration Council requesting the delegate to reinstate the 11 workers’ representatives he suspended in April 2017. The delegate instead opposed the court decision and referred the issue back to the labor inspector, who once again referred it to the region’s Court of Appeal. After multiple postponements, the court on October 29 confirmed the initial decision to reinstate the workers’ representatives and pay their salaries and outstanding arrears.

b. Prohibition of Forced or Compulsory Labor
The constitution and law prohibit all forms of forced and compulsory labor. The law prohibits slavery, exploitation, and debt bondage and voids any agreement in which violence was used to obtain consent. Penalties would have likely been sufficient to deter violations if enforced. The law also extends culpability for all crimes to accomplices and corporate entities. Although the statutory penalties are fairly severe, the government did not enforce the law effectively, in part due to a lack of capacity to investigate trafficking and limited labor inspection and remediation resources. In addition, due to the length and expense of criminal trials and the lack of protection available to victims participating in investigations, many victims of forced or compulsory labor resorted to accepting an out-of-court settlement.

There continued to be anecdotal reports of hereditary servitude imposed on former slaves in some chiefdoms in the North Region. Many members of the Kirdi—whose ethnic group practiced predominately Christian and traditional faiths and who had been enslaved by the Muslim Fulani in the 1800s—continued to work for traditional Fulani rulers for compensation, in room and board and generally a low and unregulated salary, while their children were free to pursue schooling and work of their choosing. Kirdi were also required to pay local chiefdom taxes to the Fulani, as were all other subjects. The combination of low wages and high taxes (although legal) effectively constituted forced labor. While technically free to leave, many Kirdi remained in the hierarchical and authoritarian system because of a lack of viable options.

Anecdotal reports suggested that in the South and East Regions, some Baka, including children, continued to be subjected to unfair labor practices by Bantu farmers, who hired the Baka at exploitive wages to work on their farms during the harvest seasons.

Forced labor was reported involving children in domestic labor, gold mining, quarrying, forced begging, street vending, agriculture, fishing, and spare parts shops. Forced child labor was also committed by terrorist groups, which forced children to work as scouts, porters, and cooks.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment
The law prohibits the worst forms of child labor and sets 14 as the minimum age of employment. The law prohibits children from working at night or longer than eight hours per day. It also outlines tasks children younger than 18 cannot legally perform, including moving heavy objects, undertaking dangerous and unhealthy tasks, working in confined areas, and prostitution. Employers are required to provide skills training to children between ages 14 and 18. Because compulsory education ends at age 12, children who were not in school and not yet 14 were particularly vulnerable to child labor. Laws relating to hazardous work for children younger than 18 are not comprehensive, since they do not include prohibitions on work underwater or at dangerous heights. Children engaged in hazardous agricultural work, including in cocoa production. The government in 2018 earmarked funds for the Ministry of Labor and Social Security to revise the hazardous work list. There were no reported developments or progress achieved as of late November. The law provides penalties ranging from fines to imprisonment for those who violate child labor laws. These penalties likely would have been sufficient to deter violations, if enforced.

Children worked in agriculture, where they were exposed to hazardous conditions, including handling heavy loads, machetes, and agricultural chemicals. Children worked in mining, where they carried heavy loads and were exposed to dangerous conditions. Children worked as street vendors and in fishing, where they were exposed to hazardous conditions. Children in these sectors mainly worked alongside families and not under formal employers. Children were subjected to forced begging as talibes in Quran schools. Children were recruited or coerced by armed groups to work as porters, scouts, cooks, and child soldiers.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at [https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings).

d. Discrimination with Respect to Employment and Occupation

The law contains no specific provisions against discrimination, but the constitution in its preamble provides that all persons shall have equal rights and obligations and that every person shall have the right and the obligation to work.

Discrimination in employment and occupation allegedly occurred with respect to ethnicity, HIV status, disability, gender, and sexual orientation, especially in the private sector. Ethnic groups often gave preferential treatment to members of their respective ethnic group in business and social practices, and persons with disabilities reportedly found it difficult to secure and access employment. There
were no reliable reports of discrimination against internal migrant or foreign migrant workers, although anecdotal reports suggested such workers were vulnerable to unfair working conditions. The government took no action to eliminate or prevent discrimination and kept no records of incidents of discrimination.

e. Acceptable Conditions of Work

The minimum wage in all sectors was greater than the World Bank’s international poverty line. Premium pay for overtime ranged from 120 to 150 percent of the hourly rate, depending on the amount of overtime and whether it is weekend or late-night overtime. Despite the minimum wage law, employers often negotiated with workers for lower salaries, in part due to the extremely high rate of underemployment in the country. Salaries lower than the minimum wage remained prevalent in the public-works sector, where many positions required unskilled labor, as well as in domestic work, where female refugees were particularly vulnerable to unfair labor practices.

The law establishes a standard workweek of 40 hours in public and private nonagricultural firms and a total of 2,400 hours per year, with a maximum limit of 48 hours per week in agricultural and related activities. There are exceptions for guards and firefighters (56 hours per week), service-sector staff (45 hours per week), and household and restaurant staff (54 hours per week). The law mandates at least 24 consecutive hours of weekly rest.

The government sets health and safety standards in the workplace. The minister in charge of labor issues establishes the list of occupational diseases in consultation with the National Commission on Industrial Hygiene and Safety. These regulations were not enforced in the informal sector. The labor code also mandates that every enterprise and establishment of any kind provide medical and health services for its employees. This stipulation was not enforced.

The Ministry of Labor and Social Security is responsible for national enforcement of the minimum wage and work hour standards, but it did not enforce the law. Ministry inspectors and occupational health physicians are responsible for monitoring health and safety standards, but the ministry lacked the resources for a comprehensive inspection program. The government more than doubled the total number of labor inspectors, but the number of labor inspectors was still insufficient. Moreover, the government did not provide adequate access to vehicles or computers, hampering the effectiveness of the inspectors.
TAB 5
Country Policy and Information Note
Cameroon: Sexual orientation and gender identity or expression

Version 1.0
February 2020
Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the basis of claim section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, in general:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the Common EU [European Union] Guidelines for Processing Country of Origin Information (COI), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), Researching Country Origin Information – Training Manual, 2013. Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.
Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the bibliography.

Feedback
Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the Country Policy and Information Team.

Independent Advisory Group on Country Information
The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

Independent Advisory Group on Country Information
Independent Chief Inspector of Borders and Immigration
5th Floor
Globe House
89 Eccleston Square
London, SW1V 1PN
Email: chiefinspector@icibi.gov.uk

Information about the IAGCI’s work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s pages of the gov.uk website.
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1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and / or serious harm by state or non-state actors because of the person’s actual or perceived sexual orientation and / or gender identity or expression.

1.2 Points to note

1.2.1 This note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex persons, as well as those perceived as such. They are referred hereafter collectively as ‘LGBTI persons’, although the experiences of each group may differ.

1.2.2 For general guidance on considering claims LGBTI persons, decision makers should refer to the Asylum Instructions on Sexual orientation in asylum claims and Gender identity issues in the asylum claim.

2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on Assessing Credibility and Refugee Status.

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the Asylum Instruction on Language Analysis).

2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instruction on Exclusion: Article 1F of the Refugee Convention and the Asylum Instruction on Restricted Leave.

2.3 Refugee convention reason

2.3.1 The person’s actual or imputed membership of a particular social group (PSG).

2.3.2 LGBTI persons in Cameroon form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate
characteristic, or a common background that cannot be changed, or share a
characteristic or belief that is so fundamental to identity or conscience (their
sexual orientation and/or gender identity or expression) that they should not
be forced to renounce it and have a distinct identity which is perceived as
being different by the surrounding society.

2.3.3 Although LGBTI persons in Cameroon form a PSG, establishing such
membership is not sufficient to be recognised as a refugee. The question is
whether the particular person will face a real risk or a well-founded fear of
persecution on account of their membership of such a group.

2.3.4 For further guidance on convention reasons, including PSGs, see the
Asylum Instruction on Assessing Credibility and Refugee Status.

2.4 Risk

a) General points

2.4.1 Paragraphs 35 and 82 of the determination of the Supreme Court’s ruling in
HJ (Iran) and HT (Cameroon) v Secretary of State for the Home Department
[2010] UKSC 31, heard 10,11,12 May and promulgated 7 July 2010, set out
the approach to take and established the test that should be applied when
assessing a claim based on a person’s sexual orientation and/or gender
identity/expression.

2.4.2 For further information, see the Asylum Instructions on Sexual orientation in
asylum claims and Gender identity and expression, including intersex issues
in asylum claims.

b) State treatment of LGBTI persons

2.4.3 While the constitution provides equal rights for all citizens, there is no legal
provision for protection against discrimination on grounds of sexual
orientation or gender identity. Despite the criminal code having been revised
in 2016, same-sex sexual relations for both men and women remains illegal
and carries a sentence of between 6 months to 5 years and a fine of up to
200,000 Cameroonian francs (CFA). Additionally, a law on cybersecurity and
cybercrime criminalises the making of sexual propositions online, with a
penalty of between 1 and 2 years’ imprisonment and a fine of up to
1,000,000 (CFA). This is doubled if the proposition results in sexual
intercourse. The law is, however, silent on the legal status of trans or
intersex persons and issues related to intersex people have rarely been
addressed officially. Cameroon is reported to prosecute people for
consensual same sex relations more aggressively than any other country in
the world (see Legal context and Treatment of intersex persons).

2.4.4 Some politicians and members of the government, including members of the
National Commission for Human Rights and Freedoms (CNDHL) have
publicly denounced sexual minorities. The CNDHL negates and ignores
reports of discrimination against LGBTI persons. LGBTI persons are also
generally excluded from political processes and their interests are poorly
represented by elected officials (see Homophobic rhetoric and Government
and political leaders attitude).
Sources report that tens of persons who are, or are perceived to be, LGBTI are arrested each year and a smaller number are prosecuted. For example, NGOs reported that in 2016, 33 people were arbitrarily arrested in Yaoundé based on their perceived or actual sexual orientation. Comprehensive statistics on the number and frequency of arrests of LGBTI persons are not available to determine how systematically the law is enforced but NGOs claimed there were 56 cases of arbitrary arrests and 4 cases of imprisonment and criminal convictions in 2018. There also are reports that fair trial standards are not met and that prosecutions are based on suspicion or allegations from strangers. Additionally, some prosecutions may affect male rape victims rather than gay and bisexual men. (see Legal context, State attitudes and treatment, and Bibliography).

In addition to arbitrary arrests there are some reports that the police harass, extort and blackmail LGBTI persons. Those persons who have been arrested and/or detained reported being subjected to ill-treatment, including physical and sexual assault, and being subjected to forced anal examinations. There are also reports that individuals and organisations who support or advocate on behalf of LGBTI activists are often subject to harassment and abuse, including torture and ill-treatment and arrest, although a number of NGO groups continue to operate and provide assistance to LGBTI persons (see State attitudes and treatment, Government and political leaders attitude, Arrests, prosecutions, detention and state discrimination and Government recognition of LGBTI NGOs).

LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, and employment (see Access to services and Government recognition of LGBTI NGOs).

For further guidance on assessing risk, see the instructions on Assessing Credibility and Refugee Status, Sexual orientation in asylum claims and Gender identity issues in the asylum claim.

2.4.5 Sources report that tens of persons who are, or are perceived to be, LGBTI are arrested each year and a smaller number are prosecuted. For example, NGOs reported that in 2016, 33 people were arbitrarily arrested in Yaoundé based on their perceived or actual sexual orientation. Comprehensive statistics on the number and frequency of arrests of LGBTI persons are not available to determine how systematically the law is enforced but NGOs claimed there were 56 cases of arbitrary arrests and 4 cases of imprisonment and criminal convictions in 2018. There also are reports that fair trial standards are not met and that prosecutions are based on suspicion or allegations from strangers. Additionally, some prosecutions may affect male rape victims rather than gay and bisexual men. (see Legal context, State attitudes and treatment, and Bibliography).

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2.4.7 LGBTI persons suffer discrimination in accessing services such as healthcare, including access to HIV / AIDS treatment and services, and employment (see Access to services and Government recognition of LGBTI NGOs).

2.4.8 For further guidance on assessing risk, see the instructions on Assessing Credibility and Refugee Status, Sexual orientation in asylum claims and Gender identity issues in the asylum claim.

2.4.9 Cameroonian attitudes generally hold a negative view of same-sex relations. Homophobic views are widespread and sources indicate that there is strong societal intolerance of and discrimination against LGBTI persons. Anti-LGBTI rhetoric in mainstream media plays on and may magnify existing societal homophobia (see Societal attitudes and treatment and LGBTI groups, civil society and human rights NGOs).

2.4.10 Religious leaders in Cameroon play a role in perpetuating stigmatization of same-sex relations (see Religious attitudes/treatment).

2.4.11 LGBTI persons and persons suspected or perceived to be LGBTI are reported to have been subjected to threats, violent attacks including murder, discrimination and harassment involving intimidation, blackmail, loss of property and eviction, denial of educational opportunities, loss of employment, and difficulties in accessing health care (see Government...
recognition of LGBT NGOs, Societal attitudes and treatment, Treatment of intersex persons and Access to services).

2.4.12 Some LGBTI persons are rejected by their families and some have also experienced physical and sexual attacks, including ‘corrective rape’ and killing (see Societal attitudes and treatment and Violence and discrimination).

2.4.13 Sources report that there are a number of organisations operating in Cameroon providing various forms of assistance and support to LGBTI persons. However, civil society organisations and their members have also been subject to harassment, threats and violence by societal actors. NGOs have reported difficulties in obtaining legal approval with the authorities if their statutes mention LGBTI issues (see LGBTI groups, civil society and human rights NGOs and Societal attitudes and treatment).

2.4.14 For further guidance on assessing risk, see the instructions on Assessing Credibility and Refugee Status, Sexual orientation in asylum claims and Gender identity issues in the asylum claim.

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d) Conclusion

2.4.15 In general, LGBTI persons are likely to face mistreatment from state and societal actors which, by its nature and frequency, may amount to persecution. Each case, however, needs to be considered on its facts, with the onus on the person to demonstrate that they face such a risk.

2.4.16 For further guidance on assessing risk, see the instructions on Assessing Credibility and Refugee Status, Sexual orientation in asylum claims and Gender identity issues in the asylum claim.

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2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.

2.5.2 Where the person has a well-founded fear of persecution by non-state actors, decision makers must assess whether the state can provide effective protection.

2.5.3 Same-sex sexual relations are prohibited and sexual minorities are afraid to go to the police as once their sexual orientation is known they are at risk of abuse or extortion by police officers. The police are also reported to be unresponsive to LGBTI persons’ requests for assistance. Furthermore The National Commission for Human Rights and Freedoms (CNDHL) activities in support of LGBTI persons were limited or almost non-existent. Therefore, in general, the state is able but not willing to offer effective protection (see Arrests, prosecutions, detention and state discrimination, Police action and behaviour and Ombudsman/complaints’ mechanisms).

2.5.4 However, decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
2.5.5 For further guidance on assessing the availability of state protection, see the instruction on Assessing Credibility and Refugee Status. Decision makers must also refer to the Guidance on sexual identity issues in asylum claims including intersex issues in asylum claims and Gender identity issues in the asylum claim.

2.6 Internal relocation

2.6.1 In general, given the widespread societal and state hostility towards and discrimination against LGBTI persons, it will not be reasonable for a person to relocate. However, each case must be considered on its facts, taking into account the person’s specific circumstances.

2.6.2 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.

2.6.3 For further guidance on internal relocation see the instruction on Assessing Credibility and Refugee Status.

2.7 Certification

2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.7.2 For further guidance on certification, see Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims).

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Country information

Section 3 updated: 19 December 2019

3. Legal context

3.1 Constitution

3.1.1 The US State Department (USSD) human rights report for 2018 noted: ‘The law does not explicitly prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. The constitution provides for equal rights for all citizens.'

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3.2 Cameroon Penal Code

3.2.1 Cameroon has a mixed legal system of English common law, French civil law, and customary law.

3.2.2 Article 347-1 of the Penal Code of Cameroon, adopted on 12 July 2016, ‘Whoever has sexual relations with a person of the same sex shall be punished with imprisonment from 6 months to 5 years and a fine of from CFAF 20,000 to CFAF 200,000.’

3.2.3 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) State sponsored homophobia 2019 report highlighted the Law on Cybersecurity and Cybercrime (Law No. 2010/012 of 21 December 2010) regarding making sexual propositions online:

- ‘1. Any person who makes sexual propositions to a person of their sex through electronic communications shall be punished with imprisonment of one to two years and a fine of 500,000 to 1,000,000 CFA francs or only one of these two penalties.
- ‘2. The penalties provided in paragraph 1 above are doubled when the proposals have been followed by sexual intercourse.’

3.2.4 CPIT was not able to find specific information on laws regarding trans or intersex persons (see Bibliography).

3.3 Sharia

3.3.1 A Jstor Journal [part of ITHAKA – a non-profit organisation that works to ‘preserve knowledge’] article noted that ‘Muslim law…is assimilated [in] to customary law and thus subjected to the rules of exclusion applicable to that system of law.’

4. State attitudes and treatment

4.1 Homophobic rhetoric

4.1.1 An Erasing 76 Crimes article from April 2019 reported on comments made by Pascal Charlemagne Messanga Nyamding, a politician and political science professor at the Institute of International Relations of Cameroon (IRIC) who had made a series of comments about homosexuality. This included accusing the candidate for the MRC opposition party, Maurice Kamto of having sex with young boys and claiming that Cameroon is ruled by “faggots”. Some of his views which were communicated to his students and were recorded and posted online. Subsequently the IRIC council were

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4 Law on Cybersecurity and Cybercrime (Law No. 2010/012 of 21 December 2010), url.
6 ITHAKA, Our mission, undated, url.
7 Jstor, ‘The place of Muslim law in Cameroon's legal system’, 2012 url.
convened which resulted with some council members expressing offense at his statements and doubts over the language used and whether this constituted effective teaching methods, he was also reminded of ‘the need for lucidity and moderation in a classroom setting’. Messanga Nyamding apologised and said that he would be ‘cautious and reserved in the future’.8

4.1.2 ILGA in their State sponsored homophobia 2019 report noted:

‘In 2013, Jacques Doo Bell, member of the National Commission for Human Rights and Freedoms wrote in the Commission’s magazine that “homosexuals” were like “highway bandits and chicken thieves [who are] systematically lynched by the crowd” and recommended that they remain “extremely careful and discreet”.

‘In July 2013, in response to the murder of activist Eric Ohena Lembembe, Issa Tchiroma Bakary, Minister of Communication and Government spokesperson, explained that between 95% and 99% of society are “against homosexuality because their religions are against homosexuality”’. He added that “maybe in 50 years from now things will be different [but] it is the duty of the President of the Republic to respect the will of his people”.

‘The National Commission for Human Rights and Freedoms is Cameroon’s NHRI [National Human Rights Institution]. The entity not only negates and ignores SOGIESC issues and requests, but, as evinced in its reports, denies discrimination and upholds the country’s criminalisation laws.’9

4.2 Government and political leaders attitude

4.2.1 The United Nations’ Committee Against Torture in its December 2017 concluding observations stated it was concerned ‘…that consensual relations between same-sex adults are still an offence in the State party.’ and ‘… by reports that cases of violence, harassment, “corrective rape” and murder against lesbian, gay, bisexual and transgender (LGBT) persons, and against the human rights defenders who report these violations, are not subject to thorough investigation.’10

4.2.2 ILGA in their State sponsored homophobia 2019 report noted that Cameroon had voted against a UN proposal11 to protect LGBTI rights in 2011. As Cameroons term of the Human Rights Council (HRC) had expired it did not vote on the same proposal in 2014 or 201612.

4.2.3 The same ILGA report commented that:

‘The presidential elections of October 2018 were an opportunity to influence issues of diversity. Civil society organisations called on candidates to include issues of sexual and gender diversity in their policy agendas. For this purpose, a mapping of the candidates and their respective positions on the subject was carried out: of the nine candidates, three were classified as

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8 Erasing 76 Crimes, ‘Cameroon: Professor under fire for homophobic remarks’, 4 April 2019, url.
9 ILGA World, ‘State sponsored Homophobia- 2019’ (p313), March 2019, url.
10 UN, ‘Concluding observations on the fifth periodic report of Cameroon’, 18 December 2019, url.
hostile, four had a “mixed” position and two had favourable approaches to these issues.”

4.2.4 Erasing 76 Crimes reported in May 2019 that:

‘Although Cameroon revised its criminal code in 2016, the provisions that penalizes same-sex relationships were unfortunately kept intact. In the international arena, Cameroon has rejected all recommendations on issues of sexual orientation and gender identity. Even so, there is some political will to eradicate HIV from key population groups and the National Health Plan 2018-2022 identifies men who have sex with men (MSM) and trans women as a vulnerable population.’

4.2.5 An Immigration and Refugee Board of Canada (IRBC) response of May 2019, based on a range of sources, several of which originally in French, stated:

'[Quoting a sexual minority rights NGO and Human Rights Watch]
“Cameroon prosecutes people for consensual same-sex conduct more aggressively than almost any country in the world”

4.2.6 The Freedom House Freedom in the World Report 2019 noted: ‘LGBT (lesbian, gay, bisexual, and transgender) people …are generally excluded from political processes, and their interests are poorly represented by elected officials.’

4.3 Arrests, prosecutions, detention and state discrimination

4.3.1 An October 2017 Joint NGO report, The Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon, and submitted to the United Nations Human Rights Committee noted:

‘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. 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. 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

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14 Erasing 76 Crimes, ‘Slow or no progress in Central Africa’, 20 May 2019, url.
16 IRBC, ‘Cameroon: Situation of sexual minorities…’ (section 2), 8 May 2019, url.
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."  

4.3.2 The same 2017 Joint NGO report also noted that:

'Civil society organizations based in Cameroun 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. 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 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 Kodengu.

'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.

'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. Human rights organizations have documented several cases in 2012 and 2013. 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.” 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. 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. People under custody are also humiliated by being forced to show their genitals so police officers could take photographs of them.'

4.3.3 The same report went on 'Blackmail and extortion are perhaps the most common and the least visible abuses that LGBT people are subject to in Cameroon. 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.”'  

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18 Joint NGO Report, ‘The Violations of the Rights of LGBT Individuals…’ (p.9), October 2017, [url].
19 Joint NGO Report, ‘The Violations of the Rights of LGBT Individuals…’ (p.11-12), October 2017, [url].
4.3.4 The USSD report for 2018 noted: ‘LGBTI rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroon, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others reported several arrests of LGBTI persons.’

4.3.5 The USSD report also stated that ‘In practice, security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. This practice and the fear it generated in turn restricted access to HIV/AIDS services. Anecdotal reports also suggested some discrimination occurred in places of employment with respect to sexual orientation.’

4.3.6 The Human Rights Watch World Report covering events in 2018 noted:

‘Police and gendarmes continued to carry out arrests and harassment of people they believe to be lesbian, gay, bisexual or transgender (LGBT). In April [2018], police arrested four activists and a security guard at the office of AJO [Avenir Jeune de l'Ouest], an organization that works on HIV education with men who have sex with men (MSM), and other vulnerable groups. They spent a week in jail on spurious homosexuality charges before a lawyer secured their release. Cameroonian human rights organizations documented the arrest of at least 25 other men and at least two women on homosexuality charges in the first half of 2018.’

4.3.7 The USSD Human Rights Report 2018 referring to the arrests at the AJO offices stated:

‘In an April 25 release, the Observatory for the Protection of Human Rights Defenders, in partnership with the World Organization against Torture and the International Federation of Human Rights (FIDH), denounced the arrest and arbitrary detention of five staff members of the association Avenir Jeune de l'Ouest (AJO). AJO promoted the rights of LGBTI persons with HIV and sex workers in the West Region. According to the release, men in civilian clothing from the territorial police, on April 20, arrested the executive director and two other members of AJO, including a care worker, as they were leaving the organization’s premises. On April 21, two additional care workers from the organization were arrested at their places of residence. Police did not have warrants and took the five members of AJO to the Dschang central police station, where they experienced poor detention conditions on charges related to consensual same-sex conduct. In connection with this incident, 18 other men were arrested. For the first time in many years, authorities in the West Region introduced the prospect of forced anal exams for the 23 arrestees. The men were ordered to undergo such exams, but after intense advocacy by the lawyer representing the men, together with diplomatic pressure, the matter was dropped. The men did not have access to their lawyers until April 24 [2018].’

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4.3.8 A Human Dignity Trust (HDT) website profile of Cameroon noted that in 2017 ‘LGBT NGOs, Humanity First Cameroon and Alternatives-Cameroun, claimed in a joint annual report that eight LGBT persons remained imprisoned for homosexuality in the Kondengui central prison in Yaoundé.’ 24

4.3.9 The same HDT profile stated that: ‘In May [2018], police arrested 25 men on suspicion of being gay. The arrest happened in establishments in the capital city that are known to be popular with the local gay community.’ 25

4.3.10 A Pink News article from May 2018 noted:

‘…arrests were made in the early hours of Saturday morning, as police raided institutions in the capital city of Yaoundé which are known to be popular with the local gay community.

‘The officers broke the door down at Le Mistral, a cabaret, after failing in their attempts to convince staff that they were simply customers trying to get into the locked venue.

‘One of the seven people arrested at the cabaret – which included a dancer, a waiter and security guard – said: “We informed them that the tavern was already closed, but they forced the door open.

“Then they took us [to jail] without any reason,” he added.

‘…After police carried out the raid on Saturday, they immediately moved on to a cinema often used by gay people in the area, arresting 18 moviegoers.

‘The 25 men who were arrested were then taken to the police station.

‘Police Commander Parfait Nana said that two people had been released because they were “witnesses.”

‘He promised: “The remaining 23 will be interrogated; conclusions will be reached at the close of the investigations.

““I already can reassure you that several types of violations have been identified, such as lack of a [national identity card], possession of narcotics and homosexuality.”

‘The commander said that despite the raids, he was not acting out of malice towards gay people.

““Personally, I do not judge anyone and do not condemn anyone on the basis of their sexual orientation,” he said. “However, Cameroon has laws to enforce.”

‘The remaining 23 people were interrogated and tortured for two days.

‘They were then released on Monday without charge.’ 26

4.3.11 An Immigration and Refugee Board of Canada request response dated May 2019 based on a range of sources, mostly Cameroonian NGOs reporting in French, noted:

24 Human Dignity Trust, ‘Cameroon’ (Section Enforcement), undated, url.
25 Human Dignity Trust, ‘Cameroon’ (Section Enforcement), undated, url.
'Sources report that arrests are made arbitrarily or in violation of the Criminal Procedure Code. A joint report published in February 2019 by sexual minority rights NGOs Alternatives Cameroun and Humanity First Cameroon, in collaboration with four other NGOs, including Alcondoms Cameroun, documents 56 cases of arbitrary arrests and 4 cases of imprisonment and criminal convictions in 2018.

‘According to sources, arrests and prosecution are based on suspicion rather than evidence. The joint report by Cameroonian civil society organizations reports that [translation] “prosecution is regularly based on a neighbour’s or stranger’s information, [and] stereotypes such as clothing and conduct are included as evidence of the charge of homosexual acts”.'  27

4.3.12 Some prosecutions may be as a result of male rape in conflict rather than gay and bisexual men who are prosecuted for having same sex relations, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) June 2019 report noted:

‘A rapid GBV [gender based violence] risk assessment in the NW [north west region] during this reporting period reveals that persons in crisis affected communities continue to suffer sexual violence, especially rape targeting women, girls and boys. There has been a major challenge in prosecuting cases of rape of young men as the definition of the Cameroon penal code does not provide for rape of men. Over the past months, lawyers have resorted to using ‘forced homosexuality’ as grounds for prosecution in such cases.’  28

4.3.13 An article by World Politics Review in August 2019 stated that: ‘Arrests under Article 347 bis still appear to be all too common. Though comprehensive nationwide totals are unavailable, for several years Human Rights Watch referred to Cameroon as the country that arrested more sexual minorities than any other in sub-Saharan Africa.’  29

4.3.14 The Foreign and Commonwealth Office in its travel advice for British Citizens, updated 28 August 2019, the summary stated that: ‘Homosexuality is not widely accepted in central African society and sexual acts between members of the same sex are illegal in Cameroon. There were arrests and prosecutions of homosexuals in the past.’  30

4.3.15 Further details of homosexuality prosecutions can be found in the 2013 Human Rights Watch articles Cameroon: Rights Abuses in ‘Homosexuality’ Prosecutions and Guilty by Association Human Rights Violations in the Enforcement of Cameroon’s anti-homosexuality law

4.4 Police action and behaviour

4.4.1 An Erasing 76 Crimes article from September 2018 reported that a cross-dresser was attacked by a police officer in northwest Cameroon.  31

27 CIRB, ‘Cameroon: Situation of sexual minorities…’ (section 2), 8 May 2019, url.
28 OCHA, ‘Cameroon: North-West and South-West Situation Report’ (p7), 30 June 2019, url.
29 World Politics Review, ‘For Cameroon’s LGBT Activists…’, 20 August 2019, url.
4.4.2 The US State Department Country Report on Human Rights Practices 2018 – Cameroon (USSD Human Rights report for 2018) stated ‘Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.’

4.4.3 An Immigration and Refugee Board of Canada request response dated May 2019 based on a range of sources, mostly Cameroonian NGOs reporting in French, noted:

‘The joint report by Cameroonian civil society organizations reports that [translation] The President of Alcondoms Cameroun stated that [translation] "most" legal proceedings for same-sex relations [translation] have been marked by serious violations of human rights, such as acts of torture, extorted confessions, denial of access to legal assistance, and discriminatory treatment from law enforcement officers and judicial authorities.’

‘…a representative of the Central Africa Human Rights Defenders Network (Réseau des défenseurs des droits humains en Afrique Centrale, REDHAC), based in Douala, stated that Cameroonian authorities [translation] “are, in the main, the tormentor of sexual and gender minorities instead of performing their function of protecting populations”’.

‘…Sexual minorities cannot go to the police for violations because even when they are the complainants, once their sexual orientation is disclosed to the investigators, the victims become the perpetrators, and when they are not victims of scams by judicial police officers, the reason for their complaint is changed to “homosexuality” and they are incarcerated.’

4.4.4 Further examples of police behaviour can be found in the 2013 Human Rights Watch article Cameroon: Rights Abuses in ‘Homosexuality’ Prosecutions

4.5 Ombudsman/complaints' mechanisms

4.5.1 An Observatory for the Protection of Human Rights Defenders 2015 report noted:

4.5.2 ‘The National Commission for Human Rights and Liberties (CNDHL) is nearly the only state institution in Cameroon whose role is to promote and protect human rights. Human rights defenders quite rightly based all their hopes on this commission. Unfortunately it lacks resources and independence from the Executive Power with which it often agrees on the (non) protection of defenders of the human rights of LGBTI persons, despite the potential it has for action thanks to its strong mandate and its flexible structure.

‘The National Commission for Human Rights and Freedoms (CNDHL) in Cameroon was created through Law No. 2004/015 of 22 July 2004. It is said

33 IRBC, ‘Cameroon: Situation of sexual minorities…’ (section 2), 8 May 2019, url.
to be independent; its mandate includes consultation, observation, evaluation, dialogue, meetings, promotion and protection in the field of human rights and freedoms.

‘CNDHL is composed of four specialised sub-commission… Sub-Commission 4 on special issues can work on protection for human rights defenders who are subjected to threats, intimidation and reprisal because of their efforts to guarantee access to human rights for everyone, without discrimination, including discrimination based on sexual orientation and gender identity.

‘The 2012 Annual Report shows that CNDHL activities in support of LGBTI persons and LGBTI persons’ rights defenders were limited or almost non-existent.

‘…in its June 2013 report on the state of human rights in Cameroon in 2012, the Commission did not hide its refusal to protect LGBTI people “as long as sexual relations between people of the same sex is considered illegal”. Furthermore, the Commission asserted that “homosexuals living in Cameroon are not stigmatised nor systemically sanctioned because of their sexual orientation”. In his response to the press release by Amnesty International following the publication of a report that pointed to the persecution of homosexuals in various neighbourhoods and in the prisons, the President of the Commission explained that “the position of the CNDHL is similar to that of the nation (the government)”, notwithstanding the independence granted to the Commission by the law that created it.’ 34

4.6 Government recognition of LGBTI NGOs

4.6.1 The International Journal of Not-for-Profit Law Cameroon country report noted:

‘On December 22, 1999, the President of the Republic of Cameroon signed a new law affecting NGOs, which had been passed by the National Assembly in November. This new law, No. 99/014, regulates NGOs in Cameroon, known in French as “Organisations Non Gouvernementales.” NGOs or ONGs are now subject to a special regime, which requires them to enter into an agreement (agrément) under which they become entitled to pursue aims that are in the public interest (intérêt général) and receive certain tax benefits.’ 35

4.6.2 A joint NGO report from 2017 noted:

‘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.

34 OMCT, ‘Cameroon Homophobia and Violence Against Defenders…’ (p14-15), February 2015, url.
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.”

5. Societal attitudes and treatment

5.1 Societal norms and public opinion

5.1.1 An Afrobarometer survey from 2016 of tolerance of homosexuals indicated that only 11% of respondents in Cameroon would “strongly like,” “somewhat like” or “not care” if they lived next to homosexuals.

5.1.2 A Rights Africa article from December 2018 noted:

“A…list of 82 alleged homosexuals is spreading in Cameroon, published anonymously and distributed electronically through social networks.

'It began on Dec. 11 [2018] as a PDF document attached to electronic messages with the title “List of gays in Cameroon and a portion of their dirty deeds.”

'The list arrived 15 years after the newspaper Anecdote published a similar list that ruined the lives and reputations of 50 Cameroonian homosexual citizens and their families. In that case, the public response led the Paul Biya, the president of Cameroon, to speak out to calm outraged public sentiments.

'LGBT community members nervously opened the latest document to see if their names were there, which would mean they had suddenly become vulnerable to homophobic attacks on their lives, families and careers. The list outed many gay men who had been living discreetly in Yaoundé and Douala.

'This month’s list attacked Christians and Muslims; employees of the telecommunications firms Camtel, MTN and Orange Cameroon; workers at the CUD community development agency and the business services firm Intelcia; a jeweler, a banker, a hairdresser, a doctor, a decorator, a dancer, a nightclub manager, a merchant, a pharmacist and a photographer among others.

'In Cameroon, the previous list of this kind was distributed last year through the same channels, especially WhatsApp. A radio host who was on that list confided that he became depressed after finding his name on the list, endured hostile comments from his colleagues and a few months was removed from his show.

'None of the people on the last list are listed again on the new list. It’s new people every time.

'For the first time, the new list includes the names of LGBT rights activists and AIDS fighters. One of them is Yannick Ndomo, a human rights activist in Cameroon.”

the LGBT community since 2011, who has worked in a Global Fund program combating AIDS and tuberculosis among men who have sex with men.

‘This year’s list includes minors who are dependents still living with their parents. In Cameroon, parents often evict children if they learn that the children are gay. Gay youths end up on the streets, cut off from the schools they had been attending, depressed or contending with other mental health problems.

‘…In Cameroon, the latest lists have not been published by a newspaper that could be sued. Instead they appear on WhatsApp, where human rights activists do not know how to block them.’

5.1.3 Mamba Online.com reported that a female Cameroonian footballer was in January 2019 thrown out of her team because she was a lesbian. The decision was consequently upheld by the Cameroon National Football Federation.

5.1.4 Reporting on homophobia in the media in July 2019 Erasing 76 Crimes highlighted a popular TV channel ‘Vision 4’ and its show called “Tour d’Horizon” which debates social issues. Journalists on the show have described homosexuality as “against nature” and as being something alien imposed from the West.

5.1.5 An Erasing 76 Crimes article from July 2019 stated: ‘Among all LGBTI people in Cameroon, transgender Cameroonians are the most persecuted physically and psychologically because their gender identity often is visible. In response to transphobic attacks, organizations such as Transamical or Transigeance Cameroon have sprung up in Yaoundé, the nation’s capital.’

5.1.6 ILGA in their State sponsored homophobia 2019 report stated

‘Discourses on issues of sexual orientation remain extremely hostile in Cameroon. In October 2018, a science text book of life and the Earth, destined for fifth grade classes caused a scandal. In it “homosexuality” was characterised as “deviant”[…] The rationale presented for this content was the protection of children. A local NGO made their own argument and denounced the book as a “criminal initiative” that pretended “to promote zoophilia and homosexuality” following the UN agenda, plunging Cameroonian society into sexual immorality’.

5.2 Treatment of intersex persons

5.2.1 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) - State sponsored homophobia 2019 included a “Local Perspective Essay” written by Joachim Ntetmen for ILGA World. The essay noted:

‘Issues related to intersex people have rarely been addressed officially and remain little-understood within and outside the LGBTI community. However,
over the past two years intersex persons have started to organise in the city of Douala and already have at least 30 members, and their work in part is to draw attention (through documentation) to the discrimination and violence they experience. There are many cases of hastily-done and unnecessary surgeries that are often harmful to an individual’s wellbeing, and that have been carried out without consent.”

5.3 Violence and discrimination

5.3.1 The Joint NGO submission to the UN Human Rights Committee of 2017 stated

‘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, 9 cases in 2015 and 20 cases in 2016). Also, civil society organizations documented two cases of attempted homicide, and two unexplained homicides in 2015. 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.”

5.3.2 An Erasing 76 Crimes article from June 2018 noted:

‘In Cameroon, violent homophobes attack LGBT people, but they don’t stop there. They also attack the families of LGBT people.

‘Cameroonian LGBT rights activist Dominique Menoga fled to France for his life in 2012 and was granted asylum there. Now three members of his family are also seeking asylum to escape the persecution they face in Cameroon because of their association with him.’

5.3.3 Reuters reported in October 2018 that ‘Almost 600 homophobic attacks and violations were reported in Cameroon last year [2017], according to Humanity First Cameroon [Facebook website in French], an LGBT+ umbrella organization, with one in five lesbians and one in 10 gay men reporting that they had been raped. Campaigners say the true scale of the problem is likely to be much worse as most attacks go unreported.”

5.3.4 Erasing 76 crimes reported that in December 2018, an anonymously published list of 82 persons accused of being “homosexuals” was circulated through social media: this outraged many individuals who had been living discreetly in Cameroon.

5.3.5 A Rights Africa article from December 2018 reported that police were called to the home of a homosexual man whose partner was being violently

45 Erasing 76 Crimes, ‘Cameroon: Anti-gay attackers target families too’, 1 June 2018, url.
46 Reuters, ‘Lesbian ‘witches’ chained and raped by families…’, 2 October 2018, url.
attacked in the street in the early hours of the morning after being mistaken for a thief by a family member. Due to the volatile mood of neighbours and family the couple were forced to admit that they were a couple and when police arrived they were subsequently arrested on charges of homosexuality. Both were released after several days after paying a fine and one of the men lost his job when his employer found out about the charges against him.  

5.3.6 The US State Department Country Report on Human Rights Practices 2018 – Cameroon (USSD Human Rights report for 2018) stated ‘LGBTI individuals received anonymous threats by telephone, text message, and email, including of “corrective” rape, but authorities did not investigate allegations of harassment. Civil society members stated there were also cases where LGBTI individuals underwent corrective rape, sometimes through the facilitation of the victim’s own family.’

5.3.7 Rights Africa reported in January 2019 that the premises of a gay advocacy organisation in Kribi (South coast Cameroon) was partly set on fire by a group of youths which resulted in the cancellations of a gay pride celebration.

5.3.8 The Freedom House 2019 Freedom in the World Report noted that ‘Discrimination against the LGBT community is rife, and violence against LGBT people is not uncommon.’

5.3.9 An Erasing 76 Crimes article from July 2019 reported on a violent attack on the leader of Cameroons transgender community. The victim was beaten by an unknown group, stripped naked and left for dead. She was unable to return to her home following the attack. Her landlord said “This apartment in my establishment is not a refuge for faggots. I value my reputation and the morality of the place.”

5.3.10 Reuters reported in October 2018 of cases of family violence against lesbian women who were chained and raped after their families found out about their sexuality. The article stated ‘Almost 600 homophobic attacks and violations were reported in Cameroon last year, according to Humanity First Cameroon, an LGBT+ umbrella organisation, with one in five lesbians and one in 10 gay men reporting that they had been raped. Campaigners say the true scale of the problem is likely to be much worse as most attacks go unreported.’

5.3.11 Erasing 76 Crimes reported in June 2019 that a 27 year old Cameroonian woman had been thrown out of her brothers home where she lived after he suspected her of being a lesbian and on 30 August 2019 the parents of two

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54 Reuters, ‘Lesbian ‘witches’ chained and raped by families…’, 2 October 2018, url.
56 Erasing 76 Crimes, ‘Cameroon man evicts sister over fear that she’s a lesbian’, 24 June 2019, url.
men decided to stop paying for their sons’ education after they discovered that they were gay.57

5.3.12 Also in June 2019 Erasing 76 Crimes reported that: ‘In April [2019] when a Cameroonian man learned that his common-law wife was attracted to women, he assaulted her, raped her lover and threatened to kill them both.’58

5.3.13 Erasing 76 Crimes reported in August 2018 that 20-year-old Kenfack Tobi Aubin Parfait was beaten to death by his older brother who believed he was gay. The report stated that: ‘Family members expressed relief that they no longer will need to live with the gay brother. The case has not gone to court. It is currently in the hands of law enforcement authorities.’59

5.3.14 The IRBC response of May, citing various NGO source material reported in French, noted:


5.3.15 ILGA in their State sponsored homophobia 2019 citing HRW and The Guardian stated:

‘In 2013, Eric Ohena Lembembe who was a prominent gay human rights activist and who headed the AIDS advocacy group Camfaids, was found dead in his home with his limbs and face burnt after a slew of attacks on human rights defenders in the country. No one has been arrested or convicted for his murder. In 2014, a gay man who had been jailed for sending a text message saying “I’m very much in love with you” was also found dead in prison after his family had removed him from a hospital where he was receiving medical treatment. A 2016 Human Rights Watch report documented cases of forced anal examinations by the authorities conducted on men arrested on suspicion of engaging in same-sex sexual conduct.’61

5.4 Anti-LGBTI protests

5.4.1 The ILGA 2019 report stated, ‘In January 2019 […] a group of anti-gay youths shut down a gay advocacy organisation after they set part of the group’s office on fire, and forced the cancellation of a planned gay pride celebration.’62
5.5 Pro-LGBTI marches/gay pride

5.5.1 CPIT was not able to find specific evidence of any planned or historic pro-LGBTI or gay pride marches in the sources consulted (see Bibliography).

5.6 Gay ‘scene’ or ‘community’

5.6.1 News stories from different sources indicated the existence of gay friendly venues in Yaoundé and Doula but often in the context of the arrest of persons present.\(^{63}\)\(^{64}\)\(^{65}\)

5.7 Religious attitudes/treatment

5.7.1 A joint NGO report noted that ‘Discrimination against LGBT people in Cameroon is very common, and religious leaders […] 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.’\(^{66}\)

5.7.2 A February 2018 article on the Religion News Service (RNS) website stated:

‘…many LGBTQ people in Cameroon have trouble reconciling their faith and sexuality. Nickel Liwandi, executive director of the Cameroonian Foundation for AIDS, attributes this to religious leaders’ hardline speech and Cameroonian law, which represses intimate relationships between people of the same sex.

‘Cameroon is a secular country in which many religions live side by side. Of the country’s 23 million people, nearly 69 percent are Christian (mostly Catholic and Protestant), 21 percent are Muslim and 6 percent are animists.

‘The Catholic Church, Cameroon’s largest Christian denomination, produced in 2013 an official Declaration of the Bishops of Cameroon on Abortion, Homosexuality, Incest and Sexual Abuse of Minors in which they called on “all believers and people of good will to reject homosexuality and the so-called ‘gay marriages’ and to accompany those who are inclined towards homosexuality and homosexuals by means of prayer, spiritual follow-up and compassion, in view of their conversion.”

‘This same statement added: “homosexuality is not a human right but a disposition that seriously harms humanity because it is not based on any value intrinsic to human beings; ‘it is an abomination’.”

‘Cameroon’s Muslim communities have not issued official joint declarations on homosexuality, but some imams have addressed the subject during important holidays and celebrations. In 2016, during a sermon for Eid al-Adha, Sheikh Mubarak Mbombo Ibrahim, the national president of

\(^{64}\) Rights Africa, ‘Cameroon: Visit to gay-friendly night spot leads to arrest…’, 10 July 2018, url
\(^{65}\) Mambaonline, ‘Cameroon police raid gay bar and arrest everyone inside’, 11 October 2016, url
\(^{66}\) Joint NGO Report, ‘The Violations of the Rights of LGBT Individuals…’ (p.16), October 2017, url
Cameroon’s Conference of Imams, declared that homosexuality is a “perversion” and a “degrading practice.”

“Recently, several NGOs, including Humanity First Cameroon, have started initiatives to raise awareness of LGBTQ issues among religious leaders.

“We want to act with opinion leaders to address homophobic discourse. These leaders have a great influence on the lives of those who listen to them. Sometimes they are not aware of the damage their speech can cause,” said Yves Tonkeu, human rights officer at Humanity First Cameroon.

Humanity First Cameroon organizes regular meetings with religious leaders of the country’s main denominations to discuss the consequences of their speech.

Representatives from Humanity First Cameroon and other NGOs working in this space, including Alternatives Cameroon, said they appreciate the fact that religious leaders are beginning to interact with men who have sex with men and lesbians, even if their discourse remains mostly unchanged.

“The change will be gradual. In the meantime, we are working to strengthen the minds of gay people and restore their self-esteem,” said Paul Thierry Mbida, a member of Humanity First Cameroon.”

6. Recorded incidents of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

6.1 The following sources have provided data around incidents of sexual, psychological and physical violence towards LGBTI persons in Cameroon. However, it should be noted that it was not always obvious if the perpetrator was a representative of the state or society in general.

6.1.2 The USSD report for 2018 noted: ‘In a midterm report covering the period from January to May [2018], Alternatives Cameroon recorded 64 cases of violence against LGBTI individuals, including three cases of arbitrary detention, 30 cases of psychological violence, one case of sexual violence, 18 cases of physical violence, and 12 cases of blackmail and extortion.’

6.1.3 The IRBC response of May, citing various NGO source material reported in French, noted:

‘The February 2019 joint report states that there is widespread homophobia’ in Cameroon (Alternatives Cameroun, et al. [Feb. 2019], 6).


report adds that members of sexual minorities are also victims of intimidation, humiliation and harassment” (Civil society Oct. 2017, 11).

‘According to sources, the mistreatment of sexual minorities is reported on a daily basis (Alcondoms Cameroun 4 Apr. 2019), or “almost daily” (REDHAC 4 Apr. 2019). The President of Alcondoms Cameroun stated that there has been an increase in homophobia in recent years, both among law enforcement officials and within society in general (Alcondoms Cameroun 4 Apr. 2019). Similarly, the REDHAC representative stated that violations based on sexual orientation and gender identity appeared to be calming down in 2016, when we documented fewer cases, but there was an increased prevalence of violations in 2017 and 2018” (REDHAC 4 Apr. 2019).

‘Sources report that there is a high incidence of physical violence towards sexual minorities (Human Rights Watch 17 Jan. 2019; ILGA Mar. 2019, 314). According to the President of Alcondoms Cameroun, “the types of violence noted range from arson of homes to burglaries to violence causing death. Threats and intimidation by SMS or through social media are routine” (Alcondoms Cameroun 4 Apr. 2019). The February 2019 joint report notes that sexual minorities are also victims of blackmail (Alternatives Cameroun, et al. [Feb. 2019], 6). The same report identifies the following cases of violations other than arbitrary arrest or detention in 2018:

- ‘Extortion, scams or blackmail: 198 cases;
- ‘Physical violence: 204 cases (including assaults, “inhumane treatment,” injury to physical integrity and torture);
- ‘Sexual violence: 8 cases;
- ‘Psychological violence: 509 cases;
- ‘Hate speech: 152 cases (including misinformation and promotion of hatred and violence);
- ‘Murder: 3 cases (Alternatives Cameroun, et al. [Feb. 2019], 10)...

‘According to the same source, 2018 was particularly marked by an increase in the number of violations compared to previous years: there were 1,134 cases of violations of rights of sexual minorities reported in 2018, as compared to 578 in 2017 (Alternatives Cameroun, et al. [Feb. 2019], 17).’

6.1.4 The ILGA 2019 report stated

‘In 2018, five LGBTI human rights defenders were arrested at a youth centre run by the Avenir Jeune de l’Ouest (Youthful Future of the West) and ordered to undergo anal exams after they were released on bail. […] A UN joint (12 CSOs) shadow report of October 2017, documented cases of extortion and blackmail by police officers based on perceived or actual sexual orientation, noting at least 67 cases in 2016. A media report in October 2018 highlighted cases of family violence against lesbian women who were chained and raped after their families found out about their sexuality. Four cases of “corrective rape” were documented in 2014, and

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69 IRBC, ‘Cameroon: Situation of sexual minorities…’ (section 3), 8 May 2019, url.
seven cases in 2016. In December 2018, a list of persons accused of being “homosexuals” was disseminated through social media: this outed many individuals who had been hiding their identities.\footnote{ILGA World, ‘State sponsored Homophobia- 2019’ (p313), March 2019, \url{url}.}

## 7. LGBTI groups, civil society and human rights NGOs

### 7.1.1 Largely translated sources in an Immigration and Refugee Board of Canada request response from May 2019 noted:

‘According to the Humanity First Cameroon representative, sexual minorities can turn to a number of NGOs. The President of Alcondoms Cameroun stated the following:

‘...

‘There is an observation platform made up of more than 25 organizations [in relation to sexual and gender identity] across the country that, with support of local and foreign partners, have developed a monitoring system to report, document and follow cases of violations recorded in the country.

‘The group has been effective in terms of documentation and in monitoring cases of violations identified in the four major regions of Cameroon.

‘However, according to the representative of Humanity First Cameroon, the NGOs are primarily located in Yaoundé and Douala and have a minimal presence in other parts of Cameroon.

‘Sources indicate that the following organizations actively advocate for the rights of sexual minorities:

‘Alternatives Cameroun, Avaf [Association pour la valorisation de la femme, Association AVAF] and Humanity First Cameroon;

‘Camfaids, Affirmative Action, and WIFC [Women in Front Cameroon (WIFC), Transamical, Positive Vision and Transigeance;


‘According to the representative of Humanity First Cameroon, the various organizations

‘[translation]

‘offer violence prevention programs on some very specific topics, such as “how to behave in the event of an arbitrary arrest.” They also provide legal support to people involved in legal proceedings due to their real or presumed sexual orientation. They are all involved in advocacy activities with the aim of fostering a positive environment.

‘The Alcondoms Cameroun representative also said that members of his organization [translation] “provide legal assistance to people who are convicted because of their sexual orientation, work to prevent AIDS, and
support people who have been rejected by family and friends because of their sexual orientation”. The same source explained that numerous NGOs [translation] “are trying to change mindsets and reduce discrimination in society in general through advocacy programs that are run and funded by [NGOs] and foreign donors”. According to the February 2019 joint report, the organizations that participated in writing the report

'[translation]

‘often provided assistance to people who had been arrested and tried, as much as possible, to limit the impact of other abuse and rights violations by providing medical, psychosocial and legal assistance. Half of the cases of violence receive a response. Documentation that is increasingly rigorous helps to measure how the situation is evolving.

‘However, the same report adds that [translation] “there were activities to educate LGBTI [persons] about their rights, but the desired outcomes have not been achieved,” and sexual minorities are still ill-informed on this topic.’71

7.1.2 The International Lesbian and Gay Association (ILGA) listed member organisations for Cameroon:

‘ACHREDHO-CAMEROUN
‘ACODES-Cameroun - Sex Workers
‘ADEFHO
‘Alternatives-Cameroun
‘Association Espoir Plus
‘Association de Lutte - violences aux Femmes
‘Avenir Jeune de l'Ouest (AJO)
‘COLIBRI
‘Cameroonian Foundation For AIDS - CAMFAIDS
‘GIC ASSISTANCE AUX PERSONNES EN DETRESSE (associate member)
‘Humanity First Cameroon
‘Les adolescents contre le sida
‘Rainbow cooperation limited
‘SID ADO
‘Singaboud
‘Working for our Wellbeing.’72

7.1.3 Erasing 76 Crimes reporting on a newly formed trans advocacy network stated that:

‘Cameroon’s National Strategic Plan for the Fight Against HIV / AIDS has identified transgender people as among those who are most highly vulnerable to the disease. Several recent surveys have revealed some of the

71 CIRB, ‘Cameroon: Situation of sexual minorities…’, (section 4), 8 May 2019, url.
72 ILGA, ‘Member Organisations-Cameroon’, undated, url.
reasons: The trans community is strongly affected by extreme poverty and exclusion, which combine with transphobic violence and discrimination to increase its exposure to HIV/AIDS.

‘Against this background, RITA (the TransAfrican Independent Network) has emerged with plans for change. It is a collaborative effort of Cameroonian trans associations, in particular Transamical and Transigeance.

‘Its focus is on problems of public recognition of Cameroonian trans people’s gender identities and on efforts to improve their access to education, justice and health services.

‘The network has plans for sessions to train trans leaders to be more aware of other trans Cameroonians’ problems and to prepare them to advocate for a reduction in transphobic violence and discrimination.

“‘We have created an organization dedicated to the needs and issues of transgender people in Cameroon,' says the president of RITA, who currently remains anonymous for safety. ‘Now we can show what we are capable of.'”73

7.1.4 Erasing 76 Crimes in June 2019 reported that:

‘A group of young lawyers and courtroom professionals has founded Defenders Without Borders (Défenseurs Sans Frontières, or DSF), a human rights organization working on behalf of vulnerable Cameroonian citizens, including young women, gay men and lesbians.

‘It also helps victims of discrimination and torture, people subject to arbitrary arrest, and detainees who lack legal and judicial support. Through education and advocacy, DSF aims reduce the frequency of violence and human rights violations against vulnerable people in Cameroonian society.

‘Another of its goals is the reduction of unemployment and illiteracy in the LGBTI community. Stephane Aboa, executive coordinator of DSF, says that goal also addresses the problem of LGBTI people forced to turn to prostitution to survive.

‘Officially recognized in November 2018, DSF began operation in January 2019.’74

7.1.5 An Erasing 76 Crimes from October 2019 reported that:

‘Cameroon’s LGBTI rights watchdog group is adding an advocacy office and getting a new logo.

‘The 32 LGBTI rights organizations that formed Cameroon’s human rights watchdog group, the Unity Platform, gathered recently in Yaoundé to review the organization’s operations.

‘The Unity Platform and its governing body, the National Observatory for the Rights of LGBTI People and their Advocates, began operations in 2017.

74 Erasing 76 Crimes, ‘New lawyers group fights violence and stigma in Cameroon’, 11 June 2019, url.
‘Representatives of the 32 member organizations [LGBTI rights] met Sept. 29 to Oct. 2 [2019] in an undisclosed secure setting, away from homophobic glances and hate speech.

‘The participants represented each member organization of the Unity Platform, including Camfaids, Alternatives Cameroon, Affirmative Action and Colibri, to name but a few. Human rights attorney Michel Togue was on hand to help with the discussions.

‘The gathering decided to establish an ad hoc advocacy committee that will work side-by-side with the Unity office and human rights observatory.

‘The assembly also selected a new logo from three that were proposed.

‘The vision of the Unity Platform is to build a Cameroonian society based on the values of justice, freedom, equality, democracy, tolerance and respect for individual rights as well as for socio-economic, political, civic and cultural rights. Its mission is to promote and protect the rights of LGBT+ people and their defenders, as well as to strengthen the bonds of solidarity and the capacities of LGBT+ organizations.

‘It aims to create a national space for consultation and sharing experiences on strategies for the protection of human rights linked to sexual orientation and gender identity.

‘Its activities include collecting reports about gender-based violence and producing an annual report about human rights violations in Cameroon.’

8. Access to services

8.1 Overview

8.2 Health programmes

8.2.1 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) - State sponsored homophobia 2019 included a ‘Local Perspective Essay’ written by Joachim Ntetmen for ILGA World. The essay noted:

‘In terms of progress, although timid, the state response to HIV with men who have sex with men (MSM) has been included in the national HIV plans since 2011, and more recently, the 2018-2022 National HIV Plan also includes trans persons. Issues related to gender identity are achieving more visibility and a number of trans organisations have consolidated: it was their efforts that ensured inclusion, and recognition of specific vulnerability to HIV

75 Erasing 76 Crimes, ‘Cameroon’s Unity human rights watchdog project…’, 25 October 2019, url.
exposure, of trans persons in National HIV Plan. Further, these strategies now include a human rights perspective, access to care is a battle far from being won. Lesbians and bisexual women, for example, remain ignored and invisible in health programs.\textsuperscript{77}

8.2.2 Human Rights Watch’s Submission to the Committee on Economic, Social and Cultural Rights on Cameroon noted in 2019 that:

‘Cameroon’s laws deny LGBT people access to the highest attainable standard of physical and mental health. The criminalization of consensual same-sex conduct... infringes on the right to health of people who are sexual and gender minorities. Studies demonstrate that laws criminalizing same-sex intimacy pose barriers to HIV prevention, care, and treatment services.

‘...The Joint United Nations Programme on HIV/AIDS (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.

‘Men who have sex with men (MSM) and transgender women are not adequately reached by current government prevention programs. Cameroon’s National AIDS Control Committee conducted its first study of HIV prevalence rates among MSM in 2011, in the cities of Douala and Yaoundé. It found extraordinarily high prevalence rates – 24% in Douala and 44% in Yaoundé – indicating the urgent need to target MSM in HIV/AIDS prevention efforts. Cameroon’s 2018-2022 National Strategic Plan on HIV/AIDS and sexually transmitted infections (STIs) called for government efforts to target MSM, though it makes no reference to transgender women, another vulnerable group. It also raises concerns regarding the “tightening of the legislative and social environment” with regard to MSM as an obstacle to care, but does not specifically call for decriminalization of same sex relations. The UN Special Rapporteur on the Right to Health has called for the decriminalization of homosexual sex as an essential step in ensuring the right to the highest attainable standard of health is upheld.\textsuperscript{78}

8.3 Accommodation, employment and education

8.3.1 The USSD report for 2018 noted that ‘Anecdotal reports also suggested some discrimination occurred in places of employment with respect to sexual orientation.’\textsuperscript{79}

8.3.2 CPIT was not able to find other specific information on LGBTI persons access to accommodation, employment and educational services in the sources consulted (see Bibliography).
Terms of Reference

A ‘Terms of Reference’ (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office’s Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Legal context**
  - Constitution
  - Legislation
  - Criminal/Penal code

- **State attitudes and treatment, incl. the law in practice**
  - Arrests and detention of LGBTI persons and prosecutions for same sex acts and other offences
  - Police violence
  - Police responses to reports of anti-LGBTI violence

- **Societal attitudes and treatment**
  - Societal norms
  - Violence and discrimination
  - Anti-LGBTI protests
  - Pro-LGBTI marches/gay pride
  - Gay ‘scene’ or ‘community’

- **Access to services**
  - Healthcare
  - Accommodation
  - Employment and Education

- **LGBTI groups, civil society and human rights NGO’s**

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Sources cited


Erasing 76 Crimes,


Human Rights Watch (HRW),


International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)


Mambaonline.com,


Rights Africa,


United Nations,


Sources consulted but not cited


Immigration and Refugee Board of Canada, ‘Cameroon: Whether a Commissioner of Oaths or a notary public would notarize a statement or swear an affidavit regarding an individual's sexual orientation; documentation filed by police upon arrest for


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Version control

Clearance

Below is information on when this note was cleared:

• version 1.0
• valid from 11 February 2020

Changes from last version of this note

Updated country information
TAB 6
Responses to Information Requests

Responses to Information Requests (RIR) are research reports on country conditions. They are requested by IRB decision makers.

The database contains a seven-year archive of English and French RIR. Earlier RIR may be found on the European Country of Origin Information Network website.

Please note that some RIR have attachments which are not electronically accessible here. To obtain a copy of an attachment, please e-mail us.

Related Links

- Advanced search help

CMR106270.FE

Cameroon: Situation of sexual minorities, including legislation, treatment by authorities and society, state protection and support services (2017-April 2019)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation


Section 3471 of the Penal Code of Cameroon, enacted by Law No. 2016/007 of 12 July 2016, provides as follows:

[Cameroon English version]
SECTION 347-1: Homosexuality

Whoever has sexual relations with a person of the same sex shall be punished by imprisonment for from 6 (six) months to 5 (five) years and a fine of from CFAF [CFA francs] 20 000 (twenty thousand) to CFAF 200 000 (two hundred thousand) [C$46 to C$460]. (Cameroon 2016)

Sources also comment on section 83 of Law No. 2010/012 of 21 December 2010 Relating to Cybersecurity and Cybercriminality (Alternatives Cameroun, et al. [Feb. 2019], 6; UN 30 Nov. 2017, para. 13), which criminalizes [UN English version] “the sexual propositioning of an adult of the same sex by means of electronic communication” (UN 30 Nov. 2017, para. 13). This section of law reads as follows:

[Cameroon English version]

Section 83. (1) Whoever uses electronic communication devices to make sexual proposal to a person of the same sex shall be punished with imprisonment from 01 (one) to 02 (two) years or a fine of from 500,000 (five hundred thousand) to 1,000,000 (one million) CFA francs [C$1,143 to $2,286] or both of such fine and imprisonment.

(2) The penalties provided for in subsection (1) above shall be doubled if sexual proposals are followed by sexual intercourse. (Cameroon 2010)

2. Application of Legislation and Treatment by Authorities

Sources report that arrests are made arbitrarily (Humanity First Cameroon 29 Mar. 2019; Alcondoms Cameroun 4 Apr. 2019; Alternatives Cameroun, et al. [Feb. 2019], 6), or in violation of the Criminal Procedure Code (Alcondoms Cameroun 4 Apr. 2019; Alternatives Cameroun, et al. [Feb. 2019], 6). A joint report published in February 2019 by sexual minority rights NGOs Alternatives Cameroun and Humanity First Cameroon, in collaboration with four other NGOs, including Alcondoms Cameroun, documents 56 cases of arbitrary arrests and 4 cases of imprisonment and criminal convictions in 2018 (Alternatives Cameroun, et al. [Feb. 2019], 10).

According to sources, arrests and prosecution are based on suspicion (Humanity First Cameroon 29 Mar. 2019) rather than evidence (Freedom House 30 Jan. 2019; Alcondoms Cameroun 4 Apr. 2019). The joint report by Cameroonian civil society organizations reports that [translation] “prosecution is regularly based on a neighbour’s or stranger’s information, [and] stereotypes such as clothing and conduct are included as evidence of the charge of homosexual acts” (Civil society Oct. 2017, 11).

The President of Alcondoms Cameroun stated that [translation] “most” legal proceedings for same-sex relations [translation] have been marked by serious violations of human rights, such as acts of torture, extorted confessions, denial of access to legal assistance, and discriminatory treatment from law enforcement officers and judicial authorities. (Alcondoms Cameroun 4 Apr. 2019)

A joint report prepared by 12 NGOs advocating for sexual minority rights in Cameroon, including Alcondoms Cameroun, submitted to the UN Committee Against Torture in October 2017, also notes that sexual minorities are subject to mistreatment, extortion and torture by police and provides details on several cases that have occurred over the past few years (Acodevo, et al. Oct. 2017, 14-17).

In correspondence with the Research Directorate, a representative of the Central Africa Human Rights Defenders Network (Réseau des défenseurs des droits humains en Afrique Centrale, REDHAC), based in Douala, stated that Cameroonian authorities [translation] “are, in the main, the tormentor of sexual and gender minorities instead of performing their function of protecting populations” (REDHAC...
Similarly, the representative of Humanity First Cameroon, a Cameroonian organization dedicated to the fight against HIV that supports people living with HIV (PLWH) and promotes human rights, stated, in correspondence with the Research Directorate, that the government [translation] “contributes to the oppression” of sexual minorities, adding that “there is no antidiscrimination legislation” in Cameroon (Humanity First Cameroon 29 Mar. 2019). According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), during the 3rd cycle of the Universal Periodic Review of the country before the UN in 2018, Cameroon “functionally rejected” recommendations in relation to the treatment of sexual and gender minorities, including those related to discrimination (ILGA Mar. 2019, 314). Cameroon’s civil society report of October 2017 adds that Cameroon’s National Commission on Human Rights and Freedoms (Commission nationale des droits de l'homme et des libertés, CNDHL) does not provide protection of sexual minority rights, rather [translation] “the Commission reaffirms, when necessary, that its position, on the issue of homosexuality ... is similar to that of the government” (Civil society Oct. 2017, 7). Corroborating information could not be found among the resources consulted by the Research Directorate within the time constraints of this Response.

Human Rights Watch states that sexual minorities are harassed by the police and gendarmes (Human Rights Watch 17 Jan. 2019). The joint report prepared by 12 sexual minority rights organizations reports that, based on work by Humanity First Cameroon and Alternatives Cameroun, in 2016, the police were also responsible for 67 cases of extortion and blackmail related to sexual orientation, real or perceived (Acodevo, et al. Oct. 2017, 17). The REDHAC representative indicated that [translation]

Sexual minorities cannot go to the police for violations because even when they are the complainants, once their sexual orientation is disclosed to the investigators, the victims become the perpetrators, and when they are not victims of scams by judicial police officers, the reason for their complaint is changed to “homosexuality” and they are incarcerated. (REDHAC 4 Apr. 2019)

Similarly, the Humanity First Cameroon representative stated that [translation] “the offence of homosexuality always prevails in a complaint of assault or theft” (Humanity First Cameroon 29 Mar. 2019). The President of Alcondoms Cameroun also described a recent situation in which a member of his staff who filed
a break-in complaint was incarcerated after the thief accused the complainant of homosexuality (Alcondoms Cameroun 4 Apr. 2019). The civil society report of October 2017 states that [translation] “very often,” persons detained due to homosexual acts “are subject to sexual abuse, racketeering and segregation in prisons [and] often, even after their prison release, they are wrongfully detained by prison officials” (Civil society Oct. 2017, 11). Corroborating information could not be found among the resources consulted by the Research Directorate within the time constraints of this Response.

2.1 Health Programs

According to ILGA, lesbians and bisexual women remain “ignored and invisible in health programs” in the country (ILGA Mar. 2019, 315). According to the February 2019 joint report,

[translation]

Currently, the government’s only response to the LGBTI issue is the response to HIV among the populations. The response to HIV among MSM (men who have sex with men) has been included in national strategic plans [plans stratégiques nationaux, PSN] for HIV since 2011. The most recent, the 2018-2022 PSN, goes further by including transgender persons as vulnerable populations. (Alternatives Cameroun, et al. [Feb. 2019], 6)

ILGA mentions that the 2018-2022 PSN also includes transgender persons (ILGA Mar. 2019, 315).

3. Treatment by Society

The October 2017 civil society report adds that members of sexual minorities are also “victims of intimidation, humiliation and harassment” (Civil society Oct. 2017, 11).

According to sources, the mistreatment of sexual minorities is reported on a daily basis (Alcondoms Cameroun 4 Apr. 2019), or “almost daily” (REDHAC 4 Apr. 2019). The President of Alcondoms Cameroun stated that there has been an increase in homophobia in recent years, both among law enforcement officials and within society in general (Alcondoms Cameroun 4 Apr. 2019). Similarly, the REDHAC representative stated that violations based on sexual orientation and gender identity “appeared to be calming down in 2016, when we documented fewer cases, but there was an increased prevalence of violations in 2017 and 2018” (REDHAC 4 Apr. 2019).

Sources report that there is a high incidence of physical violence towards sexual minorities (Human Rights Watch 17 Jan. 2019; ILGA Mar. 2019, 314). According to the President of Alcondoms Cameroun, “the types of violence noted range from arson of homes to burglaries to violence causing death. Threats and intimidation by SMS or through social media are routine” (Alcondoms Cameroun 4 Apr. 2019). The February 2019 joint report notes that sexual minorities are also victims of blackmail (Alternatives Cameroun, et al. [Feb. 2019], 6). The same report identifies the following cases of violations other than arbitrary arrest or detention in 2018:

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- Sexual violence: 8 cases;
- Psychological violence: 509 cases;
- Hate speech: 152 cases (including misinformation and promotion of hatred and violence);
- Murder: 3 cases (Alternatives Cameroun, et al. [Feb. 2019], 10).

This report, which provides more details and examples, and which makes comparisons with previous years, is attached to this Response.

According to the same source, 2018 was particularly marked by an increase in the number of violations compared to previous years: there were 1,134 cases of violations of rights of sexual minorities reported in 2018, as compared to 578 in 2017 (Alternatives Cameroun, et al. [Feb. 2019], 17).

### 3.1 Differences by Group

The President of Alcondoms Cameroun stated that [translation] “repression and the pursuit of LGBT [persons] is indiscriminate” and is based on acquaintances and attitudes (Alcondoms Cameroun 4 Apr. 2019). However, other sources indicated that there are differences in how various sexual minority and gender groups are treated (REDHAC 4 Apr. 2019; Humanity First Cameroon 29 Mar. 2019; AJO 12 Apr. 2019).

According to the REDHAC representative, [translation] “lesbians experience less violence and abuse than gay men” (REDHAC 4 Apr. 2019). However, the Humanity First Cameroon representative stated that lesbians face [translation] “other forms of abuse, notably gang rape and corrective rape,” which “are rarely punished” (Humanity First Cameroon 29 Mar. 2019). Similarly, a Reuters article reports on cases of corrective rape against lesbians in Cameroon, sometimes arranged by their own families (Reuters 1 Oct. 2018).

Sources indicated that transgender individuals face dual discrimination (Alcondoms Cameroun 4 Apr. 2019; REDHAC 4 Apr. 2019), [translation] “based on their sexual orientation in addition to their gender expression” (REDHAC 4 Apr. 2019). Sources reported that transgender individuals are becoming increasingly open (Humanity First Cameroon 29 Mar. 2019; Alternatives Cameroun, et al. [Feb. 2019], 7). However, according to the representative of Humanity First Cameroon, [translation] the result has been an increase in cases of violations against them. The Cameroonian population has very little tolerance for transgender individuals. They make up the largest proportion of cases of violations that we report each year. (Humanity First Cameroon 29 Mar. 2019)
The February 2019 joint report indicates that the situation and treatment of intersex persons is not very well known: [translation] “[t]hese people are also victims of discrimination and violence, but … there is still no documentation [about them]”; the report adds that some people have undergone [translation] “precipitated and pointless operations, often harming their well-being, and without their consent” (Alternatives Cameroun, et al. [Feb. 2019], 7). However, the report also notes that [translation] “[s]ome intersex individuals voluntarily underwent operations and benefitted from a surgical campaign organized at Douala General Hospital (Hôpital général de Douala)” in 2018 (Alternatives Cameroun, et al. [Feb. 2019], 7). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3.2 Geographical Differences

According to the REDHAC representative, [translation] “throughout the country, there are reports of violence and abuse on the basis of a person’s sexual orientation and gender identity” (REDHAC 4 Apr. 2019). Similarly, in correspondence with the Research Directorate, a representative of Avenir Jeune de l’Ouest (AJO) [2], a Cameroonian NGO that defends the rights of sexual minorities, mentioned that the [translation] “overall attitude” across Cameroon is that sexual minorities are not accepted (AJO 12 Apr. 2019). According to sources, there are differences in the treatment of sexual minorities between urban regions and rural regions (Alcondoms Cameroun 4 Apr. 2019; Humanity First Cameroon 29 Mar. 2019). The REDHAC representative stated that [translation] “homophobia in urban areas is not as pronounced as it is in rural areas,” although violations are most often reported in urban areas because there are more human rights organizations (REDHAC 4 Apr. 2019). Sources indicated that mindsets are more [translation] “evolved” in urban areas (REDHAC 4 Apr. 2019; Humanity First Cameroon 29 Mar. 2019), especially in Douala and Yaoundé (REDHAC 4 Apr. 2019). Similarly, the AJO representative noted that Douala and Yaoundé are [translation] “much more open than other cities in the country” (AJO 12 Apr. 2019). According to the Humanity First Cameroon representative, in urban areas, [translation] “there is a small segment of the population” that seems to tolerate sexual minorities (Humanity First Cameroon 29 Mar. 2019). The sources attributed this difference to the efforts of sexual minority
advocacy organizations in cities (REDHAC 4 Apr. 2019; Alcondoms Cameroun 4 Apr. 2019; Humanity First Cameroon 29 Mar. 2019). According to the Humanity First Cameroon representative,

[in rural areas, since there are no mechanisms for educating people, the issue of homosexuality is directly associated with occult practices. Sexual minorities in rural regions often live apart from others and do not integrate into the community. (Humanity First Cameroon 29 Mar. 2019)]

The Reuters article also notes that some people in Cameroon think that homosexuality is linked to witchcraft or that it can be “cured” (Reuters 1 Oct. 2018).

According to the President of Alcondoms Cameroun, [translation] “there is more violence in rural areas,” owing to factors such as ignorance, religion and tradition (Alcondoms Cameroun 4 Apr. 2019). According to the REDHAC representative, [translation] “in the north, the importance of religion is a barrier to support for LGBTI persons, who are often subject to sharia” (REDHAC 4 Apr. 2019). According to the Humanity First Cameroon representative, [translation] “[t]here is not really any difference in the treatment of sexual minorities based on cultural group,” although certain cultures in northern and western Cameroon are more homophobic (Humanity First Cameroon 29 Mar. 2019). The AJO representative also mentioned that the dominant cultural norms are [translation] “more rigid in the west, north and far north” (AJO 12 Apr. 2019).

According to the AJO representative, there is little difference between English-speaking areas and French-speaking areas in terms of the treatment of sexual minorities (AJO 12 Apr. 2019). The Humanity First Cameroon representative stated that [translation] “there is not much difference between French-speaking regions and English-speaking regions, although in French-speaking areas, people seem more advanced on this topic” and most health programs for sexual minorities are located in French-speaking regions (Humanity First Cameroon 29 Mar. 2019). According to the REDHAC representative, [translation] “English-speaking areas are selfreliant and are hard to access,” which makes it difficult to intervene (REDHAC 4 Apr. 2019).

### 3.3 LGBT Support Groups
ILGA notes that attacks against advocates of sexual minority rights are “frequently” reported (ILGA Mar. 2019, 313). The President of Alcondoms Cameroun also stated that his association’s offices [translation] “have been attacked numerous times” and that

In recent years, the threats and physical attacks against advocates of the rights of [LGBTI] individuals in Cameroun have become quite concerning. (Alcondoms Cameroun 4 Apr. 2019)

According to Freedom House, LGBT organizations have been “targeted by law enforcement” (Freedom House 30 Jan. 2019). Sources indicate that in April 2018, four AJO members were arrested and detained for a week on charges of homosexuality before being released (Freedom House 30 Jan. 2019; Human Rights Watch 17 Jan. 2019). According to Human Rights Watch, a security guard for that NGO was also arrested (Human Rights Watch 17 Jan. 2019).

4. Non-Governmental Support Services

According to the Humanity First Cameroon representative, sexual minorities can turn to a number of NGOs (Humanity First Cameroon 29 Mar. 2019). The President of Alcondoms Cameroun stated the following:

[translation]

There is an observation platform made up of more than 25 organizations [in relation to sexual and gender identity] across the country that, with support of local and foreign partners, have developed a monitoring system to report, document and follow cases of violations recorded in the country.

The group has been effective in terms of documentation and in monitoring cases of violations identified in the four major regions of Cameroon. (Alcondoms Cameroun 4 Apr. 2019)

However, according to the representative of Humanity First Cameroon, the NGOs are primarily located in Yaoundé and Douala and have a minimal presence in other parts of Cameroon (Humanity First Cameroon 29 Mar. 2019).

Sources indicate that the following organizations actively advocate for the rights of sexual minorities:
According to the representative of Humanity First Cameroon, the various organizations

[translation]

offer violence prevention programs on some very specific topics, such as “how to behave in the event of an arbitrary arrest.” They also provide legal support to people involved in legal proceedings due to their real or presumed sexual orientation. They are all involved in advocacy activities with the aim of fostering a positive environment. (Humanity First Cameroon 29 Mar. 2019)

The Alcondoms Cameroun representative also said that members of his organization [translation] “provide legal assistance to people who are convicted because of their sexual orientation, work to prevent AIDS, and support people who have been rejected by family and friends because of their sexual orientation” (Alcondoms Cameroun 4 Apr. 2019). The same source explained that numerous NGOs [translation] “are trying to change mindsets and reduce discrimination in society in general through advocacy programs that are run and funded by [NGOs] and foreign donors” (Alcondoms Cameroun 4 Apr. 2019).

According to the February 2019 joint report, the organizations that participated in writing the report

[translation]

often provided assistance to people who had been arrested and tried, as much as possible, to limit the impact of other abuse and rights violations by providing medical, psychosocial and legal assistance. Half of the cases of violence receive a response. Documentation that is increasingly rigorous helps to measure how the situation is evolving. (Alternatives Cameroun, et al. [Feb. 2019], 6)
However, the same report adds that [translation] “there were activities to educate LGBTI [persons] about their rights, but the desired outcomes have not been achieved,” and sexual minorities are still ill-informed on this topic (Alternatives Cameroun, et al. [Feb. 2019], 6).

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

Notes

[1] More specifically, Alcondoms Cameroun is an association that works to reduce the risks associated with drug use by sexual minorities, notably young LGBTI individuals, sex workers and transgender individuals (NSWP n.d.).

[2] AJO is described as an NGO [Human Rights Watch English version] “that works on HIV education with men who have sex with men (MSM), and other vulnerable groups” (Human Rights Watch 17 Jan. 2019).

References


Alcondoms Cameroun. 4 April 2019. Correspondence from the President to the Research Directorate.


Humanity First Cameroon. 29 March 2019. Correspondence from a representative to the Research Directorate.


Oral sources: Affirmative Action; Association pour la valorisation de la femme; Centre for Human Rights and Democracy in Africa; Circle for Research on the Rights and Duties of Human Persons; Elles Cameroun; Institute for Human Rights Education; Nouveaux Droits de l'homme Cameroun; Réseau camerounais des organisations de droits de l'homme.

Internet sites, including: African Human Rights Media Network; Amnesty International; Bertelsmann Foundation; Cameroon – National Commission on Human Rights and Freedoms; Camer.be; ecoinet; Factiva; France – Cour nationale du droit d'asile; The Huffington Post; Human Dignity Trust; Koaci; MambaOnline; Namaty; Pink News; UN – Refworld; US – Department of State.

Attachment

TAB 7
EXECUTIVE SUMMARY

Cameroon is a republic dominated by a strong presidency. The country has a multiparty system of government, but the Cameroon People’s Democratic Movement (CPDM) has remained in power since its creation in 1985. In practice the president retains the power to control legislation. On October 7, citizens re-elected CPDM leader Paul Biya president, a position he has held since 1982. The election was marked by irregularities, including intimidation of voters and representatives of candidates at polling sites, late posting of polling sites and voter lists, ballot stuffing, voters with multiple registrations, and alleged polling results manipulation. On March 25, the country conducted the second senate elections in its history. They were peaceful and considered generally free and fair. In 2013 simultaneous legislative and municipal elections were held, and most observers considered them free and fair. New legislative and municipal elections were expected to take place during the year; however, in consultation with the parliament and the constitutional council, President Biya extended the terms of office of parliamentarians and municipal councilors for 12 months, and general elections were expected to take place in fall 2019 or early 2020.

Civilian authorities at times did not maintain effective control over the security forces, including police and gendarmerie.

The sociopolitical crisis that began in the Northwest and Southwest Regions in late 2016 over perceived marginalization developed into an armed conflict between government forces and separatist groups. The conflict resulted in serious human rights violations and abuses by government forces and Anglophone separatists.

Human rights issues included arbitrary and unlawful killings by security forces as well as armed Anglophone separatists; forced disappearances by security forces, Boko Haram, and separatists; torture by security forces and Anglophone separatists; prolonged arbitrary detentions including of suspected Anglophone separatists by security forces; harsh and life-threatening prison conditions; arbitrary or unlawful interference with privacy; violence and harassment targeting journalists by government agents; periodic government restrictions on access to the internet; laws authorizing criminal libel; substantial interference with the right of peaceful assembly; refoulement of refugees and asylum seekers by the government; restrictions on political participation; violence against women, in part due to government inaction; unlawful recruitment or use of child soldiers by
Anglophone separatists, government-supported vigilance committees, and Boko Haram; violence or threats of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and criminalization of consensual same-sex relations; child labor, including forced child labor; and violations of workers’ rights.

Although the government took some steps to identify, investigate, prosecute, or punish officials who committed human rights abuses in the security forces and in the public service, it did not often make public these proceedings, and some offenders, including serial offenders, continued to act with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary and unlawful killings through excessive use of force in the execution of official duties.

In July, Human Rights Watch reported that, during government operations in 12 villages in the Northwest and Southwest Regions between January and April, government security forces shot and killed more than a dozen civilians, including at least seven persons with intellectual or developmental disabilities who had difficulty fleeing. On May 25, in Menka-Pinyin, Santa Subdivision of the Northwest Region, elements of the Gendarmerie, the 51st Motorized Infantry Brigade, and the Special Operations Group of the National Police carried out a raid on a location believed to harbor Anglophone activists, killing 27 persons, according to official sources. Security forces battling Anglophone secessionists in the Northwest and Southwest Regions allegedly killed two clerics. Anglophone separatists attacked and killed several dozen civilians considered loyal to the central government and members of defense and security forces in these two regions. According to the government’s Emergency Humanitarian Assistance Plan, as of June 11, the death toll attributed to separatists within defense and security forces was 84, including 32 members of defense forces, 42 gendarmes, seven policemen, two prison guards, and one Eco-guard, some of whom were mutilated or decapitated and their bodies exhibited on social media. Civilian victims included the following: the chief of Esukutan in Toko Subdivision of the Southwest Region, murdered on February 5; the divisional officer for Batibo in the Northwest, abducted on February 11 and subsequently killed; and Ashu Thomas
Nkongho, discipline master of the government bilingual high school in Kossala, Meme Division of the Southwest Region, killed on school premises on April 25. Unidentified gunmen killed a local chief in a church and a priest, supposedly because of their alleged opposition to secession by the Northwest and Southwest Regions.

Boko Haram and ISIS-West Africa (ISIS-WA) continued killing civilians, including members of vigilance committees, which were organized groups of local residents cooperating with government forces in the fight against Boko Haram, and members of defense and security forces in the Far North Region. According to the L’Oeil du Sahel newspaper, as of June 30, at least 153 civilians and 12 members of defense and security forces had been killed in the attacks.

b. Disappearance

Government security forces were widely believed to be responsible for disappearances of suspected Anglophone separatists, with reports of bodies dumped far from the site of killings to make identification difficult. According to credible nongovernmental organizations (NGOs), the government did not readily account for some of the activists arrested in connection with the Anglophone crisis. Family members and friends of the detainees were frequently unaware of the missing individuals’ location in detention for a month or more. For example, authorities held incommunicado Ayuk Sisiku Tabe, the “interim president” of the so-called Republic of Ambazonia, along with 46 other Anglophone separatists, from January 29 until late June when they were allowed to meet with their lawyers and the International Committee of the Red Cross (ICRC).

In an August 24 release, Ekombo Favien, vice president of human rights NGO Frontline Fighters for Citizen Interests (FFCI), announced the disappearance of FFCI national president Franklin Mowha. According to the release, Mowha arrived in Kumba, Southwest Region, on August 2 to monitor human rights abuses. He was last seen leaving his hotel room on August 6. Ekombo indicated that authorities had previously targeted Mowha on several occasions because of his human rights reporting.

Boko Haram insurgents kidnapped civilians, including women and children, during numerous attacks in the Far North Region. According to L’Oeil du Sahel, as of June 30, at least 51 civilians had been victims of Boko Haram abductions, and some of them remained unaccounted for.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were reports that security force members beat, harassed, or otherwise abused citizens, including separatist fighters. Amnesty International and Human Rights Watch documented several cases in which security forces severely mistreated suspected separatists and detainees.

Amnesty International reported in July 2017 on the cases of 101 individuals whom security forces allegedly tortured between March 2013 and March 2017 in detention facilities run by the Rapid Intervention Battalion (BIR) and the General Directorate of Counter Intelligence (DGRE). While most of the cases documented involved persons arrested in 2014 and 2015 and allegedly tortured between 2014 and 2016, Amnesty International asserted that the practice continued into 2017. It stated that torture took place at 20 sites, including four military bases, two intelligence centers, a private residence, and a school. Specific sites named in the report included the BIR bases in Salak, Kousseri, and Kolofata in the Far North Region, and DGRE facilities in Yaoundé. As of October the government had not shared results of its internal investigations but claimed it had investigated some, if not all, of the allegations.

Human Rights Watch documented the case of 22-year-old Fredoline Afoni, a third-year student at the Technical University of Bambili whom security forces beat to death on January 29. Witnesses told Human Rights Watch that Fredoline was home near Kumbo in the Northwest Region when he received a telephone call requesting that he pick up luggage at a nearby junction. Once at the location, persons dressed in civilian clothes forcefully took him away by truck. A truck belonging to the gendarmerie subsequently drove through the same junction with Fredoline sitting in the back, naked and handcuffed, with signs of having been badly beaten. Individuals reportedly appeared at a relative’s home and collected Fredoline’s laptop and cell phone. Fredoline’s uncle subsequently discovered that he was in gendarmerie custody. The uncle reportedly told Human Rights Watch that he discovered the victim’s naked and decaying corpse outside the local mortuary three days later. After a postmortem examination, the medical professional who examined the body told Human Rights Watch that Fredoline died as a result of his beatings.

Social media diffused a video in June showing security force members at the Cameroon Protestant College of Bali in the Northwest Region forcing two girls to...
crawl through the mud while referring to them as Ambazonian spies. Media reports indicated that the gendarmes were arrested and placed in detention and were awaiting trial by the military tribunal, but there was no further information on the case.

Press reporting indicated there were cases of rape and sexual abuse by persons associated with the government and separatists in Anglophone regions. For example, there were credible reports that on July 3, during security operations in Bamenda, Northwest Region, first-class soldier Mbita Arthur allegedly raped a female victim he called aside for a routine national identity check. The soldier was arrested, although there was no further information on the case.

During the year the United Nations reported that it received five allegations of sexual exploitation and abuse against peacekeepers from Cameroon deployed in the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). Three cases alleged sexual exploitation (exploitative relationship, transactional sex), and three cases sexual abuse (rape), one of which involved minors. Several allegations each referred to more than one alleged perpetrator, more than one victim, or both. Investigations both by the United Nations and the government were pending. Interim action by the United Nations was taken in one case. Nine allegations reported previously were pending.

**Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening.

Physical Conditions: Overcrowding remained a significant problem in most prisons, especially in major urban centers. Officials held prisoners in dilapidated, colonial-era prisons, where the number of inmates was as much as five times the intended capacity. Prisons generally had separate wards for men, women, and children. Authorities often held detainees in pretrial detention and convicted prisoners together. In many prisons toilets were nothing more than common pits. In some cases women benefitted from better living conditions, including improved toilet facilities and less crowded living quarters. Authorities claimed to hold sick persons separately from the general prison population, but this was often not the case.

According to prison administration officials, the country had 79 operational prisons, with an intended capacity of 17,915 but which held close to 30,000 inmates as of June. For example, the central prison in Ngaoundere, Adamawa
Region, was initially designed to accommodate 150 inmates. Successive expansions raised the capacity to 500 inmates. As of June 19, the prison held 1,600 inmates, more than two-thirds of whom had not been convicted of any crime. A third of the inmates were awaiting trial, hearings had begun for another third, and one-third had been convicted.

The quality of food, access to potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate. As a result illness was widespread. Malnutrition, tuberculosis, bronchitis, malaria, hepatitis, scabies, and numerous other untreated conditions, including infections, parasites, dehydration, and diarrhea, were rampant. The number of deaths associated with detention conditions or actions of staff members or other authorities was unknown.

Physical abuse by prison guards and prisoner-on-prisoner violence were problems. Corruption among prison personnel was reportedly widespread. Visitors were at times forced to bribe wardens to be granted access to inmates. Prisoners bribed wardens for special favors or treatment, including temporary freedom, cell phones, beds, and transfers to less crowded areas of the prisons. Due to their inability to pay fines, some prisoners remained incarcerated after completing their sentences or after they had received court orders of release.

**Administration:** Independent authorities often investigated credible allegations of mistreatment. Visitors needed formal authorization from the state counsel; without authorization, they had to bribe prison staff to communicate with inmates. In addition visits to Boko Haram suspects were highly restricted. Some detainees were held far from their families, reducing the possibility of visits. Authorities allowed prisoners and detainees to observe their religions without interference.

As in 2017, authorities allowed NGOs to conduct formal education and other literacy programs in prisons. At the principal prison in Edea, Littoral Region, the NGO Christian Action for the Abolition of Torture sponsored a Literacy and Social Reintegration Center that provided primary and lower secondary education to inmates. Because of the sociopolitical unrest in the Southwest Region, Human IS Right, a Buea-based civil society organization, and the NGO Operation Total Impact discontinued their formal education and reformation education program in the principal prisons in Buea and Kumba. The central prison in Garoua, North Region, continued to run a full-cycle primary school.

**Independent Monitoring:** Unlike in the previous year, the government restricted international humanitarian organizations’ access to prisoners in official prisons.
For example, as of June authorities had not allowed the ICRC access to its target prisons and detention centers. On July 3, however, the ICRC was able to visit the 47 Anglophone separatists repatriated from Nigeria, and some of the detainees delivered messages through the organization to their families. The National Commission on Human Rights and Freedoms (NCHRF) and the Commissions for Justice and Peace of the Catholic archdioceses also conducted prison visits but were denied access to some detention centers. In January NCHRF members visited prisons in Monatele in the Center Region; Bertoua, Doume, and Abong-Mbang in the East Region; and Maroua in the Far North Region. The NCHRF reported that it did not have access to some prisons in Yaounde, including those hosting the 47 suspected separatists repatriated from Nigeria. The NCHRF also alleged authorities did not grant access to a victim who was shot and admitted at the Yaounde Emergency Center.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide the right to challenge the lawfulness in court of an arrest or detention. The law states that, except in the case of an individual discovered in the act of committing a felony or misdemeanor, the officials making the arrest shall disclose their identity and inform the person arrested of the reason. The law also provides that persons arrested on a warrant shall be brought immediately before the examining magistrate or the president of the trial court who issued the warrant, and that the accused persons shall be given reasonable access to contact their family, obtain legal advice, and arrange for their defense. The law provides that any person who has been illegally detained by the police, the state counsel, or the examining magistrate may receive compensation. On several occasions the government did not respect these provisions.

Role of the Police and Security Apparatus

The national police, DGRE, Ministry of Defense, Ministry of Territorial Administration, and, to a lesser extent, presidential guard are responsible for internal security. The Ministry of Defense—which includes the gendarmerie, army, and the army’s military security unit--reports to the Office of the Presidency, resulting in strong presidential control of security forces. The army is responsible for external security, while the national police and gendarmerie have primary responsibility for law enforcement. Historically the gendarmerie has responsibility in rural areas. Increasingly in the Anglophone regions, responsibility for security in the rural areas is left to another security force, the BIR. The BIR falls outside
the purview of conventional forces. The national police—which includes public security, judicial, territorial security, and frontier police—reports to the General Delegation of National Security (DGSN), which is under the direct authority of the presidency. The government took some steps to hold police accountable for abuses of power. Police remained ineffective, poorly trained, and corrupt. Impunity continued to be a problem.

Civilian authorities maintained some control over the police and gendarmerie, and the government had some mechanisms in place to investigate and punish abuse and corruption. The DGSN and gendarmerie investigated reports of abuse and forwarded cases to the courts. Lesser sanctions were handled internally. The DGSN, Ministry of Defense, and Ministry of Justice stated that members of security forces were sanctioned during the year for committing abuses, but few details were known about investigations or any subsequent accountability.

The national gendarmerie and the army have special offices to investigate abuse. The secretary of state for defense and the minister delegate at the presidency are in charge of prosecuting abusers. The minister delegate of defense refers cases involving aggravated theft, criminal complicity, murder, and other major offenses to the military courts for trial.

In March authorities opened an investigation into the case of taxi driver Jean Nga Mvondo, who died a few hours after the Ngousso gendarmerie brigade in Yaounde released him from detention. Pending the outcome of the investigation, on March 23, the secretary of state in charge of the National Gendarmerie (SED) relieved the brigade commander of his duties.

As reported above, on July 24, the minister delegate for defense announced that the gendarmerie in Bamenda, Northwest Region, arrested first class soldier Mbita Arthur and referred him to the office of the Bamenda military court prosecutor. The minister also promised to take disciplinary action against the soldier in accordance with the law. Mbita Arthur allegedly raped a female victim on July 23.

**Arrest Procedures and Treatment of Detainees**

The law requires police to obtain a warrant before making an arrest, except when a person is caught in the act of committing a crime, but police often did not respect this requirement. The law provides that detainees be brought promptly before a magistrate, although this often did not occur. Police may legally detain a person in connection with a common crime for up to 48 hours, renewable once. This period
may, with the written approval of the state counsel, be exceptionally extended twice before charges are brought. Nevertheless, police and gendarmes reportedly often exceeded these detention periods. The law also permits detention without charge for renewable periods of 15 days by administrative authorities such as governors and civilian government officials serving in territorial command. The law provides for access to legal counsel and family members, although police frequently denied detainees access to both. Contrary to the wide-reaching antiterror law, civilian law prohibits incommunicado detention, but it occurred, especially in connection with the sociopolitical unrest in the two Anglophone regions. The law permits bail, allows citizens the right to appeal, and provides the right to sue for unlawful arrest, but these rights were seldom respected. On August 8, Supreme Court Chief Judge Daniel Mekobe Sone commissioned the first members of the Compensation Commission for Illegal Detention, a body created to provide citizens with recourse if they believe they were wrongfully detained.

Arbitrary Arrest: Police, gendarmes, BIR soldiers, and government authorities reportedly continued to arrest and detain persons arbitrarily, often holding them for prolonged periods without charge or trial and at times incommunicado. “Friday arrests,” a practice whereby individuals arrested on a Friday typically remained in detention until at least Monday unless they paid a bribe, continued. There were several reports by media and NGOs that police or gendarmes arrested persons without warrants on circumstantial evidence alone, often following instructions from influential persons to settle personal scores. There were also credible reports that police or gendarmes arbitrarily arrested persons during neighborhood sweeps for criminals and stolen goods or arrested persons lacking national identification cards, especially in connection with the Anglophone crisis and the fight against Boko Haram.

There were credible reports that authorities held some suspects in the Anglophone crisis for long periods without notifying them of the charges. For example, authorities detained Sisiku Ayuk Tabe, the president of the Anglophone separatist movement, and 46 others incommunicado and without official charge for close to six months. The suspects were arrested in Nigeria on January 5 and extradited to Cameroon on January 25. Defense lawyers considered the arrest and extradition illegal and filed an application for immediate release with the Mfoundi High Court in Yaounde. On August 30, the judge dismissed the application on procedural grounds. The court eventually heard the case on November 1 and delivered a verdict denying the release of Sisiku Ayuk Tabe and the nine other leaders of the Anglophone separatist movement on November 15.
Pretrial Detention: The law provides for a maximum of 18 months’ detention before trial, but many detainees waited years to appear in court. No comprehensive statistics were available on pretrial detainees. According to prison authorities, as of June the central prison in Ngaoundere, Adamawa Region, housed approximately 1,600 inmates, two-thirds of whom were pretrial detainees and appellants. Some pretrial detainees had been awaiting trial for more than two years. The increase in pretrial prison populations was due in large part to mass arrests of Anglophone activists and persons accused of supporting Boko Haram, staff shortages, lengthy legal procedures, lost files, administrative and judicial bottlenecks, including procedural trial delays, corruption, negligence, and court fees.

The NGO Human IS Right documented the case of 24-year-old Beng Pascal Ngong, who was detained without judgement at the Buea Central Prison for more than 26 months. Police arrested Beng in 2015 for allegedly not possessing a national identity card, an offense punishable with imprisonment from three to 12 months, a fine of 50,000 to 100,000 CFA francs ($85 to $170), or both. Following a habeas corpus request filed by the NGO Human IS Right, judicial authorities ultimately released Beng on March 21, after more than double the duration of the sentence he would have served had he been prosecuted and convicted. Until his release Beng Pascal had never appeared before a judge.

e. Denial of Fair Public Trial

The constitution and law ostensibly provide for an independent judiciary, but the judiciary is under and often controlled by the president and, by proxy, the ruling party. Individuals reportedly accused innocent persons of crimes, often due to political motivations, or caused trial delays to settle personal scores. Authorities generally enforced court orders.

Musa Usman Ndamba, the national vice president of the Mbororo Social and Cultural Development Association (MBOSCUDA), was prosecuted for “propagation of false information” and “false oath,” although he submitted strong evidence that he was not associated with the offense. He continued to suffer judicial harassment by Baba Ahmadou Danpullo, a businessman and member of the central committee of the ruling CPDM, who pressured the court to continue to hear the case after various instances in which it had been dismissed. On May 11, the Court of First Instance in Bamenda sentenced Usman Ndamba to six months’ imprisonment and a fine of 500,000 CFA francs ($850) after more than 60 hearings that began in 2013. Human rights defenders believed Danpullo used the judicial
system to discourage Usman Ndamba from defending the rights of the minority Mbororo community of nomadic cattle herders.

Despite the judiciary’s partial independence from the executive and legislative branches, the president appoints all members of the bench and legal department of the judicial branch, including the president of the Supreme Court, and may dismiss them at will. The court system is subordinate to the Ministry of Justice, which in turn is under the president. The constitution designates the president as “first magistrate,” thus “chief” of the judiciary, making him the legal arbiter of any sanctions against the judiciary. The constitution specifies the president is the guarantor of the legal system’s independence. He appoints all judges, with the advice of the Higher Judicial Council. While judges hearing a case are technically to be governed only by the law and their conscience as provided for by the constitution, in some matters they are subordinate to the minister of justice or to the minister in charge of military justice. With approval from the minister of justice, the Special Criminal Court may drop charges against a defendant who offers to pay back the money he is accused of having embezzled, which essentially renders the act of corruption free of sanctions.

Military courts may exercise jurisdiction over civilians for offenses including the following: offenses committed by civilians in military establishments; offenses relating to acts of terrorism and other threats to the security of the state, including piracy; unlawful acts against the safety of maritime navigation and oil platforms; offenses relating to the purchase, importation, sale, production, distribution, or possession of military effects or insignia as defined by regulations in force; cases involving civil unrest or organized armed violence; and crimes committed with firearms, including gang crimes, banditry, and highway robbery.

**Trial Procedures**

The constitution and law provide for the right to a fair and public hearing, without undue delay, in which the defendant is presumed innocent, but authorities did not always respect the law. Criminal defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Many pretrial suspects were treated as if they were already convicted, frequently held in the same quarters as convicted criminals, and denied visits. Defendants have the right to be present and to consult with an attorney of their choice, but in many cases the government did not respect this right, particularly in cases of individuals suspected of complicity with Boko Haram or Anglophone separatists. When defendants cannot pay for their own legal defense, the court may appoint counsel.
at the public’s expense; however, the process was often burdensome and lengthy, and the quality of legal assistance was poor. Authorities generally allowed defendants to question witnesses and to present witnesses and evidence on their own behalf. Defendants have the right to adequate time and facilities to prepare a defense and not to be compelled to testify or confess guilt. Defendants may appeal convictions. In at least one case, authorities did not give the victim a chance to confront the offender and present witnesses and evidence to support his case.

In August the High Court for Mfoundi in Yaoundé allegedly released a person suspected of trafficking in persons who had been in pretrial detention since 2016. The victim, Lilian Mbeng Ebangha, returned from Kuwait in 2015 and filed a lawsuit against her alleged trafficker, a pastor of Shiloh Liberation Ministries International. After preliminary investigations the case was sent to trial in 2016 and thereafter had more than 20 adjournments. Each time a hearing was scheduled in Yaoundé, Ebangha travelled from Douala to attend. The alleged offender was released in August or September, but it was unconfirmed whether there was a court decision on the matter. The victim stated that her trafficker had called her to inform her of his release.

**Political Prisoners and Detainees**

There were no reports of newly identified political prisoners or detainees, and no statistics were available on the number of political prisoners. Previously reported political prisoners were detained under heightened security, often in SED facilities. Some were allegedly held at DGRE facilities and at the principal prisons in Yaoundé. The government did not permit access to such persons on a regular basis, or at all, depending on the case.

Former minister of state for territorial administration Marafa Hamidou Yaya, convicted in 2012 on corruption charges and sentenced to 25 years’ imprisonment, remained in detention. In May 2016 the Supreme Court reduced the sentence to 20 years. In June 2016 the UN Working Group on Arbitrary Detention issued a decision qualifying Marafa’s detention “a violation of international laws” and asked the government to immediately free and compensate him for damages suffered. The United Nations noted there were multiple irregularities in the judicial procedure.

**Civil Judicial Procedures and Remedies**
Citizens and organizations have the right to seek civil remedies for human rights violations through administrative procedures or the legal system; both options, however, involved lengthy delays. Individuals and organizations may appeal adverse decisions domestically or to regional human rights bodies. There were no reports that the government had failed to comply with civil case court decisions pertaining to human rights. A number of labor rights-related cases involving government entities were ongoing as of the end of August.

**Property Restitution**

The government continued to compensate relocated families over the past few years in connection with infrastructure projects, including the Kribi Sea Port and the Yaounde-Douala highway projects. There were no reported developments in the cases of corrupt officials who had misappropriated money the government had earmarked for compensation previously. There was no report of intentional targeting of particular groups for discriminatory treatment.

1. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence, these rights were subject to restriction for the “higher interests of the state,” and there were credible reports police and gendarmes abused their positions by harassing citizens and conducting searches without warrants.

The law permits a police officer to enter a private home during daylight hours without a warrant only if pursuing a person suspected of or seen committing a crime. Police and gendarmes often did not comply with this provision and entered private homes without warrant whenever they wished.

An administrative authority, including a governor or senior divisional officer, may authorize police to conduct neighborhood sweeps without warrants, and this practice occurred.

Police and gendarmes sometimes sealed off a neighborhood, systematically searched homes, arrested persons, sometimes arbitrarily, and seized suspicious or illegal articles. For example, in the early hours of July 10, police and gendarmes conducted a cordon-and-search operation in the neighborhoods of Ndobo at Bonaberi in the Douala IV Subdivision, Littoral Region, arrested dozens of
individuals, and detained those found in possession of, or consuming, narcotics. On July 26, police conducted a similar operation in the neighborhood of Biyem Assi in Yaounde 6 Subdivision. They searched houses, requested residents to produce receipts for appliances found in their possession and in some cases confiscating those for which the occupants could not produce receipts, and arrested dozens of individuals. In both cases security forces detained citizens without national identity cards until their identities could be established. The areas in question have a high concentration of Anglophones, and most of the individuals arrested in the July 10 and 26 incidents were Anglophones. Anecdotal reports suggested that with the protracted insecurity in some regions, authorities often forcefully accessed private communications and personal data by exploiting the telephones and computer devices of targeted individuals, during both cordon-and-search and regular identity-control operations.

On September 28 police and gendarmes conducted raids in various neighborhoods in Yaounde. Police raided neighborhoods with heavy Anglophone populations, setting up temporary checkpoints and requesting citizens to provide identification. Some individuals were required to enter a security vehicle and were brought to local police stations, where their identities were verified once more before being released.

g. Abuses in Internal Conflict

Killings: There were reports that members of government forces deliberately killed innocent citizens. In July a video widely circulated on social media depicted men wearing military-style uniforms executing two women and two children, including an infant. International media, Amnesty International, and domestic human rights organizations, including the Network of Human Right Defenders in Central Africa (REDHAC), Mandela Center, and New Human Rights Cameroon, attributed the actions portrayed in the video to the military. During a press briefing on July 11, Minister of Communication Issa Tchiroma Bakary stated that the video was “nothing but an unfortunate attempt to distort actual facts and intoxicate the public,” but he promised a government-sponsored investigation into the killings. Subsequently, in an August 10 press release, the minister announced the investigation had led to the arrest of seven military personnel, including Lieutenant Etienne Fobassou, Sergeant Hilaire Cyriaque Bityala, Lance Corporal Didier Jeannot Godwe Mana, Lance Corporal Tsanga, Private Second Class Barnabas Donossou, Private S Class Jacobai Jonathan Manasse, and Private First Class Ghislain Ntieche Fewou. He stated the government had handed over the suspects
to judicial authorities for prosecution. There were no reports of further developments.

Human Rights Watch reported that government forces killed civilians in the context of the ongoing Anglophone crisis. Human Rights Watch spoke with witnesses and reported such government operations in 12 villages in the Northwest and Southwest Regions (including Kwakwa, Bole, and Mongo Ndor) between January and April. Security forces set houses on fire, burning to death at least four elderly women left behind by their relatives at the time of the attack. A 43-year-old man described to Human Rights Watch how he found his 69-year-old mother’s remains after a government operation. His wife and children allegedly ran away, but his mother could not.

A June report by Amnesty International on the crisis in the Northwest and Southwest Regions recounted attacks perpetrated by armed separatists against security forces, particularly gendarmes and police. According to the report, at least 44 security force members were killed between September 2017 and May. In addition Amnesty International reported armed separatists attacked ordinary citizens, including traditional chiefs, teachers, and students. The report also accused government forces of having raided the village of Kombone in the Southwest Region on February 14, leading to casualties among both security forces and armed separatists.

**Abductions:** Armed activists carried out several abductions in the two Anglophone regions and held noncombatants as hostages, including public officials, teachers, schoolchildren, and traditional leaders. The abductors subsequently freed some of the victims, either after negotiations or payment of ransoms. Others, including Chief Williams Mbanda Njie of Lysoka Village in the Southwest Region and divisional officer for Batiba in the Northwest Region Marcel Namata Diteng, died in captivity. Many of the captives remained unaccounted for.

**Physical Abuse, Punishment, and Torture:** There were credible reports that members of government forces physically abused and killed prisoners in their custody. In its July report, Human Rights Watch highlighted the case of Samuel Chiabah, popularly known as Sam Soya, whom members of government forces interrogated under harsh conditions and killed, following the killing of two gendarmes by armed separatists at a checkpoint between Bamenda and Belo in the Northwest Region. A video widely circulated on social media featured Sam Soya sitting on the floor and being questioned about the killings, along with one other suspect. In the video Sam Soya could be heard crying in agony and denying
participation in the killings. Photographs were released on social media that showed members of security forces in uniform using a bladed weapon to slice open Sam Soya’s neck and the leg of the other man, both of whom were lying face down on the floor and in handcuffs.

In July human rights lawyer Felix Agbor Nkongho Balla reported an incident in which guards at the Yaounde Kondengui maximum security prison abused 18 Anglophone detainees who had been transferred from the Buea Central Prison and the SED. He indicated that prison guards kept the detainees in tight chains and brutally beat them, repeatedly referring to them as Ambazonians. In solidarity with the victims, other Anglophone detainees staged a violent protest. The prison registrar allegedly told the inmates that he had received orders from his hierarchy to keep the detainees in chains. In an attempt to resolve the tension, after long hours of negotiations, the prison registrar removed the chains and the situation returned to normal.

**Child Soldiers:** (see section 6, Children)

**Other Conflict-related Abuse:** There were reports that armed separatists perpetrated attacks on health-care facilities and personnel. In an August 17 letter to health workers of the Northwest and Southwest Regions, Minister of Health Andre Mama Fouda highlighted some of the casualties. These included the killings of the heads of Njoh-Etu and Kob integrated health centers in Mbengwi, Northwest Region, arson attacks on the Bamuck Ad Lucem health center and Mbonge medicalized health center, the killing of a security guard, and armed attacks on the Bamenda regional hospital’s ambulance during which a nurse sustained injuries. There were also reports the military threatened and perpetrated attacks on health-care facilities and workers suspected of having provided care to separatists.

**Section 2. Respect for Civil Liberties, Including:**

a. **Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government often restricted this right.

**Freedom of Expression:** Government officials penalized individuals or organizations that criticized or expressed views at odds with government policy. Individuals who criticized the government publicly or privately frequently faced
reprisals. On several occasions the government used the law requiring permits or
government notification of public protests to stifle discourse, and many civil
society and political organizations reported increased difficulty in obtaining
approval to organize public gatherings. The government attempted to impede
criticism by monitoring political meetings.

During the year the divisional officer for Yaounde V banned public conferences
that Hilaire Kamga, an elections expert, intended to organize at Felydac Hotel on
February 15 and June 13 to address the issues of voter registration and peaceful
transition. The divisional officer claimed the event was likely to disturb public
order.

In September the senior divisional officer for Mfoundi, which encompasses the
greater Yaounde area, pressured Hilton Hotel management to cancel a symposium
entitled “Digital Rights and Elections in Cameroon,” organized by Paris-based
Internet without Borders and Lagos-based Paradigm Initiative, days before it was
to take place. Eventually, organizers secured a different hotel without any
difficulty.

On June 15, authorities prevented the opposition party, the Cameroon Renaissance
Movement (CRM), from presenting a documentary on presidential candidate
Maurice Kamto. The CRM booked Massago Hotel in Yaounde as the venue for
the event. Hotel management asked CRM leaders to leave the premises a few
hours before the beginning of the documentary showing, allegedly following
intimidation and threats from authorities.

Press and Media Freedom: Independent media was active and expressed a wide
variety of views, although there were restrictions especially on editorial
independence, in part due to stated security concerns related to the fight against
Boko Haram and the crisis in the two Anglophone regions. Journalists reported
practicing self-censorship to avoid repercussions for criticizing the government,
especially on security matters. According to the 2018 Press Freedom Index by
Reporters without Borders, authorities imposed a climate of fear and self-
censorship on media practitioners. Journalists faced significant hurdles, some of
which led to exorbitant fines, and in some cases, jail terms.

According to the Committee to Protect Journalists, at least seven journalists were
in prison. One was Thomas Awah Junior, who was arrested in Bamenda,
Northwest Region, on January 2. He wrote for the monthly *Aghem Messenger*
magazine and was sentenced to 11 years in prison on May 25 for acts of terrorism
against the nation, secession, revolution, and propagation of disinformation through digital means. Awah Junior was incarcerated at Kondengui Central Prison in Yaounde. Pictures of a severely emaciated Awah were widely circulated on social media in September. At the end of September, he was transported to a hospital in Yaounde to be treated for tuberculosis and pneumonia.

**Violence and Harassment:** Police, gendarmes, and other government agents arrested, detained, physically attacked, and intimidated journalists for their reporting.

As in the previous year, authorities arrested journalists in connection with their reporting on the Anglophone crisis. According to reports by credible organizations, including the Committee to Protect Journalists, on March 20, police arrested Akumbom Elvis McCarthy, a news broadcaster for Abakwa FM Radio, a privately owned media outlet based in Bamenda, Northwest Region. McCarthy was allegedly taking pictures of police harassing taxi drivers. He reported in *Pidgin English* for the Media House, which also publishes news on its Facebook page. Judicial police detained the news broadcaster for three weeks before referring him to the military tribunal. The tribunal decided to remand McCarthy into custody for a renewable six-month period while police investigated claims that he reported separatist propaganda.

**Censorship or Content Restrictions:** Based on a 1990 law on social communication, the Ministry of Communication requires editors to deposit two signed copies of their newspapers within two hours after publication. Journalists and media outlets practiced self-censorship, especially if the National Communication Council (NCC) had suspended them previously. The NCC issued warnings and suspensions during the year. It declared that radio and television broadcasts of political debates during the period of March 10-24 were suspended, alleging that such discussions might cause conflict ahead of the March 25 senate election. It later clarified that this directive applied only to state-owned media outlets. Magic FM, a private media outlet, decided to broadcast its Magic Attitude political discussion program. Galaxy FM, another private media outlet, also continued broadcasting political discussion shows through its popular French-language political program, *Au Coeur de la Republique*.

On March 15, the NCC issued eight separate decisions, warning or suspending journalists, media outlets, and programs for one to three months. Most were sanctioned for publishing statements deemed unfounded and offensive, which was considered a breach of professional ethics in mass communication. The media
outlets included WB1 Radio, L’Orphelin, Horizon Plus, l’Essentiel du Cameroon, and Watch Dog Tribune. In all cases the alleged breaches occurred in 2017.

Libel/Slander Laws: Press freedom is further constrained by strict libel laws. These laws authorize the government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the president or other high government officials. Such crimes are punishable by prison terms and heavy fines. The libel law places the burden of proof on the defendant. The government contended libel laws were aimed at safeguarding citizens whose reputations could be permanently damaged by defamation. There were no reports the government or public figures used laws against libel or slander to restrict public discussion during the year.

Internet Freedom

According to Internet World Stats (IWS), there were 6,128,422 Internet users in December 2017, representing penetration rates of 24.8 percent. There are currently no credible reports that the government monitored private online communications without appropriate legal authority. The government, however, has repeatedly disrupted access to the internet.

The country experienced its first internet shutdown in January 2017, after Anglophone teachers, lawyers, and students went on strike over alleged social bias in favor of Francophones. The government issued a countrywide internet shutdown, which lasted 93 days. Educational, financial, and health-care institutions as well as businesses that relied on internet access were stunted. International bodies applied pressure to the government to restore internet access. Despite internet access being restored in April 2017, there were continuing reports of network instability.

In October 2017 the government effected a second internet blockade, targeting social media and apps such as WhatsApp and Facebook. This continued to affect the country economically, and many citizens were forced to travel back and forth to regions with internet access for business or information.

Academic Freedom and Cultural Events

Although there were no legal restrictions on academic freedom or cultural events, state security informants reportedly continued to operate on university campuses.
There were a few reports of security personnel disrupting student extracurricular activities.

b. Freedoms of Peaceful Assembly and Association

The government limited and restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the law provides for freedom of peaceful assembly, the government often restricted this right. The law requires organizers of public meetings, demonstrations, and processions to notify officials in advance but does not require prior government approval of public assemblies, nor does it authorize the government to suppress public assemblies that it has not approved in advance. Nevertheless, officials routinely asserted the law implicitly authorizes the government to grant or deny permission for public assemblies. The government often refused to grant permits for gatherings and used force to suppress assemblies for which it had not issued permits. Authorities typically cited “security concerns” as the basis for deciding to block assemblies. The government also prevented civil society organizations and political parties from holding press conferences. Police and gendarmes forcibly disrupted meetings and demonstrations of citizens, trade unions, and political activists throughout the year, arrested participants in unapproved protests, and blocked political leaders from attending protests.

On March 9, in Yaounde, police arrested approximately 20 women who participated in a rally, holding up a banner that read, “Stand Up for Cameroon.” According to the organizers of the rally, including Edith Kabang Walla, the president of the Cameroon People’s Party (CPP), the event was aimed to call attention to the deteriorating sociopolitical situation in the country. Police released the women after keeping them for a few hours at the judicial police’s regional headquarters.

Authorities also banned some political rallies. In April the divisional officer of Fokoue in Menoua Division, West Region, banned a meeting meant to encourage voter registration by the CRM opposition party. The CRM claimed they notified the divisional officer that they were organizing an event on April 11. This event would have been 10th in a series organized in conjunction with Elections Cameroon, the organization that oversees and administers elections, to encourage more persons to register to vote. The divisional officer initially told CRM leaders
the meeting might not be authorized because April 11 was a market day. On April 9, he reportedly changed his mind and instead referred CRM’s leaders to the mayor, whom he said had control over the market place. Organizers said they had contacted the mayor, who said she had planned to conduct a tax collection exercise in the market that day and turned down the request. Further, in June the mayor of Bagangte banned a rally by the CRM at the local ceremonial ground and reportedly justified his decision by saying that the ceremonial ground was meant only for exceptional events and official ceremonies. CRM officials said the ruling CPDM held a meeting at the venue a few days earlier. Authorities also banned rallies by the CRM in Baham and Bandjoun in the West Region.

Freedom of Association

The constitution and law provide for freedom of association, but the law also limits this right. On the recommendation of the senior divisional officer, the Ministry of Territorial Administration may suspend the activities of an association for three months on the grounds that the association is disrupting public order. The minister may also dissolve an association if it is deemed a threat to state security. National associations may acquire legal status by declaring themselves in writing to the ministry, but the ministry must explicitly register foreign associations and religious groups. The law imposes heavy fines for individuals who form and operate any such association without ministry approval. The law prohibits organizations that advocate a goal contrary to the constitution, laws, and morality, as well as those that aim to challenge the security, territorial integrity, national unity, national integration, or republican form of the state.

Conditions for recognition of political parties, NGOs, or associations were complicated, involved long delays, and were unevenly enforced. This resulted in associations operating in legal uncertainty, their activities tolerated but not formally approved.

Unlike in 2017 the government did not ban any organizations during the year. On July 18, however, Minister of Territorial Administration Paul Atanga Nji unilaterally designated three political figures as spokespersons for three opposition political parties, disregarding these parties’ own hierarchies and internal elections. The minister stated the three parties, the Cameroon People’s Party (CPP), the Union of the Peoples of Cameroon (UPC), and the African Movement for a New Independence and Democracy (Manidem), were suffering from persistent internal crises. He urged administrative command officers nationwide to authorize only events organized by the appointees. On July 20, all three appointed leaders joined
17 other nominally “opposition” leaders to rally with their parties behind President Biya for the October 7 presidential election.

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

Although the constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, at times the government restricted these rights. The government worked with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The government, however, sometimes failed to respect its obligations under relevant international laws. There were instances where it forcibly returned asylum seekers to their countries and did not provide humanitarian organizations such as the United Nations access to internally displaced persons.

In-country Movement: Using minor infractions as a pretext, police and gendarmes at roadblocks and checkpoints in cities and on most highways often extorted bribes and harassed travelers. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Authorities restricted movements of persons and goods, including motorbikes, in the Northwest and Southwest Regions and some parts of the East, Far North, and West Regions, sometimes for legitimate security reasons, sometimes in a deliberate attempt to harass and intimidate the local population.

On September 28 and 29, the Northwest and Southwest regional governors issued press releases indicating there would be broad limitations on movement from one subdivision to another for 48 hours from September 30 through October 1. This effort was intended to limit any violence associated with October 1, the self-declared independence day of Ambazonia.

Internally Displaced Persons (IDPs)

Several hundred thousand persons abandoned their homes in some localities of the Northwest and Southwest Regions because of the sociopolitical unrest. Estimates
of IDPs varied depending on the source, with the government estimating 74,994 IDPs as of June, while the United Nations estimated 350,000 IDPs from the Northwest and Southwest Regions as of September. As of August 31, more than 227,000 persons were internally displaced in the Far North Region, driven from their homes by conflict perpetrated by Boko Haram and the ISIS-WA, according to UNHCR estimates.

In May the United Nations released an Emergency Response Plan for the Anglophone crisis, appealing for more than $15 million to respond to the need for shelter, relief items, sanitation, education, food security, health, and protection of 160,000 persons they estimated were affected by the conflict at the time. In mid-June the government released a separate Emergency Humanitarian Action Plan, which requested nearly $23 million to assist approximately 75,000 IDPs over 18 months, focusing on humanitarian assistance for a period of three months and early recovery for 15 months. The government, however, did not provide humanitarian NGOs or international organizations access to IDPs in the Anglophone regions. Although the government made some effort to provide urgently needed assistance to crisis-affected populations, its coordination with the international humanitarian community in the Northwest and Southwest Regions was not forthcoming.

Protection of Refugees

Refoulement: The government stated there was no official policy of forcibly repatriating refugees. As in the previous year, however, UNHCR and NGOs reported cases of forced returns of asylum seekers, mostly of Nigerians. According to UNHCR, authorities forcibly returned 800 Nigerian refugees from Cameroon as of July 31. In 2017 UNHCR reported 4,400 known cases of refoulement.

The most recent high-profile case of refoulement took place in the Far North Region. On August 2, UNHCR expressed concern over the death of six Nigerian asylum seekers, including three children, who were victims of the blast from an improvised explosive device on July 29. According to UNHCR, 12 asylum seekers were being forcibly returned to Banki, Nigeria, in a Multinational Joint Task Force truck, which struck the device in Homaka, in the Mayo Sava Division. In addition to the six asylum seekers killed, six others along with six Cameroonian soldiers were injured.

Access to Asylum: The laws provide for granting asylum or refugee status, and the government has established a system of providing protection to refugees. UNHCR
continued to provide documentation and assistance to the refugee population. UNHCR and the government continued to conduct biometric verification and registration of refugees, including of those not living in refugee camps. Nevertheless, local authorities did not always recognize these documents as official, which prevented refugees from travelling and engaging in business activities. As of September the country reported 696,097 persons of concern to UNHCR, including 246,131 Central Africans and 98,590 Nigerian refugees in rural areas; 18,447 Central African and 1,914 Nigerian refugees living in urban areas; and 6,399 Central African and 27 Nigerian asylum seekers living in urban areas.

Access to Basic Services: Like their rural host country inhabitants only more so, most refugees had limited access to health care, education, and employment opportunities. Access to these services varied according to the location of the refugees, with those in camps receiving support through humanitarian organizations, while refugees living in host communities faced difficulty receiving services. Visiting the East Region in June, Deputy UNHCR Commissioner for Operations George Okoth-Obbo remarked that refugees from the Central African Republic (CAR) urgently needed basic assistance, especially food, health care, and livelihood opportunities. He noted that refugees were compelled by their situation to adopt negative coping mechanisms, such as stealing and engaging in prostitution.

Durable Solutions: As of August UNHCR and the governments of Cameroon and Nigeria had not started the voluntary repatriation of the more than 99,000 Nigerians refugees in Cameroon as agreed upon under the 2017 tripartite agreement. In June UNHCR carried out return intention surveys using a sample of 4,000 CAR refugees, which indicated that 24 percent of those surveyed would be interested in going back home, while 74 percent would prefer local integration as a durable solution.

Temporary Protection: The government provided temporary, unofficial protection to individuals who may not qualify as refugees, extending this protection to hundreds of individuals during the year, including third-country nationals who had fled violence in CAR. Due to their unofficial status and inability to access services or support, however, many of these individuals were subject to harassment and other abuses.

Section 3. Freedom to Participate in the Political Process
The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. President Biya and the majority CPDM party, however, exerted strong influence over key elements of the political process, including the judiciary and Elections Cameroon (ELECAM), the election organizing body.

Elections and Political Participation

Recent Elections: In the senate and presidential elections held during the year, the CPDM garnered the majority of votes, except in the Northwest, where it lost to the Social Democratic Front (SDF). The CPDM remained dominant in state institutions, partially due to strategic redrawing of voter districts, use of government resources for campaigning, interference with the right of opposition parties to organize and publicize views during electoral campaigns, and privileges associated with belonging to the ruling party.

The country conducted a presidential election on October 7, against the backdrop of protracted sociopolitical unrest in the two Anglophone regions and insecurity in the Far North due to attacks by Boko Haram and ISIS-WA. Eight candidates took part in the election; a ninth dropped out just before election day to support a rival opposition candidate. The election was marred by irregularities, including intimidation of voters and representatives of candidates at polling sites, late posting of polling sites and voter lists, ballot stuffing, voters with multiple registration, and a lack of transparency in the vote tallying process. In the countdown to the election, government-sponsored media outlets CRTV and Cameroon Tribune produced three times as much programming for the president as for the other eight candidates; in addition the ruling party violated the electoral code by blanketing cities with larger than regulation-sized campaign posters. While not illegal under law, government workers and financial resources were committed to supporting the incumbent’s campaign. President Biya was re-elected with 71.28 percent of votes cast.

On March 25, the country held its second senate elections. The ruling CPDM won 63 of the 70 elected seats, while the opposition SDF won seven elected seats. The president, in accordance with the constitution, appointed an additional 30 senators, including 24 from the CPDM, two from the National Union for Democracy and Progress (UNDP), and one each from four other nominal opposition parties, including Union of the People of Cameroon (UPC), National Alliance for Democracy and Progress (ANDP), Movement for the Defense of the Republic (MDR), and Cameroon National Salvation Front (FSNC). Overall, seven political
parties were represented in the senate. The March 25 senate elections were considered peaceful and within the boundaries of the legal framework that heavily favors the ruling party.

In 2013 the country held simultaneous legislative and municipal elections, with 29 parties participating in the legislative elections and 35 in the municipal elections. The CPDM won 148 of 180 parliamentary seats and 305 of 360 municipal council positions. New legislative and municipal elections were expected during the year. In July the parliament adopted, and the president promulgated, a law to extend the term of office of members of the National Assembly by one year. On July 11, the president signed a decree extending the term of office of municipal councilors for 12 months, effective from October 15.

Political Parties and Political Participation: As of September the country had 305 registered political parties. Membership in the ruling political party conferred significant advantages, including in the allocation of key jobs in state-owned entities and the civil service. The president appoints all ministers, including the prime minister, the governors of each of the 10 regions, and important lower-level members of the 58 regional administrative structures. The president also appoints 30 of the 100 senators, and most of the appointees were from the ruling party.

Human rights organizations and opposition political actors considered the drawing of voter districts and distribution of parliamentary or municipal councilors’ seats unfair, stating that it is not fair to begin with and does not take changes in population into account. Consequently, smaller districts sometimes were allocated more seats than more populated constituencies. Managers of state-owned companies and other high-level government officials used corporate resources to campaign for candidates sponsored by the ruling party in both senate and presidential elections to the detriment of the other candidates. Traditional rulers, who receive salaries from the government, openly declared their support for President Biya prior to the presidential election. Further, authorities frequently sought excuses not to grant opposition parties permission to hold rallies and meetings, while the ruling CPDM held meetings at will.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process. The law provides that lists of candidates for legislative and municipal elections should take into account the sociological components of the constituency, including gender. Cultural and other factors, however, reduced women’s political participation compared to that of men. Women remained underrepresented at all levels of government. Two women
submitted their candidacy for the October 7 presidential election, but neither met the requirements. Women occupied 26 of 374 council mayor positions; 81 of 280 parliamentary seats; 11 of 63 cabinet positions; and other senior level offices, including territorial command and security and defense positions. With the voting age set at 20, youth older than age 18 and younger than 20 are not allowed to vote. The minority Baka, a nomadic Pygmy people, were not represented in the senate, national assembly, or higher offices of government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively and often used it to settle political scores. The penal code identifies different offenses as corruption, including influence peddling, involvement in a prohibited employment, and nondeclaration of conflict of interest. Reporting of corruption is encouraged through exempting whistleblowers from criminal proceedings. Corruption in official examinations is punishable by up to five years’ imprisonment, fines up to two million CFA francs ($3,400), or both. During the year the National Anti-Corruption Commission (CONAC) instituted a toll-free number to encourage citizens to denounce acts of corruption of which they were victims or witnesses. In addition there were a number of organizations under a common platform known as the National Platform of Cameroonian Civil Society Organizations, which under the 2018 Finance Law was provided a budget of 150 million CFA francs ($255,000). The funds were to permit the organization to monitor the implementation of projects by government entities to confirm that resources disbursed are used appropriately. Nevertheless, corruption remained pervasive at all levels of government. The judiciary was not always free to independently investigate and prosecute corruption cases.

Corruption: The government continued Operation Sparrow Hawk, which was launched in 2006 to fight corruption, including embezzlement of public funds. As in the previous year, the Special Criminal Court (SCC) opened new corruption cases and issued verdicts on some pending cases. On May 4, the SCC placed Emmanuel Lebou, Hamadou Haman, and Aïssatou Boulo Bouba in pretrial detention at Yaounde Central Prison. Authorities accused the three officials from the ministries of finance and communication of fraudulent manipulation of government payrolls, including payments of fictitious salaries and other allowances, which resulted in losses worth hundreds of millions of CFA francs (several thousand dollars). In August the SCC delivered its verdict in the prosecution case against Doumana Louis Roger, the former transport delegate for the Northwest Region, and Ayafor Mefor Quita Fozo, a contractor with the
Ministry of Transport. They were under prosecution since 2016 for misappropriating fiscal revenues at the Northwest Regional Delegation of Transport in Bamenda. The accused were sentenced to 15 and 10 years in prison, respectively, and were required to pay jointly more than 156 million CFA ($265,000) to the public treasury.

Financial Disclosure: The constitution requires senior government officials, including members of the cabinet, to declare their assets, but a law passed to implement this provision had itself never been implemented.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups investigated and published findings on human rights cases. Overturning an earlier decision not to allow them back in the country, the government issued visas to allow Amnesty International and Human Rights Watch personnel to return to present their reports on human rights abuses to the government and to hear its views. As in previous years, however, government officials impeded the effectiveness of many local human rights NGOs by harassing their members, limiting access to prisoners, refusing to share information, and threatening violence against NGO personnel. Human rights defenders and activists received anonymous threats by telephone, text message, and email. The government took no action to investigate or prevent such occurrences. The government criticized reports from international human rights organizations, including Amnesty International, Human Rights Watch, and the International Crisis Group, accusing them of publishing baseless accusations with the intention of discrediting the government and military. Despite these restrictions, numerous independent domestic human rights NGOs continued operations to the best of their ability, although many reported that government threats and intimidation limited their ability to operate in the country.

There were several reports of intimidation, threats, and attacks aimed at human rights activists, including members of the Network of Human Rights Defenders in Central Africa (REDHAC), Nouveaux Droits de l’Homme (NDH), the Mandela Center, and Front Line Fighters for Citizens’ Interests (FFCI), among others. FFCI executive president Franklin Mowha was reported missing as of August 6 while he was on a business trip to the Southwest Region. FFCI officials and Mowha’s family members alleged that authorities were informed but failed to investigate the case. As of late October, his family members did not have any information concerning his whereabouts and feared he might have been killed.
Government Human Rights Bodies: The National Commission on Human Rights and Freedoms (NCHRF) is an independent, government-funded institution for consultation, monitoring, evaluation, dialogue, concerted action, promotion, and protection of human rights. The NCHRF was established by a 1990 presidential decree and was subsequently given more powers following the passage of a 2004 law. The NCHRF, however, is limited to making recommendations to competent authorities and can take no action itself. The commission publishes yearly reports on the human rights environment and may engage in research, provide education, coordinate actions with NGOs, and visit prisons and detention sites. NGOs, civil society, and the general population considered the NCHRF dedicated and effective, albeit inadequately resourced and with insufficient ability effectively to hold human rights violators to account. Its budget was far smaller than that of most other agencies with comparable status, such as the National Anti-Corruption Commission and Election Cameroon.

The National Assembly’s Constitutional Laws, Human Rights and Freedoms, Justice, Legislation, Regulations, and Administration Committee was adequately resourced and reviewed the constitutionality of proposed legislation, but it was not an effective check on the ruling party’s initiatives. The parliament generally failed to address the Anglophone crisis, resulting in a protest by opposition Social Democratic Front representatives during the March ordinary session of parliament.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape of men and women and provides penalties of between five and 10 years of imprisonment for convicted rapists. Police and courts, however, rarely investigated or prosecuted rape cases, especially since victims often did not report them. The law does not address spousal rape.

The law does not specifically prohibit domestic violence, although assault is prohibited and punishable by imprisonment and fines.

Female Genital Mutilation/Cutting (FGM/C): The law protects the bodily integrity of persons, and the 2016 penal code prohibits genital mutilation of all persons. Whoever mutilates the genitals of another person is subject to a prison sentence of from 10 to 20 years, or imprisonment for life if the offender habitually carries out
this practice for commercial purposes or the practice causes death. FMG/C remained a problem, but its prevalence remained low. As in the previous year, children were reportedly subjected to FGM/C in isolated areas of the Far North, East, and Southwest Regions and among the Choa and Ejagham ethnic groups.

According to the Minister of Women’s Empowerment and the Family, the government fully adopted a UN General Assembly resolution on the intensification of the global action aimed at eliminating FGM/C. For more than 10 years, the government has carried out initiatives to end FGM/C. These include granting support for the socioeconomic reconversion of male and female excision practitioners and creating local committees to fight against the phenomenon in areas of high prevalence, such as the Southwest and Northern Regions.

Other Harmful Traditional Practices: Widows were sometimes forcibly married to one of their deceased husband’s relatives to secure continued use of property left by the husband, including the marital home. To protect women better, including widows, the government included provisions in the 2016 penal code outlawing the eviction of a spouse from the marital home by any person other than the other spouse.

Sexual Harassment: The law prohibits sexual harassment. Offenders can be imprisoned for periods of six months to one year and may be fined between 100,000 and one million CFA francs ($170 and $1,700). If the victim is a minor, the penalty can be between one to three years in prison. If the offender is the victim’s teacher, they may be sentenced to between three and five years in prison. Despite these legal provisions, sexual harassment was widespread, and there were no reports that anyone was fined or imprisoned for sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution provides for the same legal status and rights for women and men; in practice, however, women did not enjoy the same rights and privileges as men. Although local government officials including mayors claimed women had access to land in their constituencies, the overall sociocultural practice of denying women the right to own land, especially through inheritance, was prevalent in most regions. The government did not implement any official discriminatory policy against women in such areas as divorce, child custody, employment, credit, pay, owing or managing business or property, education, the judicial process, and housing. Although women and men have equal employment
rights, fewer women occupied positions of responsibility. Furthermore, anecdotal reports suggest some gender discrimination occurred in places of employment, especially in the private sector.

Children

Birth Registration: Children derive citizenship through their parents, and the responsibility to register birth falls upon parents. Many births go unregistered because children are not always born in health facilities, and many parents face challenges in reaching local government offices.

Education: The law provides for tuition-free compulsory primary education but does not set an age limit. The law punishes any parent with sufficient means who refuses to send his or her child to school with a fine between 50,000 to 500,000 CFA francs ($85 and $850). The punishment is imprisonment from one to two years in cases in which the offense is repeated. Children were generally expected to complete primary education at age 12. Secondary school students had to pay tuition and other fees in addition to buying uniforms and books. This rendered secondary education unaffordable for many children.

During the year numerous separatist attacks on the education sector in the Southwest and Northwest Regions, including arson attacks on school facilities and physical assaults on administrative staff, faculty and students, disrupted the normal operation of schools. Many students and teachers were absent during the 2017-18 school year. According to estimates by the UN Office for the Coordination of Humanitarian Affairs (OCHA), 42,500 children were still out of school as of May. In June, UNICEF reported that at least 58 schools in the Northwest and Southwest Regions had been damaged since the beginning of the crisis in 2016. Human Rights Watch documented 19 threats or attacks on schools and 10 threats or attacks on education personnel.

In September individuals believed to be Anglophone separatists perpetrated a series of attacks aimed at disrupting the start of the 2018-19 school year in certain localities of the Northwest and Southwest Regions. During the night of September 1, the headmaster of the Bamali primary school in Ngoketunjia Division in the Northwest Region was killed. On September 3, separatists abducted six students from the Presbyterian Girls Secondary School in Bafut, Mezam Division in the Northwest Region, along with their principal. They later released the students and principal, who had been subjected to torture. On September 4, a dozen individuals stormed a high school in Kumbo, Bui Division, in the Northwest Region and
vandalized the administrative building, forcing teachers and students to run for safety. On the same day, St Joseph’s Secondary School in Fako Division in the Southwest Region was attacked.

**Child Abuse:** The law prohibits various forms of child abuse, including but not limited to assault, indecency, kidnapping, forced labor, rape, sexual harassment, and cloud on parentage, which refers to a situation where one parent refuses to disclose the identity of the other parent to the child. Penalties for the offenses range from 10,000 CFA francs ($17) for forced labor to imprisonment for life in the case of assault leading to death or grievous harm. Despite these legal provisions, child abuse remained a problem. Children continued to suffer corporal punishment, both within families and at school. In addition Boko Haram continued to abduct children and used them as suicide bombers. Press reports cited cases of child rape and the kidnapping of children for ransom. In its April 20 edition, *Mutation Daily* reported that Rseau National des Associations de Tantines (RENATA), an association working with girls who have become mothers due to early pregnancy, had received 18 reports of sexual abuse of minors since January.

**Early and Forced Marriage:** The minimum legal age for marriage is 18. Despite the law, according to UNICEF’s March 2018 child marriage data, 31 percent of women between the ages of 20 and 24 were married before they turned 18, and of these, 10 percent were married before they turned 15. The law punishes anyone who compels an individual to marry with imprisonment of from five to 10 years, and with fines between 25,000 and one million CFA francs ($42.50 to $1,700). By law mitigating circumstances may result in a reduction in punishment, but the final penalty may not be less than a two-year prison sentence. The court may also take custody from parents who give away their underage children in marriage. Despite these legal provisions, a number of families reportedly tried to marry off their girls before age 18. To tackle the issue, the Ministry of Women’s Empowerment and Family (MINPROFF) organized sensitization campaigns to warn of the problems of early and forced marriages. MINPROFF conducted these campaigns nationally around major commemorative days, such as the International Day of the Girl Child and International Women’s Day. At the local level, MINPROFF established women’s empowerment centers in most divisions where grassroots sensitization activities took place.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation of children, including child pornography. A conviction, however, requires proof of a threat, fraud, deception, force, or other forms of coercion. Penalties include imprisonment of between 10 and 20 years and a fine of between
The law does not specifically provide a minimum age for consensual sex. According to anecdotal reports, children younger than age 18 were exploited in commercial sex, especially by restaurant and bar promoters, although no statistics were available.

Child Soldiers: The government did not recruit or use child soldiers, but government-affiliated civil defense forces employed child soldiers. Boko Haram continued to use child soldiers, including girls, in its attacks on civilian and military targets. There were also some reports that Anglophone separatists in the Southwest and Northwest Regions used children to combat government defense and security forces. In presenting the government humanitarian emergency action plan in July, the prime minister stated that separatists were recruiting children into their ranks and forcing them to fight after consuming drugs and undergoing cult-like rituals.

Infanticide or Infanticide of Children with Disabilities: There were no reports of infanticide of children with disabilities. According to human rights activists and media outlets, including newspapers Le Messager, Mutations, and Nouvelle Expression, local residents found the head of a decapitated child in a garbage bin on August 27 in the Yaounde neighborhood of Mvog Ebanda, commonly known as “Eleveur.” Investigations led to the identification of the mother of the child as the perpetrator of the crime.

Displaced Children: Many displaced children continued to live on the streets of major urban centers, although the trend was in decline as a result of stringent security measures and the amended penal code that criminalizes vagrancy. According to the International Organization for Migration, approximately 65 percent of IDPs in Far North Region were children younger than 18. These children faced many challenges, including limited access to school, health, and protection. In addition thousands of children were negatively impacted by the humanitarian crisis in the Northwest and Southwest. These children faced significant violations of their rights by armed forces and nonstate armed actors alike. The government had not established structures to ensure that internally displaced children were protected from forceful recruitment by nonstate armed groups and terrorist organizations.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s Annual Report on International Parental Child Abduction at

Anti-Semitism

The Jewish community was very small, and there were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution protects the rights of all persons, including persons with disabilities. A 2010 law provides additional protection to persons with physical, sensory, intellectual, or mental disabilities. The protections under the law cover access to education and vocational training, employment, health services, information and cultural activities, communications, buildings, sports and leisure, transportation, housing, and other state services. Public education is tuition-free for persons with disabilities and children born of parents with disabilities. Initial vocational training, medical treatment, and employment must be provided “when possible,” and public assistance “when needed.” The government did not enforce all these provisions effectively in the past. On July 26, the prime minister issued a decree spelling out a framework for implementing the 2010 law.

There were no reports of police or other government officials inciting, perpetrating, or condoning violence against persons with disabilities during the reporting period. The majority of children with disabilities attended school with nondisabled peers. The government introduced inclusive education in many schools and reviewed the curriculum of teacher training colleges to include training in inclusive education skills. Other children with disabilities continued to attend specialized schools such as the Bulu Blind Center in Buea and the Yaounde Special School for Hearing Impaired Children (ESEDA).

National/Racial/Ethnic Minorities

The population consists of more than 275 ethnic groups. Members of the president’s Beti/Bulu ethnic group from the South Region held many key positions
and were disproportionately represented in the government, state-owned businesses, and security forces.

Indigenous People

An estimated 50,000 to 100,000 Baka, including Bakola and Bagyeli, resided primarily in (and were the earliest known inhabitants of) the forested areas of the South and East Regions. The government did not effectively protect the civil or political rights of either group. Logging companies continued to destroy their naturally forested land without compensation. Other ethnic groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. The government continued long-standing efforts to provide birth certificates and national identity cards to Baka. Most Baka did not have these documents, and efforts to reach them were impeded by the difficulty in accessing their homes deep in the forest.

There were credible reports from NGOs that the Mbororo, itinerant pastoralists living mostly in the North, East, Adamawa, and Northwest Regions, were subject to harassment, sometimes with the complicity of administrative or judicial authorities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Consensual same-sex sexual activity, including between adults, is illegal and punishable by a prison sentence lasting between six months and five years and a fine ranging from 20,000 to 200,000 CFA francs ($34 to $340).

LGBTI rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroon, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others reported several arrests of LGBTI persons. LGBTI individuals received anonymous threats by telephone, text message, and email, including of “corrective” rape, but authorities did not investigate allegations of harassment. Civil society members stated there were also cases where LGBTI individuals underwent corrective rape, sometimes through the facilitation of the victim’s own family. Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.
The law does not explicitly prohibit discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services such as health care. The constitution provides for equal rights for all citizens. In practice, however, security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. This practice and the fear it generated in turn restricted access to HIV/AIDS services. Anecdotal reports also suggested some discrimination occurred in places of employment with respect to sexual orientation.

In an April 25 release, the Observatory for the Protection of Human Rights Defenders, in partnership with the World Organization against Torture and the International Federation of Human Rights (FIDH), denounced the arrest and arbitrary detention of five staff members of the association Avenir Jeune de l’Ouest (AJO). AJO promoted the rights of LGBTI persons with HIV and sex workers in the West Region. According to the release, men in civilian clothing from the territorial police, on April 20, arrested the executive director and two other members of AJO, including a care worker, as they were leaving the organization’s premises. On April 21, two additional care workers from the organization were arrested at their places of residence. Police did not have warrants and took the five members of AJO to the Dschang central police station, where they experienced poor detention conditions on charges related to consensual same-sex conduct. In connection with this incident, 18 other men were arrested. For the first time in many years, authorities in the West Region introduced the prospect of forced anal exams for the 23 arrestees. The men were ordered to undergo such exams, but after intense advocacy by the lawyer representing the men, together with diplomatic pressure, the matter was dropped. The men did not have access to their lawyer until April 24.

In a midterm report covering the period from January to May, Alternatives Cameroon recorded 64 cases of violence against LGBTI individuals, including three cases of arbitrary detention, 30 cases of psychological violence, one case of sexual violence, 18 cases of physical violence, and 12 cases of blackmail and extortion.

**HIV and AIDS Social Stigma**

Persons afflicted with HIV or AIDS often suffered social discrimination and were isolated from their families and society due to social stigma and lack of education on the disease.
As in the previous year, while there were no specific cases of discrimination to highlight in employment, anecdotal reports indicated some discrimination occurred with respect to HIV status, especially in the private sector.

**Other Societal Violence or Discrimination**

Several cases of vigilante action and other attacks were reported during the year. Several arson attacks were recorded, involving the destruction of both public and private property. On January 21, in Nkambe, in the Donga and Mantung Division of Northwest Region, unidentified men set the dormitory section of St Rita’s Secondary School on fire after the management defied the school boycott called for by separatists in the Anglophone regions.

On April 28, on the outskirts of Muyuka, Southwest Region, three gunmen on motorbikes shot and killed Sophie Mandengue Maloba, a pregnant schoolteacher. The incident occurred three days after a similar attack on a school in Kumba took place where assailants riding motorcycles shot and killed the discipline master of the government bilingual high school and chopped off three fingers of a student.

The October presidential election triggered a wave of ethnic-tinged hate speech on social media after Cameroon Renaissance Movement candidate Maurice Kamto prematurely announced he won the election. These attacks mostly split along tribal lines, with Kamto’s Bamileke and President Biya’s Beti ethnic groups the primary targets.

The law provides for sentences of between two and 10 years’ imprisonment and fines of between 5,000 and 100,000 CFA francs ($8.50 and $170) for witchcraft. There were no reported arrests or trials for alleged witchcraft reported during the year.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes. This does not apply to groups including defense and national security personnel, prison administration civil servants, and judicial and legal personnel. The law also prohibits antiunion discrimination and requires the reinstatement of workers fired for union activity.
Statutory limitations and other practices substantially restricted these rights. The law does not permit the creation of a union that includes both public- and private-sector workers or the creation of a union that includes different, even if closely related, sectors. The law requires that unions register with the government, permitting groups of no fewer than 20 workers to organize a union by submitting a constitution and by-laws; founding members must also have clean police records. The law provides for heavy fines for workers who form a union and carry out union activities without registration. More than 100 trade unions and 12 trade union confederations operated, including one public-sector confederation. Trade unions or associations of public servants may not join a foreign occupational or labor organization without prior authorization from the minister responsible for “supervising public freedoms.”

The constitution and law provide for collective bargaining between workers and management as well as between labor federations and business associations in each sector of the economy. The law does not apply to the agricultural or informal sectors, which included the majority of the workforce.

Legal strikes or lockouts may be called only after conciliation and arbitration procedures have been exhausted. Workers who ignore procedures to conduct a legal strike may be dismissed or fined. Before striking, workers must seek mediation from the Ministry of Labor and Social Security at the local, regional, and ministerial levels. Only if mediation fails at all three levels can workers formally issue a strike notice and subsequently strike. The law allowing persons to strike does not apply to civil servants, employees of the penitentiary system, or workers responsible for national security, including police, gendarmerie, and army personnel. Instead of strikes, civil servants are required to negotiate grievances directly with the minister of the appropriate department in addition to the Minister of Labor and Social Security. Arbitration decisions are legally binding but were often unenforceable if one party refused to cooperate.

Employers guilty of antiunion discrimination are subject to fines of up to approximately one million CFA francs ($1,700).

Free Industrial Zones are subject to labor law, except for the following provisions: the employers’ right to determine salaries according to productivity, the free negotiation of work contracts, and the automatic issuance of work permits for foreign workers.
The government and employers did not effectively enforce the applicable legislation on freedom of association and the right to collective bargaining. Penalties for violations were rarely enforced and were ineffective as a deterrent. Administrative judicial procedures were infrequent and subject to lengthy delays and appeals. The government and employers often interfered in the functioning of workers’ organizations. The government occasionally worked with nonrepresentative union leaders to the detriment of elected leaders, while employers frequently used hiring practices such as subcontracting to avoid hiring workers with bargaining rights. Blacklisting of union members, unfair dismissal, promotion of employer-controlled unions, and threatening workers trying to unionize were common practices.

Collective agreements are binding until after a party has given three months’ notice to terminate. Workers’ representatives alleged that the minister of labor and social security often negotiated collective agreements with trade unionists who had nothing to do with the sectors concerned and did not involve trade union confederations that prepared the draft agreements. Following staff representative elections conducted during the year, Syndicat National Libre des Dockers et Activites Connexes du Cameroun (Free National Union of Dockers and Related Activities of Cameroon-SYNALIDOACC) won 14 of the 20 dockers’ delegate seats, thus becoming the majority union at the Douala Sea Port, under the leadership of Voundi Ebale Jean Pierre. Oumarou Mouansie, the former dockers’ spokesperson, refused to transfer leadership to the new team. The minister of labor and social security did not involve Voundi in the process leading to the new collective agreement. Unionized members of the new team alleged they were victims of discrimination by the Douala Autonomous Port (PAD) authorities, especially in terms of job assignments.

For example, the government continued to undermine the leadership of the Confederation Syndicale des Travailleurs du Cameroun (CSTC), one of the 12 trade union confederations elected in 2015, by continuing to cooperate with former leaders of the CSTC. Jean Marie Zambo Amougou, the former leader, continued to use the title “President of the CSTC” despite a January 2017 court decision ordering him to stop doing so with immediate effect. Despite the court decision, the minister of labor and social security continued to view Zambo Amougou as the official representative of the CSTC. The minister reportedly invited him to meetings and sent all CSTC correspondence to Amougou to the detriment of CSTC’s legitimate leader, Andre Mousssi Nolla, and other new leaders, and in spite of multiple complaints by the CSTC. The CSTC tabled the issue before the administrative court in Yaounde early in the year. During a June 15 hearing
session, the administrative tribunal declined jurisdiction to hear and rule on the case.

As in 2017, trade unionists reported on officials prohibiting the establishment of trade unions in the officials’ private businesses, including Fokou, Afrique Construction, Eco-Marche, and Quifferou, or otherwise hindering union operations. Some companies based in Douala II, IV, and V and in Tiko (Southwest Region), retained 1 percent of unionized workers’ salaries as union dues but refused to transfer the money to trade unions.

As in 2017, many employers frequently used hiring practices such as subcontracting to avoid hiring workers with bargaining rights. Workers’ representatives stated most major companies, including parastatal companies, engaged in the practice, citing the electricity company Energy of Cameroon, the water company Camerounaise des Eaux, cement manufacturer Cimencam, Guinness, Aluminum Smelter (Alucam), and many others. Subcontracting was reported to involve all categories of personnel, from the lowest to senior levels. As a result workers with equal expertise and experience did not always enjoy similar advantages when working for the same business; subcontracted personnel typically lacked a legal basis to file complaints.

A number of strikes were announced during the year. Some were called off after successful negotiation, some were carried out without problems, while others faced some degree of repression. Workers’ grievances generally involved poor working conditions, including lack of personal protective equipment, improper implementation of collective agreements, and nonpayment of salary arrears or retirement benefits. Workers also often complained of illegal termination of contracts, lack of salary increases, and failure of employers to properly register employees and pay the employer’s contribution to the National Social Insurance Fund, which provides health and social security benefits.

In April 2017 the government delegate to the Douala City Council suspended 11 workers’ representatives affiliated with the Wouri Divisional Union of Council Workers following a strike they held that same month. Employees of the City Council in Douala demanded health insurance for themselves and their immediate relatives. The government delegate fired the complainants but was overruled by the minister of labor and social security. The government delegate, however, did not reinstate the employees in their positions. In February the workers staged a hunger strike requesting their reinstatement and 10 months’ arrears, but the strike failed to bring about a positive outcome. On September 27, the Littoral Court of
Appeals delivered a verdict requesting that the government immediately reinstate and pay the salaries of the 11 workers’ representatives. The court threatened to impose a fine of 20,000 CFA francs ($34) per day for any delay. As of mid-November, the 11 workers’ representatives had not been reinstated, nor had they received their salaries following the court’s decision.

Dockers from PAD staged a series of strikes on February 13, June 22, and June 25, after unsuccessful negotiations with authorities. The dockers first went on strike in May 2017 and reached a poststrike agreement with their employer, the Groupement Professionnel des Acconiers du Cameroun (GPAC), to improve working conditions. Because their employer did not fulfill promises made, the dockers went on strike again on June 22 and were dispersed with tear gas. They staged yet another strike on June 25, despite a strong deployment of security forces, to denounce what they referred to as an “advanced state of slavery” imposed by their employer. Specific grievances included the lack of salary increases, insurance coverage, family allowances, and fair distribution of work, among others. Anecdotal evidence suggested that a few striking dockers sustained injuries.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced and compulsory labor. The law prohibits slavery, exploitation, and debt bondage and voids any agreement in which violence was used to obtain consent. Violations of the law are punishable by prison terms of five to 20 years and fines ranging from 10,000 to 10 million CFA francs ($17 to $17,000). In cases of debt bondage, penalties are doubled if the offender is also the guardian or custodian of the victim. The law also extends culpability for all crimes to accomplices and corporate entities. Although the statutory penalties are fairly severe, the government did not enforce the law effectively, due to lack of knowledge of trafficking and limited labor inspection and remediation resources. In addition, due to the length and expense of criminal trials and the lack of protection available to victims participating in investigations, many victims of forced or compulsory labor resorted to accepting amicable settlement.

There continued to be anecdotal reports of hereditary servitude imposed on former slaves in some chiefdoms in the North Region. Many Kirdi, whose ethnic group was heavily of Christian and traditional faiths and who had been enslaved by the Muslim Fulani in the 1800s, continued to work for traditional Fulani rulers for compensation, while their children were free to pursue schooling and work of their
Kirdi were also required to pay local chiefdom taxes to Fulani, as were all other subjects. The combination of low wages and high taxes, although legal, effectively constituted forced labor. While technically free to leave, many Kirdi remained in the hierarchical and authoritarian system because of a lack of viable options.

In the South and East Regions, some Baka, including children, continued to be subjected to unfair labor practices by Bantu farmers, who hired the Baka at exploitive wages to work on their farms during the harvest seasons. The NGO Mandela Center documented the case of Mohounga Paul Alias, who resided in a Baka camp, died in December 2017 after he fell from the roof of a Bantu family house in an attempt to escape from captivity.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and sets 14 as the minimum age of employment. The law prohibits children from working at night or longer than eight hours per day, it and enumerates tasks children younger than 18 cannot legally perform, including moving heavy objects, undertaking dangerous and unhealthy tasks, working in confined areas, and prostitution. Employers are required to train children between ages 14 and 18. Because compulsory education ends at age 12, children who are not in school and not yet 14 are particularly vulnerable to child labor. In addition laws relating to hazardous work for children younger than age 18 are not comprehensive, since they do not include prohibitions on work underwater or work at dangerous heights. The government, however, earmarked funds for the Ministry of Labor and Social Security to revise the hazardous work list during the year. The law provides penalties ranging from fines to imprisonment for those who violate child labor laws.

The Ministry of Social Affairs and the Ministry of Labor and Social Security are responsible for enforcing child labor laws through site inspections of registered businesses. The government did not effectively enforce the law in all sectors. Authorities did not allocate sufficient resources to support an effective inspection program. Fines were not sufficient to deter violations, and court action was often ineffective, but workers’ organizations reported child labor was not a major problem in the formal sector.
The use of child labor, including forced labor, in informal sectors remained rampant. UNICEF’s 2014 Multiple Indicator Cluster Survey indicated that 47 percent of children ages five to 14 were engaged in labor. Children working in agriculture frequently were involved in clearing and tilling the soil and harvesting crops, such as bananas and cocoa. In the service sector, children worked as domestic servants and street vendors. Children, including refugee children from the Central African Republic, worked at artisanal mining sites under dangerous conditions. Children were also forced to beg by adults, often by their parents to provide additional income for the household. According to anecdotal reports, child labor, especially by refugee children, was prevalent in the building construction sector. Chinese firms based in the country also reportedly used local child labor in the manufacture of children’s shoes. In March 2017 the government convened a three-day assessment of the 2014-17 Decent Work Country Program and provided training to labor inspectors, including on child labor issues. During the year the government also increased the number of labor inspectors from 132 to 286, but this number was still insufficient for the size of the workforce.

Parents viewed child labor as both a tradition and a rite of passage. Relatives often brought rural youth, especially girls, to urban areas to exploit them as domestic helpers under the pretense of allowing them to attend school. In rural areas many children began work at an early age on family farms. The cocoa industry and cattle-rearing sector also employed child laborers. These children originated, for the most part, from the Far North, North, Adamawa, West, and Northwest Regions.

The Ministry of Social Affairs, in collaboration with the Ministry of Territorial Administration and the national police, continued to implement activities to sensitize parents to the negative impact of child labor. In June authorities in Kribi, in the Ocean Division of the South Region, conducted an operation leading to the identification of at least 21 children, ages six to 13 years, who were selling items on the city’s streets. Police took the children to the Kribi central police station, where they registered and held the children until they could notify the parents. Police interrogated the parents, informed them of the risks to which their children were exposed, and warned them they would be prosecuted if the children returned to the streets. The operation was in line with a decision taken two years earlier by the senior divisional officer for Ocean Division to ban commercial activities by children in his jurisdiction.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).
d. Discrimination with Respect to Employment and Occupation

The law contains no specific provisions against discrimination, but the constitution in its preamble provides that all persons shall have equal rights and obligations and that every person shall have the right and the obligation to work. Discrimination in employment and occupation allegedly occurred with respect to ethnicity, HIV status, disability, gender, and sexual orientation, especially in the private sector. Ethnic groups often gave preferential treatment to members of their respective ethnic group members in business and social practices, and persons with disabilities reportedly found it difficult to secure and access employment. There were no reliable reports of discrimination against internal migrant or foreign migrant workers, although anecdotal reports suggested such workers were vulnerable to unfair working conditions. The government took no action to eliminate or prevent discrimination and kept no records of incidents.

e. Acceptable Conditions of Work

The minimum wage in all sectors is 36,270 CFA francs ($62) per month, greater than the World Bank’s international poverty line of $1.90 per day. Premium pay for overtime ranges from 120 to 150 percent of the hourly rate, depending on the amount of overtime and whether it is weekend or late-night overtime. Despite the minimum wage law, employers often negotiated with workers for lower salaries, in part due to the extremely high rate of underemployment in the country. Salaries lower than the minimum wage remained prevalent in the public-works sector, where many positions required unskilled labor, as well as in the domestic work sector, where female refugees were particularly vulnerable to unfair labor practices.

The law establishes a standard workweek of 40 hours in public and private nonagricultural firms and a total of 2,400 hours per year, with a maximum limit of 48 hours per week in agricultural and related activities. There are exceptions for guards and firefighters (56 hours a week), service-sector staff (45 hours), and household and restaurant staff (54 hours). The law mandates at least 24 consecutive hours of weekly rest.

The law mandates paid leave at the employer’s expense at the rate of one and one-half working days for each month of actual service. For persons younger than age 18, leave accrues at the rate of two and one-half days per month of service. A maximum of 10 days per year of paid special leave, not deductible from annual leave, is granted to workers on the occasion of immediate family events. For
mothers, leave is generally increased by two working days for each child in the household younger than age six.

The government sets health and safety standards in the workplace. The minister in charge of labor issues establishes the list of occupational diseases in consultation with the National Commission on Industrial Hygiene and Safety. These regulations were not enforced in the informal sector. The labor code also mandates that every enterprise and establishment of any kind provide medical and health services for its employees. This stipulation was not enforced. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations. Representatives for dockers claimed that, in the event of an accident at work, the employer allows treatment for two months and fires the victim if he or she does not recover.

The Ministry of Labor and Social Security is responsible for national enforcement of the minimum wage and workhour standards, but it did not enforce the law. Ministry inspectors and occupational health physicians are responsible for monitoring health and safety standards, but the ministry lacked the resources for a comprehensive inspection program. Penalties were insufficient to deter violations. Although there were ministries tasked with upholding the labor laws, resources were inadequate to support their mission. For example, the city of Douala, which has six subdivisions, hundreds of companies, and thousands of employees, had only one labor inspectorate, which was generally poorly staffed.
TAB 8
EXECUTIVE SUMMARY

Cameroon is a republic dominated by a strong presidency. The country has a multiparty system of government, but the Cameroon People’s Democratic Movement (CPDM) has remained in power since its creation in 1985. In practice, the president retains the power to control legislation. In 2011 citizens re-elected CPDM leader Paul Biya president, a position he has held since 1982, in a flawed election marked by irregularities, but observers did not believe these had a significant impact on the outcome. In April 2013 the country conducted the first Senate elections in its history that were peaceful and considered generally free and fair. In September 2013 simultaneous legislative and municipal elections were held, and most observers considered them free and fair.

Civilian authorities maintained a degree of control over security forces, including police and gendarmerie.

The most significant human rights issues included: arbitrary and unlawful killings through excessive use of force by security forces; disappearances by security forces and Boko Haram; torture and abuse by security forces including in military and unofficial detention facilities; prolonged arbitrary detentions including of suspected Boko Haram supporters and individuals in the Anglophone regions; harsh and life threatening prison conditions; violations of freedoms of expression and assembly; periodic government restrictions on access to the internet; trafficking in persons; criminalization and arrest of individuals engaged in consensual same-sex sexual conduct; and violations of workers’ rights.

Although the government took some steps to punish and prosecute officials who committed abuses in the security forces and in the public service, it did not often make public actual sanctions, and offenders often continued acting with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports security force officials committed arbitrary and unlawful killings through excessive use of force in the execution of official duties. Amnesty International and the International Crisis Group reported that defense and
security forces used excessive and disproportionate force to disperse
demonstrations in the country’s Anglophone regions, killing at least 40 individuals
between September 28 and October 2 alone. On November 17, the UN High
Commissioner for Human Rights called on the government to conduct an impartial
and independent investigation into the allegations of human rights violations
committed during and after the October incidents but as of December no
investigations into these allegations were underway.

In the Far North region, security forces also were reported responsible for holding
incommunicado, torturing, and in at least 10 cases killing suspected Boko Haram
and Islamic State (ISIS)-West Africa supporters in detention facilities run by the
military and intelligence services, including the Rapid Intervention Battalion (BIR)
and the General Directorate of External Research (DGRE). Civil society
organizations and media sources generally blamed members of the three primary
security forces--the BIR, the Motorized Infantry Battalion, and the gendarmerie--
for the deaths. Per Amnesty International, no security force officials responsible
for human rights violations documented in their reporting on the Far North region
had been held to account as of November.

The terrorist organization Boko Haram as well as ISIS-West Africa continued
killing civilians, including members of vigilance committees, and members of
defense and security forces in the Far North region. According to Amnesty
International, Boko Haram conducted at least 120 attacks between July 2016 and
June 2017, including 23 suicide bombings, resulting in the deaths of more than 150
civilians.

b. Disappearance

There continued to be reports of arrests and disappearances of individuals by
security forces, particularly in the northern and Anglophone regions. According to
nongovernmental organizations (NGOs), some activists arrested in the context of
the crisis fueled by perceptions of marginalization in the northwest and southwest
Anglophone regions could not be accounted for as of November. Family members
and friends of detained persons were frequently unaware of the missing
individual’s location in detention until after a month or more of attempting to
locate the missing individual.

Boko Haram insurgents kidnapped civilians, including women and children, during
numerous attacks in the Far North region. Some of their victims remained
unaccounted for as of November.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, there were reports that security force members tortured, beat, harassed, or otherwise abused citizens. According to credible NGOs, members of the BIR, DGRE, and other security officials, including police and gendarmes, tortured persons inside and outside detention facilities.

Amnesty International reported in July on the cases of 101 individuals whom security forces allegedly tortured between March 2013 and March 2017 in detention facilities run by the BIR and the DGRE. While most of the cases documented involved persons arrested in 2014 and 2015 and tortured between 2014 and 2016, Amnesty International asserted that the practice continued into 2017. It stated that torture took place at 20 sites, including four military bases, two intelligence centers, a private residence, and a school. Specific sites named in the report included the BIR bases in Salak, Kousseri, and Kolofata, in the Far North region, and the DGRE facilities in Yaounde. Amnesty International said victims of torture described at least 24 different methods used to beat, break, and humiliate them, usually with the aim of forcing confessions or gaining information but also to punish, terrify, and intimidate. Most commonly, detainees were beaten with various objects, including electric cables, machetes, and wooden sticks; forced into stress positions and suspended from poles in ways that caused extreme pain to joints and muscles; and subjected to simulated drowning. A significant number of those arrested, according to the report, believed they had been targeted in part due to their Kanuri ethnicity. As of November no known investigations into these allegations had begun.

Press reporting from November 2016 indicated police and gendarmes in Buea, Southwest region, removed students, some of whom had recently been involved in protests at the local university, from their hostels, forced them to roll over in mud, and beat them with batons. According to reports, students were crammed onto military trucks and taken to undisclosed locations, where some were held for months. Some female students were allegedly raped.

Rape and sexual abuse were reported in several instances. The International Crisis Group reported that security forces were responsible for sexual abuse during their response to unrest in the Anglophone regions in September and October. International humanitarian organizations reported that members of the security
forces stopped female refugees who travelled without national identity cards and sexually exploited them in exchange for letting the women pass through security checkpoints.

The United Nations reported that as of October it had received four allegations of sexual exploitation and abuse against Cameroonian peacekeepers. One allegation of an exploitative relationship, one allegation of transactional sex, and two allegations of the rape of a child were made against military personnel serving with the UN Multidimensional Integrated Stabilization Mission in the Central African Republic. As of October 26, all investigations were pending. In two cases the United Nations suspended payments to the accused personnel; in the other two, interim actions were pending the identification of the personnel involved.

**Prison and Detention Center Conditions**

Prison conditions remained harsh and potentially life threatening due to gross overcrowding, inadequate food and medical care, physical abuse, and poor sanitary conditions.

**Physical Conditions:** Overcrowding remained pervasive in most prisons, especially in major urban centers. Officials held prisoners in dilapidated, colonial-era prisons, where the number of inmates was as much as four to five times the intended capacity. Prisons generally had separate wards for men, women, and children, but authorities often held detainees in pretrial detention and convicted prisoners together. In many prisons, toilet areas were common pits with multiple holes. In some cases, women benefitted from better living conditions, including improved toilet facilities and less crowded living quarters. Authorities claimed to hold sick persons separately from the general prison population, but this was often not the case.

The central prison in Maroua, Far North region, built in the 1930s and with an intended capacity of 350, held an estimated 1,600 inmates as of June. The central prison in Garoua, North region, with an intended capacity of 500, held nearly 2,000 inmates as of June 30. The central prison in Ngaoundere, Adamawa region, was designed for 500 inmates yet hosted 1,286 detainees as of July, over half of whom had not been convicted of any crime. As of July the principal prison in Edea, Littoral region, which had an intended capacity of 100, held 402 inmates, most of whom slept on the floor. The Kondengui central prison in Yaounde held approximately 4,000 inmates as of June, but its intended capacity was 1,500. The
central prison in Buea, Southwest region, built to host 300 inmates, held 1,175 inmates as of July.

Amnesty International recorded testimonies by suspected Boko Haram affiliates who were held at different times and in various detention facilities from 2014 to March 2017. Poor detention conditions included extreme overcrowding, inadequate and insufficient food and water, little or no access to sanitation, denial of medical assistance, and lack of access to fresh air or sunlight.

As in 2016, physical abuse by prison guards and prisoner-on-prisoner violence were also problems. According to media outlets and NGOs, on March 12-13, inmates of Garoua Central Prison launched a protest that developed into a mutiny. The prisoners were reportedly protesting life-threatening overcrowding. Prisoners denounced lack of potable water and other inhuman conditions. Some detainees besieged the main prison courtyard and refused to return to their cells because of excessive heat and poor ventilation. The protest allegedly became violent when security force members attempted to return the prisoners to their cells forcibly. Three inmates died, according to official sources, and more than 40 were injured.

Disease and illness were widespread. Malnutrition, tuberculosis, bronchitis, malaria, hepatitis, scabies, and numerous other untreated conditions, including infections, parasites, dehydration, and diarrhea, were rampant. The number of deaths associated with detention conditions or actions of staff members or other authorities was unknown. Observers indicated there had been 26 cases of tuberculosis in the central prison in Garoua, North region, since January. Amnesty International estimated that dozens of detainees died in both BIR and DGRE-run detention facilities between late 2013 and May 2017 because of torture and other mistreatment.

Corruption among prison personnel was reportedly widespread. Visitors were forced to bribe wardens to access inmates. Some visitors reported paying 2,000 CFA francs ($3.73)—the minimum daily wage is roughly CFA francs 570 ($1.06). Prisoners bribed wardens for special favors or treatment, including temporary freedom, cell phones, beds, and transfers to less crowded areas of the prisons. Due to inability to pay fines, some prisoners remained imprisoned after completing their sentences or receiving court orders of release.

As in the previous year, Amnesty International reported cases of persons held in unofficial detention sites, including BIR and/or DGRE-run facilities and other detention centers run by the security forces. As of mid-March the number of
persons held in Salak (Maroua, Far North region) and DGRE Lac (Yaounde, Center region) was at least 20 in each facility, based on estimates by Amnesty International. Local news sources reported that authorities had released 18 presumed Boko Haram members on August 10 after holding them for more than 10 months in Salak. Some sources stated that a number of Salak prisoners had been transferred to the central prison in Maroua.

Administration: Independent authorities often investigated credible allegations of life-threatening conditions. Visitors needed formal authorization from the state counsel; without authorization, they had to bribe prison staff to communicate with inmates. In addition, visits to Boko Haram suspects were highly restricted. Some detainees were held far from their families, reducing the possibility of visits.

Independent Monitoring: The government permitted international humanitarian organizations access to prisoners in official prisons. For example, the International Committee of the Red Cross had access to five prisons, including Maroua and Kousseri in the Far North region, Garoua in the North, Bertoua in the East, and Kondengui principal prison in Yaounde, Center region. Observers did not have access to prisoners held in unofficial military detention facilities. The National Commission on Human Rights and Freedoms (NCHRF) and NGOs, including the Commission for Justice and Peace of the Catholic Archdiocese, made infrequent unannounced prison visits. In July authorities denied a request by a joint delegation of foreign experts to visit the Yaounde Kondengui principal and central prisons. As of September, authorities had not approved an August 11 request by the NCHRF to visit detention facilities at the Secretariat of State for Defense (SED), DGRE, and National Surveillance Directorate.

Authorities allowed NGOs to conduct formal education and other literacy programs in prisons. At the principal prison in Edea, Littoral region, NGO Christian Action for the Abolition of Torture sponsored a Literacy and Social Reintegration Center that provided primary and lower secondary education to inmates. Human IS Right, a Buea-based civil society organization, in partnership with Operation Total Impact, continued their formal education and reformation education program in principal prisons of Buea and Kumba, Southwest region.

Improvements: An international humanitarian organization reported that health conditions, especially malnutrition, had improved in the prisons it worked in since it started collaborating more closely with government. It also stated it had agreements with some hospitals and took care of some medical bills of prisoners who required outside medical attention.
d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of their arrest or detention in court. The law states that, except in the case of an individual discovered in the act of committing a felony or misdemeanor, the officials making the arrest shall disclose their identity and inform the person arrested of the reason. The law also provides that persons arrested on a warrant shall be brought immediately before the examining magistrate or the president of the trial court who issued the warrant, and that the accused persons shall be given reasonable access to contact their family, obtain legal advice, and arrange for their defense. On several occasions the government did not respect these provisions.

Role of the Police and Security Apparatus

The national police, DGRE, Ministry of Defense, Ministry of Territorial Administration and Decentralization, and, to a lesser extent, Presidential Guard, are responsible for internal security. The Ministry of Defense--which includes the gendarmerie, army, and the army’s military security unit--reports to an office of the Presidency, resulting in strong presidential control of security forces. The army is responsible for external security; the national police and gendarmerie have primary responsibility for law enforcement. The gendarmerie alone has responsibility in rural areas. The national police--which includes the public security force, judicial police, territorial security forces, and frontier police--report to the General Delegation of National Security (DGSN), which is under the direct authority of the Presidency.

The government took some steps to hold police accountable for abuses of power. Police remained ineffective, poorly trained, and corrupt. Impunity continued to be a problem.

Civilian authorities maintained some control over the police and gendarmerie, and the government had some mechanisms in place to investigate and punish abuse and corruption. The DGSN and gendarmerie investigated reports of abuse and forwarded cases to the courts. Lesser sanctions were handled internally. The DGSN, Ministry of Defense, and Ministry of Justice claimed members of security forces were sanctioned during the year for committing abuses, but few details were known about investigations or any subsequent accountability.
The National Gendarmerie and the army have special offices to investigate abuse. The secretary of state for defense and the minister-delegate at the Presidency are in charge of prosecuting abusers. The minister-delegate of defense refers cases involving aggravated theft, criminal complicity, murder, and other major offenses to the military courts for trial.

As of November, the Military Court had not issued a decision in the prosecution of gendarme officer Lazare Leroy Dang Mbah, who was placed on pretrial detention following his involvement in the death of Moupen Moussa in March 2016 at an SED detention facility. Mbah detained and beat Moussa for failing to produce his national identity card. In the criminal procedure, the accused pleaded guilty of the charges listed against him. In addition the trial for Colonel Charles Ze Onguene, former commander of the Far North Gendarmerie Legion, continued before the Military Court in Yaounde. Colonel Ze was charged in connection with a cordon-and-search operation carried out in the villages of Magdeme and Double, Far North region, in 2014, during which more than 200 men and boys were arbitrarily arrested and taken to the gendarmerie in Maroua. At least 25 of them died in custody the same night, according to official sources.

**Arrest Procedures and Treatment of Detainees**

The law requires police to obtain a warrant before making an arrest, except when a person is caught in the act of committing a crime, but police often did not respect this requirement. The law provides that detainees be brought promptly before a magistrate, although this often did not occur. Police may legally detain a person in connection with a common crime for up to 48 hours, renewable once. This period may, with the written approval of the state counsel, be exceptionally extended twice before charges are brought. Nevertheless, police and gendarmes reportedly often exceeded these detention periods. The law also permits detention without charge for renewable periods of 15 days by administrative authorities such as governors and civilian government officials serving in territorial command. The law provides for access to legal counsel and family members, although police frequently denied detainees access to both. The law prohibits incommunicado detention, but it occurred, especially in connection with the fight against Boko Haram. The law permits bail, allows citizens the right to appeal, and provides the right to sue for unlawful arrest, but these rights were seldom respected.

**Arbitrary Arrest:** Police, gendarmes, BIR officials, and government authorities reportedly continued to arrest and detain persons arbitrarily, often holding them for prolonged periods without charge or trial and at times incommunicado. "Friday
arrests,” a practice whereby individuals arrested on a Friday typically remained in detention until at least Monday unless they paid a bribe, continued albeit to a limited extent. There were several reports police or gendarmes arrested persons without warrants on circumstantial evidence alone, often following instructions from influential persons to settle personal scores. There were also reports police or gendarmes arbitrarily arrested persons during neighborhood sweeps for criminals and stolen goods or arrested persons lacking national identification cards, especially in connection with the Anglophone crisis and the fight against Boko Haram.

There were several reports the government arbitrarily arrested and detained innocent citizens. Between November 2016 and July 2017, authorities arrested dozens of Anglophone activists and bystanders for no apparent reason. Police arrested some persons without informing them of the charges. In some instances the government did not inform family members where relatives were taken. On August 31 and September 1, the government released 55 Anglophone detainees. Others, up to 69 by some estimates, remained in detention as of September 30. In some cases, journalists covering events in the Anglophone regions were arrested and held for long periods of time without being notified of the charges against them.

On January 21, unidentified individuals in civilian clothing arrested Ayah Paul Abine, advocate general at the Supreme Court. The men took Ayah from his private home to the SED, where they held him without charge. In March, Ayah’s lawyers filed an application for immediate release with the Mfoundi High Court in Yaounde. On March 16, Ayah learned the charges against him. Lawyers believed Ayah’s detention was arbitrary because it happened over a weekend, he did not learn about the charges until several weeks later, and the arrest was in violation of the provisions of the criminal procedure code applicable to magistrates. On August 30, President Biya ordered the discontinuance of proceedings pending before the Military Court against Ayah, Nkongho Felix Agbor Balla, Fontem Aforteka’a Neba, and 52 others arrested in relation to the Anglophone crisis.

Amnesty International’s July report indicated that arbitrary arrests and detentions continued on a large scale in the Far North region, and even the basic legal safeguards concerning arrest and detention were rarely respected. According to the report, individuals were arrested arbitrarily and held in secret detention for several weeks or even months.
Pretrial Detention: The law provides for a maximum of 18 months’ detention before trial, but many detainees waited for years to appear in court. No comprehensive statistics were available on pretrial detainees. As of July, the central prison in Ngaoundere, Adamawa region, hosted 1,286 inmates, 735 of whom were pretrial detainees and appellants. Some pretrial detainees had been awaiting trial for more than two years. An international humanitarian organization claimed some alleged terrorists in detention had been in prison for so long that they no longer knew the addresses of their relatives. The increase in pretrial prison populations was due in large part to mass arrests of Anglophone activists and persons accused of supporting Boko Haram; staff shortages; lengthy legal procedures; lost files; administrative and judicial bottlenecks, including procedural trial delays; and corruption.

As of November, Oben Maxwell, an activist, remained in pretrial detention in the central prison in Buea, Southwest region. He was arrested in 2014 for holding an illegal meeting. The Military Court initially handled the case, but it was then assigned to the Court of First Instance in Buea with no progress. On October 30, the Military Court in Yaounde sentenced Abdoulaye Harissou, a public notary, to three years’ imprisonment for nondenunciation. Having already served his sentence, he was released on November 12. The court sentenced another defendant in the case, Aboubakar Sidiki, president of opposition party Patriotic Movement of the Cameroonian Salvation, to 25 years. He appealed the court decision. Harissou and Sidiki were accused of hostility against the homeland and illegal possession of weapons of war and had been in pretrial detention since their arrests in August 2014.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary was frequently controlled by the president and majority party. Individuals reportedly accused innocent persons of crimes, often due to political motivations, or caused trial delays to solve personal disputes. Although authorities generally enforced court orders, there was at least one instance where a public entity was reluctant to respect a court decision.

The court system is subordinate to the Ministry of Justice. The constitution designates the president as “first magistrate,” thus “chief” of the judiciary, making him the legal arbiter of any sanctions against the judiciary. The constitution specifies the president is the guarantor of the legal system’s independence. He appoints all judges, with the advice of the Higher Judicial Council.
year the president invoked the military code of justice and ordered the discontinuance of proceedings pending before military courts against Anglophone activists, including those for whom the court had previously denied bail. While judges hearing a case should be governed only by the law and their conscience as provided for by the constitution, in some matters they are subordinate to the minister of justice, or to the minister in charge of military justice. The Special Criminal Court must have approval from the minister of justice before it may drop charges against a defendant who offers to pay back the money he/she was accused of having embezzled. Despite the judiciary’s partial independence from the executive and legislative branches, the president appoints all members of the bench and legal department of the judicial branch, including the president of the Supreme Court, and may dismiss them at will.

The legal system includes statutory and customary law, and many criminal and civil cases may be tried using either. Criminal cases generally were tried in statutory courts.

Customary courts served as a primary means for settling domestic cases, including succession, inheritance, and child custody cases. Customary courts may exercise jurisdiction in a civil case only with the consent of both parties. Either party has the right to appeal an adverse decision by a customary court to the statutory courts.

Customary court convictions involving alleged witchcraft are automatically transferred to the statutory courts, which act as the courts of first instance.

Customary law is deemed valid only when it is not “repugnant to natural justice, equity, and good conscience,” but many citizens in rural areas remained unaware of their rights under civil law and were taught they must abide by customary law. Customary law partially provides for equal rights and status; men may limit women’s rights regarding inheritance and employment. Customary law as practiced in rural areas is based on the traditions of the predominant ethnic group and is adjudicated by traditional authorities of that group. Some traditional legal systems regard wives as the legal property of their husbands.

Military courts may exercise jurisdiction over civilians for offenses including: offenses committed by civilians in military establishments; offenses relating to acts of terrorism and other threats to the security of the state including piracy; unlawful acts against the safety of maritime navigation and oil platforms; offenses relating to the purchase, importation, sale, production, distribution, or possession of military effects or insignia as defined by regulations in force; cases involving civil
unrest or organized armed violence; and crimes committed with firearms, including gang crimes, banditry, and highway robbery.

**Trial Procedures**

The constitution and law provide for the right to a fair and public hearing, without undue delay, in which the defendant is presumed innocent, but authorities did not always respect the law. Defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Many pretrial suspects were treated as if they were convicted. Defendants have the right to be present and to consult with an attorney of their choice, but in many cases the government did not respect this right, particularly in cases of alleged support for Boko Haram. When defendants cannot pay for their own legal defense, the court may appoint counsel at the public’s expense; however, the process was often burdensome and lengthy. Authorities generally allowed defendants to question witnesses and to present witnesses and evidence on their own behalf. Defendants have the right to adequate time and facilities to prepare a defense and not to be compelled to testify or confess guilt. Defendants may appeal convictions. The law extends these rights to all citizens, although they were not always extended in the cases of suspected Boko Haram affiliates.

Persons suspected of complicity with Boko Haram or considered likely to compromise the security of the state were consistently tried by military courts, and typically the quality of legal assistance was poor. The government assigned cases to trainee lawyers, who received 5,000 CFA francs ($9.32) per hearing for legal fees, and the payment procedure was cumbersome. Consequently, attorneys lacked motivation to handle such cases. In an interview published in *L’Oeil du Sahel* on March 1, barrister Richard Dzavigandi noted that for some lawyers, defending a terrorist suspect was an immoral cause. In addition, designated lawyers were often not allowed to access case files or visit their clients, which contributed to the poor quality of legal assistance. According to estimates by the Cameroon Bar Association, the military court in Maroua, Far North region, announced approximately 200 capital punishment sentences in 2016, 114 of which were between August and December. Sentences by military courts could be and were appealed to civilian courts. For example, on January 12, the Court of Appeals acquitted Abamat Madam Alifa and Gueme Ali, whom a military tribunal initially sentenced to death on terrorism-related charges. The same day the Court of Appeals also cancelled a military court decision and requalified the offenses concerning Damsa Dapsia Nadege Nadia, whom the military court initially had sentenced to death. The state has not executed anyone sentenced since 1997.
Political Prisoners and Detainees

No statistics were available on the precise number of political prisoners. Political prisoners were detained under heightened security, often in SED facilities. Some were allegedly held in DGRE facilities and at the central and principal prisons in Yaounde. The government did not permit access to such persons on a regular basis, or at all, depending on the case.

Civil Judicial Procedures and Remedies

Citizens and organizations have the right to seek civil remedies for human rights violations through administrative procedures or the legal system; both options involved lengthy delays. Unlike in the previous year, there were no reports the government failed to comply with court decisions on labor issues.

Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies. Marafa Hamidou Yaya and Yves Michel Fotso, both accused of corruption, filed a complaint against the government with the United Nations’ working group on arbitrary detention.

Property Restitution

Over the past few years, to implement infrastructure projects, the government seized land occupied or used by civilians. The government failed to resettle or compensate those displaced in a prompt manner, leading them to protest in the streets on several occasions. In a few cases, corrupt officials misappropriated the money the government had earmarked for compensation. In 2016 the government identified some offenders and opened cases against them. The cases were pending as of November. There was no reporting of intentional targeting of particular groups for discriminatory treatment.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the constitution and law prohibit arbitrary interference with privacy, family, home, or correspondence, these rights were subject to restriction for the “higher interests of the state,” and there were credible reports police and gendarmes harassed citizens and conducted searches without warrants.
The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing a criminal suspect. Police and gendarmes often did not comply with this provision. A police officer may enter a private home at any time in pursuit of a person observed committing a crime.

An administrative authority, including a governor or senior divisional officer, may authorize police to conduct neighborhood sweeps without warrants, and this occurred.

Police and gendarmes sometimes sealed off a neighborhood, systematically searched homes, arrested persons, sometimes arbitrarily, and seized suspicious or illegal articles. In the early morning of March 18, security forces allegedly conducted a cordon-and-search operation in the neighborhoods of Metta Quarter, Azire, and T-Junction in Bamenda, Northwest region. They arrested and detained citizens without national identity cards until their identities could be established. They allegedly transported some of the persons arrested to unknown destinations in military trucks.

There were several reports police arbitrarily confiscated electronic devices and did not return them, especially in Anglophone regions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, but the government often restricted this right.

Freedom of Expression: Government officials penalized individuals or organizations that criticized or expressed views at odds with government policy. Individuals who criticized the government publicly or privately frequently faced reprisals. On several occasions, the government used the law requiring permits or government notification of public protests to stifle discourse, and many civil society and political organizations reported increased difficulty in obtaining approval to organize public gatherings. The government attempted to impede criticism by monitoring political meetings. In May government authorities reportedly shut down an Amnesty International news conference at which the rights group planned to discuss the plight of three students sentenced to a decade in prison for a Boko Haram joke.
The government also used antiterrorism legislation to exercise control over public and private expression. On April 24, the military court in Yaounde sentenced Radio France International (RFI)’s Hausa service journalist Ahmed Abba to 10 years in prison for “nondenunciation of acts of terrorism” and “laundering the proceeds of terrorist acts.” Authorities arrested Abba in 2015 in Maroua, Far North region, on suspicion of collaborating with Boko Haram and withholding information. After a 29-month imprisonment, Abba was released on December 22 when an Appeals Court judge acquitted him of “laundering of the proceeds of terrorism.” The judge, however, upheld the “nondenunciation of acts of terrorism” charge and sentenced Abba to 24 months in prison (time served) and a fine of CFA 55 million francs ($102,611).

Press and Media Freedom: Independent media were active and expressed a wide variety of views, although there were restrictions, especially on editorial independence, in part due to stated terrorism concerns, the fight against Boko Haram, and the crisis in the two Anglophone regions. Journalists reported practicing self-censorship to avoid repercussions for criticizing the government, especially on security matters.

Violence and Harassment: Police, gendarmes, and other government agents arrested, detained, physically attacked, and intimidated journalists for their reporting.

Based on estimates by the National Commission on Human Rights and Freedoms, and the Committee to Protect Journalists (CPJ), authorities arrested at least eight journalists in connection with their reporting of the Anglophone crisis. On February 9, security forces arrested Atia Tilarious Azohnwi, a political journalist with The Sun and Amos Fofung, bureau chief at The Guardian Post. Both were released in August without charges. Tim Finnian and Hans Achomba were arrested in January for reporting critical of the government; they were released after the president’s August 30 decree, which freed 55 detainees.

Censorship or Content Restrictions: The National Communication Council (NCC) is empowered to ensure all printed media comply with the legal requirement that editors in chief deposit two signed copies of each newspaper edition with the Prosecutor’s Office for scrutiny within two hours of publication. Journalists and media outlets practiced self-censorship, especially if the NCC had suspended them previously. The NCC issued several warnings and suspensions during the year.
NCC president Peter Esoka publicly warned journalists several times in the year to refrain from publishing stories on secession and federalism activities in the two Anglophone regions. On January 10, Northwest regional authorities sealed the premises of Bamenda-based Hot Cocoa 94 FM Radio. The authorities allegedly accused the station of inciting the population to civil disobedience. According to a CPJ report, the station was allowed to resume broadcasting within 48 hours with the condition that it handle sensitive issues objectively, especially during crisis situations. *Epervier Plus* and its editor received a six-month suspension for publishing allegations of embezzlement involving a senior divisional officer.

**Libel/Slander Laws:** Press freedom is further constrained by strict libel laws. These laws authorize the government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the president or other high government officials. Such crimes are punishable by prison terms and heavy fines. The libel law places the burden of proof on the defendant. The government contended libel laws were aimed at safeguarding citizens whose reputations could be permanently damaged by defamation. The government and public figures reportedly used laws against libel or slander to restrict public discussion. On February 22, police arrested Medjo Lewis, editor of *La Detente Libre*. The High Court of Bafoussam, West region, subsequently sentenced him to two years in prison plus a fine of 10 million CFA francs ($18,656) for defamation. Lewis was granted an early release in September.

**Internet Freedom**

From January 17 to April 20, the government blocked access to the internet in the Southwest and Northwest regions. On January 17, the country’s four telephone operators, including South Africa’s MTN and France’s Orange, informed their subscribers in both regions that internet services were no longer available for reasons “beyond their control.” In late March the minister of telecommunications acknowledged authorities were behind the internet shutdown. Government authorities claimed the shutdown was an attempt to limit the propagation of images and misinformation about the crisis in the Anglophone regions, which the government perceived as a threat to peace and national unity. The Global Network Initiative released a statement in January expressing deep concerns about the restrictions on the internet and urging the government to lift the restrictions immediately.

Civil society organizations reported renewed, targeted Internet disruptions in select locations in the Southwest and Northwest regions after September 22 and
following major protests in the Anglophone regions on October 1. Public
announcements from the government indicated a willingness to block internet
access again should the government deem it necessary. In October the Office of
the UN High Commissioner for Human Rights voiced concern over tensions in the
country’s Anglophone regions, noting that people should be allowed to exercise
their rights to freedom of expression, including through uninterrupted access to the
internet.

The International Telecommunication Union estimated that 25 percent of the
population used the internet in 2016.

Academic Freedom and Cultural Events

Although there were no legal restrictions on academic freedom or cultural events,
state security informants reportedly continued to operate on university campuses.
There were no reports the government censored curricula; sanctioned academic
personnel for their teachings, writing, or research; restricted academic travel or
contacts; intimidated academics into self-censorship; or attempted to influence
academic appointments based on political affiliation. There were a few reports,
however, of security personnel disrupting student extracurricular activities.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

Although the law provides for freedom of peaceful assembly, the government often
restricted this right. The law requires organizers of public meetings,
demonstrations, and processions to notify officials in advance but does not require
prior government approval of public assemblies and does not authorize the
government to suppress public assemblies that it has not approved in advance.
Nevertheless, officials routinely asserted the law implicitly authorizes the
government to grant or deny permission for public assemblies. The government
often refused to grant permits for assemblies and used force to suppress assemblies
for which it had not issued permits. Authorities typically cited “security concerns”
as the basis for deciding to block assembly. The government also prevented civil
society organizations and political parties from holding press conferences. Police
and gendarmes forcibly disrupted meetings and demonstrations of citizens, trade
unions, and political activists throughout the year.
The Divisional Officer (DO) for Douala V, Littoral region, prohibited a meeting and rally that the opposition Social Democratic Front party intended to organize on March 4 at “Carrefour Le Pauvre” intersection, followed by a march along a specific itinerary. The DO stated the event was likely to disrupt public order. On March 4, authorities allegedly deployed police and gendarmerie antiriot cars, as well as armed gendarmes and police officers, around the planned meeting spot. Security forces erected barricades along the planned course for the rally. In the early hours of the day, authorities also deployed troops around the DO’s residence in Ndogpassi neighborhood in Douala.

In May authorities banned two events scheduled to take place in Yaounde, including press conferences by Amnesty International and NGO New Human Rights (NDH). The objective of Amnesty International’s conference was to communicate the contents of letters and petitions requesting President Biya to release three students whom a military court sentenced to 10 years’ imprisonment for exchanging jokes about Boko Haram by short message service. A dozen security agents in uniform and plainclothes invaded the meeting venue early in the morning and asked hotel officials to close the meeting hall. The NDH conference intended to focus on the topic “human rights and the fight against terrorism in Cameroon.” The DO alleged the event was likely to disturb public order. In August the Cameroon Political Journalists Club could not hold the ninth edition of its monthly Cafe Politique, which was scheduled to host a National Democratic Institute representative. Yaounde’s DO claimed the conference would disturb the public order and peace.

**Freedom of Association**

The constitution and law provide for freedom of association, but the law also limits this right. On the recommendation of the senior divisional officer, the Ministry of Territorial Administration and Decentralization may suspend the activities of an association for three months on grounds the association is disrupting public order. The minister may also dissolve an association if it is deemed a threat to state security. National associations may acquire legal status by declaring themselves in writing to the ministry but the ministry must explicitly register foreign associations and religious groups; if they do not, the law imposes heavy fines for individuals who form and operate any such association. The law prohibits organizations that advocate a goal contrary to the constitution, laws, and morality, as well as those that aim to challenge the security, territorial integrity, national unity, national integration, or republican form of the state.
The conditions for recognition of political parties, NGOs, or associations were complicated, involved long delays, and were unevenly enforced. This resulted in associations operating in legal uncertainty, their activities tolerated but not formally approved.

On January 17, the minister of territorial administration and decentralization banned the Southern Cameroons National Council and the Cameroon Anglophone Civil Society Consortium, officially prohibiting all activities, meetings, and demonstrations initiated by either group or anyone sympathetic to them. The minister stated the purpose and activities of these organizations were contrary to the constitution and could jeopardize the security of the state, territorial integrity, national unity, and integration.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

Although the constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, at times the government restricted these rights. The government worked closely with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons (IDPs), refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Police and gendarmes at roadblocks and checkpoints in cities and on most highways often extorted bribes and harassed travelers. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. Between September 29 and October 5, authorities in the two Anglophone regions closed regional land and sea borders, banned movement from one division to another, and in some cases, prevented people from leaving their homes on October 1.

**Internally Displaced Persons (IDPs)**
Several thousand persons abandoned their homes in some villages on the border with Nigeria and fled to cities in the Far North region because of frequent attacks by Boko Haram. The International Organization for Migration’s Displacement Tracking Matrix Round 11 for the Far North region indicated a total displaced population of 335,016 individuals, including 241,987 IDPs, 29,337 unregistered refugees, and 63,692 returnees. Of the IDP population, 92 percent was reportedly displaced due to the conflict with Boko Haram; and 8 percent was displaced due to flooding and other climatic factors.

**Protection of Refugees**

**Refoulement:** Following security measures taken by authorities in the Far North region to counter Boko Haram, UNHCR and NGOs reported more than four thousand cases of forced returns in the year to December, mostly of Nigerians. In a press release on February 23, UNHCR expressed concern over the forced expulsion of 517 Nigerians, including 313 who had requested asylum. During a press conference on March 23, the minister of communications refuted all allegations of forced returns. He acknowledged, however, that the government escorted refugees from several localities of Mayo Sava Division to Banki, Borno State, Nigeria. The minister said the operations were carried out in agreement with Nigerian authorities, especially the National Emergencies Management Agency and Borno’s State Emergency Management Agency. UNHCR also reported that 887 Nigerian refugees, who were alleged to have been forcibly returned, arrived in Banki on June 27.

**Access to Asylum:** The laws provide for granting asylum or refugee status, and the government has established a system of providing protection to refugees. UNHCR continued to provide documentation and assistance to the refugee population. UNHCR and the government continued to conduct biometric verification and registration of refugees, including of those not living in refugee camps. Nevertheless, local authorities did not always recognize these documents as official, which prevented refugees from travelling and engaging in business activities. As of November 30, the country hosted 247,777 refugees from the Central African Republic (CAR) and 90,728 from Nigeria. The country hosted 652,967 persons of concern to UNHCR as of November 30.

**Access to Basic Services:** Most refugees had access to health care, education, and limited employment opportunities. Access to these services varied according to the location of the refugees, with those in camps receiving support through
humanitarian organizations while refugees living in host communities faced difficulty receiving services.

**Durable Solutions:** On March 2, UNHCR and the governments of Cameroon and Nigeria signed a tripartite agreement concerning voluntary repatriation. On August 10, the tripartite commission met for the first time and directed its technical working group to set up a timetable and procedures “to ensure the safe, dignified, voluntary return and sustainable reintegration of Nigerian refugees from Cameroon.” Between April and June, the number of Nigerian refugees returning from Cameroon to Banki, Nigeria, reached 15,036. In addition the Nigerian Immigration Service (NIS) registered 5,224 individuals who had earlier returned to Banki between January and March. In total the NIS registered 20,260 returnees between January and June, according to UNHCR. Observers and NGOs, however, continued to report as of November that the agreement had yet to be fully implemented and that Cameroon continued forcibly to repatriate Nigerian refugees to Nigeria.

**Temporary Protection:** The government provided temporary, unofficial protection to individuals who may not qualify as refugees, extending this protection to hundreds of individuals during the year, including third-country nationals who had fled violence in the CAR. Due to their unofficial status and inability to access services or support, however, many of these persons were subject to harassment and other abuse.

**Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. President Biya and the majority Cameroon Peoples Democratic Movement (CPDM), however, controlled key elements of the political process, including the judiciary.

**Elections and Political Participation**

**Recent Elections:** In the three elections held in 2013, the CPDM was the most popular party except in the Northwest, where it faced strong competition from the Social Democratic Front. The CPDM remained dominant in state institutions, partially due to strategic redrawing of voter districts, use of government resources for CPDM campaigning, interference with the right of opposition parties to
organize and publicize views during electoral campaigns, and privileges associated with belonging to the ruling party.

In September 2013 the country held simultaneous legislative and municipal elections, with 29 parties participating in the legislative elections and 35 in the municipal elections. The CPDM won 148 of 180 parliamentary seats and 305 of 360 municipal council positions, representing slight gains for opposition parties, compared with the parliament elected in 2007. In preparation for the 2013 legislative and municipal polls, Elections Cameroon (ELECAM), whose members the president appointed, compiled new voter rolls using biometric technology and issued biometric voter identification cards that were required at polling booths. Despite irregularities, such as the inconsistent use of identification cards due to a lack of expertise among local polling officials, opposition parties generally accepted the results. The high voter turnout (70 percent of registered voters) and ELECAM’s administration of the election were viewed as major improvements over previous elections.

In April 2013 the country held its first Senate elections. The ruling CPDM won 54 of the 70 elected seats; the president, in accordance with the constitution, appointed an additional 30 senators. The elections were peaceful and generally free and fair.

In 2011 President Biya was re-elected in a poll marked by irregularities, but one that most observers believed reflected popular sentiment.

Political Parties and Political Participation: The country had 300 registered political parties. Membership in the ruling political party conferred significant advantages, including in the allocation of key jobs in state-owned entities and the civil service. The president appoints all ministers, including the prime minister; the governors of each of the 10 regions, who generally represented CPDM interests; and important lower-level members of the 58 regional administrative structures. The government pays the salaries of (primarily nonelected) traditional leaders, which supports a system of patronage.

 Authorities sometimes refused to grant opposition parties permission to hold rallies and meetings.

Participation of Women and Minorities: There are no laws preventing women or members of minority groups from voting, running for office, and serving as electoral monitors, or otherwise participating in political life on the same basis as
men or nonminority citizens. The law provides that lists of candidates for legislative and municipal elections should take into account the sociological components of the constituency, including gender. Cultural and traditional factors, however, reduced women’s political participation compared to that of men. Women remained underrepresented at all levels of government, but their political participation continued to improve. For the 2013-18 electoral period, women occupied 26 of 374 council mayor positions, in comparison with 23 in 2007-13 and 10 in 2002-07. Women occupied 10 of 62 cabinet positions, 76 of 280 parliamentary seats, and senior government offices, including territorial command and security/defense positions.

The minority Baka people took part as candidates in municipal and legislative elections but were not represented in the Senate, National Assembly, or higher offices of government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, although these were seldom enforced. The penal code identifies different offenses as corruption, including influence peddling, involvement in a prohibited employment, and nondeclaration of conflict of interest. Reporting of corruption is encouraged through exempting whistleblowers from criminal proceedings. Corruption in official examinations is punished with imprisonment of up to five years, fines up to two million CFA francs ($3,731), or both. Nevertheless, corruption remained pervasive at all levels of government. The government did not always effectively address high-profile cases, and officials continued to engage in corrupt practices with impunity. The judiciary was not always free to independently investigate and prosecute corruption cases. In the context of the fight against Boko Haram, local sources indicated that corruption-related inefficiencies and diversion of resources from their intended purposes continued to represent a fundamental national security vulnerability.

Corruption: Launched in 2006 to fight corruption, including embezzlement of public funds, Operation Sparrow Hawk continued. As in the previous year, the court opened new corruption cases and issued verdicts on some pending cases. During the year vehicle owners in Yaounde consistently complained about corrupt city officials, including police, pocketing communal taxes and parking fines. In March the Special Criminal Court (SCC) issued an arrest warrant against former minister of agriculture and rural development, Lazare Essimi Menye, who fled the country in 2015. Essimi Menye was charged with complicity in the
misappropriation of more than one billion CFA francs ($1.87 million) in public funds. On July 31, the prosecution case against Amadou Vamoulke, former director general of Cameroon Radio Television, and two others, opened at the SCC after 12 months of pretrial detention. The defendants pled not guilty during this initial hearing session. The judges then adjourned the case to August 16. The examining magistrate placed Vamoulke in pretrial detention in July 2016 for the alleged misappropriation of more than 10 billion CFA francs ($18.7 million).

Some officers convicted of corruption were relieved of their duties but continued to be paid due to weak oversight, accountability, and enforcement mechanisms for internal disciplining. Individuals reportedly paid bribes to police and the judiciary to secure their freedom. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests or abuse individuals with whom they had personal disputes. There were reports some police associated with the issuance of emigration and identification documents collected additional fees from applicants. The minister-delegate in charge of defense and the secretary of state for defense in charge of the gendarmerie were charged with investigating and sanctioning officers involved in unethical practices, including corruption.

Financial Disclosure: The constitution requires senior government officials, including members of the cabinet, to declare their assets, but a law passed to implement this provision has itself never been implemented.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups investigated and published findings on human rights cases. As in previous years, government officials impeded the effectiveness of many local human rights NGOs by harassing their members, limiting access to prisoners, refusing to share information, and threatening violence against NGO personnel. Human rights defenders and activists received anonymous threats by telephone, text message, and email. The government took no action to investigate or prevent such occurrences. The government criticized reports from international human rights organizations including Amnesty International and the International Crisis Group, accusing the organizations of publishing baseless accusations, with the intention of discrediting the government and military. Despite these restrictions, numerous independent domestic human rights NGOs continued operations to the best of their ability, although many reported that government threats and intimidation limited their capability to operate in the country.
There were several reports of intimidation of, threats against, and attacks on human rights activists, including members of the Network of Human Rights Defenders in Central Africa (REDHAC), NDH, the Mandela Center, and Front Line Fighters for Citizens’ Interests, among others. For example, the intimidation of Maximilienne Ngo Mbe, executive director of REDHAC, continued. The threats increased after REDHAC spoke out against the crackdown on protests that Anglophone citizens and activists carried out since November 2016, which resulted in numerous arrests and arbitrary detentions of citizens. In an August 28 release, NGO Mandela Center alleged the NDH executive director was nearly abducted on August 22 while trying to retrieve a package sent to her by Amnesty International. She was not able to retrieve the package, and on the following day, the senior divisional officer of Mfouni, Center region, asked the Yaounde I police district commissioner to seize the 20 copies of Amnesty International’s report that were intended for NDH and to refer to the prosecutor any person who challenged the order.

**Government Human Rights Bodies:** The National Commission on Human Rights and Freedoms (NCHRF) is an independent, government-funded institution for consultation, monitoring, evaluation, dialogue, concerted action, promotion, and protection of human rights. The NCHRF was established by a 1990 presidential decree and subsequently given more powers by a 2004 law. NCHRF powers are limited, however. It can only make recommendations to competent authorities. The commission publishes yearly reports on the human rights environment and may engage in research, provide education, coordinate actions with NGOs, and visit prisons and detention sites. As of September 30, the NCHRF had not released its 2016 human rights report. NGOs, civil society, and the general population considered the NCHRF dedicated and effective, albeit inadequately resourced and with insufficient ability effectively to hold human rights violators to account. Its budget was far smaller than that of most other agencies with comparable status, such as the National Anti-Corruption Commission and ELECAM.

The National Assembly’s Constitutional Laws, Human Rights and Freedoms, Justice, Legislation, Regulations, and Administration Committee was adequately resourced and reviewed the constitutionality of proposed legislation. It approved most ruling party legislation, however, and was not an effective check on ruling party initiatives.

**Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

**Women**
Rape and Domestic Violence: The law criminalizes rape of men and women and provides penalties of between five and 10 years’ imprisonment for convicted rapists. Police and courts, however, rarely investigated or prosecuted rape cases, especially since victims often did not report them. The law does not address spousal rape.

The law does not specifically prohibit domestic violence, although assault is prohibited and punishable by imprisonment and fines.

The DGSN, in partnership with UN Women, also carried out activities to combat rape and other forms of gender-based violence (GBV). From January 30 to March 31, the two organizations trained 250 police officers in the Far North region on the protection of rights of women and children vis-a-vis national and international legal frameworks. Following the training, four special units referred to as “gender desks” were established in four divisions where Boko Haram was active: Diamare, Mayo-Tsanaga, Mayo-Sava, and Logone and Chari. The units were intended to serve as counseling centers for victims of GBV.

Female Genital Mutilation/Cutting (FGM/C): The law protects the physical and bodily integrity of persons, and the 2016 penal code prohibits genital mutilation of all persons. Whoever mutilates the genitals of a person is subject to imprisonment from 10 to 20 years, and imprisonment for life if the offender habitually carries out this practice, does so for commercial purposes, or if the practice causes death. FGM/C remained a problem, but its prevalence remained low. As in the previous year, children were reportedly subjected to FGM/C in isolated areas of the Far North, East, and Southwest regions and in the Choa and Ejagham tribes, although the practice continued to decrease. For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

Other Harmful Traditional Practices: Widows were sometimes forcibly married to one of the deceased husband’s relatives to secure continued use of property left by the husband, including the marital home. To protect women, including widows, better, the government included provisions in the 2016 penal code addressing the eviction of one spouse from the marital home by any person other than the other spouse.

Sexual Harassment: The law prohibits sexual harassment. The penal code provides for imprisonment from six months to one year and fines from 100,000 to one million CFA francs ($187-$1,865) for whoever takes advantage of the
authority conferred on them by their position to harass another using orders, threats, constraints, or pressure to obtain sexual favors. The penalty is imprisonment for one to three years if the victim is a minor and from three to five years if the offender is in charge of the education of the victim. Despite these legal provisions, sexual harassment was widespread.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution provides for the same legal status and rights for women and men; however, in law women did not enjoy the same rights and privileges as men. Although local government officials including mayors claimed women had access to land in their constituencies, the overall sociocultural practice of denying women the right to own land, especially through inheritance, was prevalent in most regions.

Children

Birth Registration: Citizenship is derived from parents, and it is the parents’ responsibility to register births. Because many children were not born in formal health facilities and many parents were unable to reach local government offices, many births were unregistered. (For data, see the UNICEF Multiple Indicator Cluster Survey.)

Education: The law provides for tuition-free compulsory primary education but does not set an age limit. Children were generally expected to complete primary education at age 12. Secondary school students had to pay tuition and other fees in addition to buying uniforms and books. This rendered education unaffordable for many children.

Teachers and students from the Northwest and Southwest regions boycotted classes as part of broader Anglophone protests during the year. In the Far North region, the 2016-17 academic year was largely lost for many children due to the fight against Boko Haram. Stand Up For Cameroon, a Cameroon People’s Party platform for political leaders, civil society activists, and engaged citizens, stated in August that the Boko Haram conflict had made approximately 114,000 school-aged children IDPs.
Child Abuse: Boko Haram continued to abduct children and, according to reports, used 83 children, including 55 girls, as “suicide bombers” between January 1 and July 31. News reports also cited cases of child rape and the kidnapping of children for ransom. (For additional data, see the UNICEF Multiple Indicator Cluster Survey.)

Security force abuse of children was also a problem. In March a gendarme in Boumba and Ngoko Division, East region, raped a 10-year-old girl after breaking into her home. The child’s parents filed complaints with the gendarmerie brigade commander, the company commander, and the DO, but the officials allegedly took no immediate action. On March 27, the prosecutor at the local military court allegedly transferred the case to the gendarmerie commander in Bertoua, East region, for preliminary investigations. The suspect and a person considered to be his facilitator were arrested and detained at the Bertoua Central Prison pending the preliminary investigation. On September 19, the government commissioner at the Bertoua Military Court reportedly ordered their release, and as of November no information was publicly available on the reason for the release. Since then, the suspect reportedly threatened the victim’s family with reprisal.

Early and Forced Marriage: The minimum legal age for marriage is 18. The law punishes anyone who compels another to marry with imprisonment for five to 10 years, and with fines of 25,000 CFA francs ($47) to 1,000,000 CFA francs ($1,865). When victims are minors, punishment may not be less than a two-year prison sentence, regardless of mitigating circumstances. The court may also take away custody from parents who give away their underage children in marriage. Despite these legal provisions, some families reportedly tried to marry their girls before age 18. (For data, see the UNICEF website.)

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, as well as practices related to child pornography. A conviction, however, requires proof of the use of a threat, fraud, deception, force, or other forms of coercion. Penalties include imprisonment of 10 to 20 years and a fine of 100,000 to 10 million CFA francs ($187-$18,656). The law does not specifically provide a minimum age for consensual sex. Children under age 18 were exploited in prostitution, especially by restaurant and bar promoters, although no statistics were available.

Child Soldiers: The government did not recruit or use child soldiers, but Boko Haram continued to utilize child soldiers, including girls, in their attacks on
civilian and military targets. There were also limited reports that some vigilance committees in the Far North region incorporated children in their ranks to combat Boko Haram. For example, Child Soldiers International reported that vigilance committees in Amchide, Fotokol, Kolofata and Maroua used children. The NGO further stated the children were mostly between the ages of 15 and 17 and accounted for 10 percent of vigilance committee membership. UN agencies and NGOs operating in the region could not confirm these numbers.

Displaced Children: The International Organization for Migration’s Displacement Tracking Matrix Round 11 estimated that 67 percent of IDPs and refugees were children. Many children lived on the streets of major urban centers, although their number apparently declined as a result of stringent security measures against Boko Haram and the amended penal code that criminalizes vagrancy.


Anti-Semitism

The Jewish community was very small, and there were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not specifically address discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the constitution explicitly forbids all forms of discrimination, providing that “everyone has equal rights and obligations.” Secondary public education is tuition free for persons with disabilities and children born of parents with disabilities, and initial vocational training, medical treatment, and employment must be provided “when possible,” and public assistance “when needed.”
The majority of children with disabilities attended schools. The curriculum of the Government Teacher Training College in Buea, Southwest region, was modified to include training in inclusive education skills for teaching the deaf, blind, and developmentally disabled, among others. The government aimed to introduce inclusive education nationwide.

**National/Racial/Ethnic Minorities**

The population consists of an estimated 286 ethnic groups. Members of the president’s Beti/Bulu ethnic group from the South region held key positions and were disproportionately represented in the government, state-owned businesses, security forces, and CPDM.

**Indigenous People**

An estimated 50,000 to 100,000 Baka, including Bakola and Bagyeli, resided primarily in (and were the earliest known inhabitants of) the forested areas of the South and East regions. The government did not effectively protect the civil or political rights of either group. Other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. There were credible reports the Mbororos, itinerant pastoralists living mostly in the North, East, Adamawa, and Northwest regions, were subject to harassment, sometimes with the complicity of administrative or judicial authorities.

The government continued long-standing efforts to provide birth certificates and national identity cards to Baka. Most Baka did not have these documents, and efforts to reach them were impeded by the difficulty in accessing their homes deep in the forest.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs ($37-$373).

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations such as the Cameroonian Foundation for AIDS (CAMFAIDS), Humanity First Cameroon, Alternatives Cameroun, National Observatory of the Rights of LGBTI Persons and Their Defenders, and others reported several arrests of LGBTI
persons. LGBTI individuals received anonymous threats by telephone, text message, and email, including of “corrective” rape, but authorities did not investigate allegations of harassment. Police were generally unresponsive to requests to increase protection for lawyers who received threats because they represented LGBTI persons. Both police and civilians reportedly continued to extort money from presumed LGBTI individuals by threatening to expose them.

Humanity First Cameroon and Alternatives Cameroun claimed in their joint 2017 annual report that eight LGBTI persons remained imprisoned for homosexuality in the Kondengui central prison in Yaounde. The two NGOs also documented 578 other cases of human rights abuses related to homosexuality, including 27 arbitrary arrests.

On August 11, police summoned CAMFAIDS’ leadership to the DGSN for “promotion of homosexual practices.” On August 16, police interrogated four members of CAMFAIDS. While some questions concerned the legal status of the advocacy group and its funding sources, police also requested a list of its members and a list of similar organizations.

Some LGBTI persons had difficulty accessing birth registration and other identification documents. Officials at identification units refused to issue identification cards for persons whose physical characteristics were not consistent with their birth certificate.

In 2016 Johns Hopkins University, Metabiota Cameroon, and Care USA, in collaboration with the National AIDS Coordinating Council, conducted an Integrated Biological and Behavioral Survey on gay men, using a sample of 1,323 men. The preliminary report released in March showed inter alia that 14.7 percent were arrested for being homosexual. (For more information, see jhu.pure.elsevier.com).

Human rights and health organizations continued to advocate for the LGBTI community by defending LGBTI individuals under prosecution, promoting HIV/AIDS initiatives, and working to change laws prohibiting consensual same-sex activity. Organizations undertaking these activities faced obstacles securing official registration, as well as, limited or non-existent responses from police when they experienced harassment.

**HIV and AIDS Social Stigma**
Persons afflicted with HIV or AIDS often suffered social discrimination and were isolated from their families and society due to social stigma and lack of education about the disease.

Unlike previous years, there were no credible reports of specific cases of discrimination in employment.

**Other Societal Violence or Discrimination**

Several cases of vigilante action and other attacks were reported during the year.

Several arson attacks were also recorded, involving the destruction of both public and private property. On March 30, unidentified individuals set fire to the Old Market in Limbe, Southwest region. The fire lasted about four hours and destroyed at least fifty shops.

The law provides for sentences of between two and 10 years’ imprisonment and fines of between 5,000 and 100,000 CFA francs ($9-$187) for witchcraft. There were no reported arrests or trials for alleged witchcraft reported during the year.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law also prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Statutory limitations and other practices substantially restricted these rights. The law does not permit the creation of a union that includes both public- and private-sector workers or the creation of a union that includes different, even if closely related, sectors. The law requires that unions register with the government, permitting groups of no fewer than 20 workers to organize a union by submitting a constitution and by-laws; founding members must also have clean police records. The law provides for heavy fines for workers who form a union and carry out union activities without registration. Trade unions or associations of public servants may not join a foreign occupational or labor organization without prior authorization from the minister responsible for “supervising public freedoms.”

The constitution and law provide for collective bargaining between workers and management as well as between labor federations and business associations in each
sector of the economy. The law does not apply to the agricultural or informal sectors, which included the majority of the workforce.

Legal strikes or lockouts may be called only after conciliation and arbitration procedures have been exhausted. Workers who ignore procedures to conduct a legal strike may be dismissed or fined. Before striking, workers must seek mediation from the Ministry of Labor and Social Security at the local, regional, and ministerial levels. Only if mediation fails at all three levels can workers formally issue a strike notice and subsequently strike. The provision of law allowing persons to strike does not apply to civil servants, employees of the penitentiary system, or workers responsible for national security, including police, gendarmerie, and army personnel. Instead of strikes, civil servants are required to negotiate grievances directly with the minister of the appropriate department in addition to the minister of labor and social security. Arbitration decisions are legally binding but were often unenforceable if one party refused to cooperate.

Employers guilty of antiunion discrimination are subject to fines of up to approximately one million CFA francs ($1,866).

Free Industrial Zones are subject to labor law, except for the following provisions: the employers’ right to determine salaries according to productivity, the free negotiation of work contracts, and the automatic issuance of work permits for foreign workers.

In practice, the government and employers did not effectively enforce the applicable legislation on freedom of association and the right to collective bargaining. Penalties for violations were rarely enforced and useless as a deterrent. Administrative judicial procedures were infrequent and subject to lengthy delays and appeals. The government and employers often interfered in the functioning of workers’ organizations. The government occasionally worked with nonrepresentative union leaders to the detriment of elected leaders, while employers frequently used hiring practices such as subcontracting to avoid hiring workers with bargaining rights. Blacklisting of union members, unfair dismissal, promotion of employer-controlled unions, and threatening workers trying to unionize were common practices.

New trade unions did not have easy access to registration. In a letter dated July 30, officials of the newly formed Private Security Workers Union in Wouri Division, Littoral region, informed the Registrar of Trade Unions of the creation of their organization in April 2016 and at the same time requested its affiliation with the
Confederation of Workers’ Unions of Cameroon (CSTC). The registrar requested additional time to authenticate the documents provided.

More than 100 trade unions and 12 trade union confederations operated, including one public-sector confederation.

The government undermined the leadership of the CSTC elected in 2015 by continuing to cooperate with former leaders of the CSTC. Jean Marie Zambo Amougou, the former leader, continued to use the title of “President of the CSTC,” despite a January 17 court decision ordering him to stop doing so with immediate effect. The Minister of Labor and Social Security continued to consider Zambo Amougou as the official representative of the CSTC, inviting him to meetings and sending all CSTC correspondence to him, to the detriment of CSTC’s legitimate leader, Andre Moussi Nolla, and other new leaders, despite multiple complaints by the CSTC. The minister also appointed Zambo Amougou, Tsoungui Fideline Christelle, Beyala Jule Dalamard, Nintcheu Walla Charles, Malloum Lamine, and Hamadou Nassourou, all members of the former CSTC management team, to be workers’ representatives in the country’s delegation at the 106th International Labor Conference in Geneva June 5-16. In a May 31 letter to the International Labor Organization’s Credentials Committee, the new leaders of the CSTC unsuccessfully attempted to oppose the inclusion of these delegates.

As in 2016, trade unionists reported on officials prohibiting the establishment of trade unions in their private businesses, including Fokou, Afrique Construction, Eco-Marche, and Quifferou, or otherwise hindering union operations. Some companies based in Douala II, IV, and V and in Tiko (Southwest region), for example, retained 1 percent of unionized workers’ salaries but refused to transfer the money to trade unions. Some companies that were initially against unionization of their workers changed their minds and allowed their employees to join trade unions, such as DANGOTE Ciment Cameroon, which allowed elections of workers’ representatives.

Many employers frequently used hiring practices such as subcontracting to avoid hiring workers with bargaining rights. Workers’ representatives stated that most major companies, including parastatal companies, engaged in the practice, citing ENEO, CDE, Cimencam, Guinness, Alucam, and many others. Subcontracting was reported to involve all categories of personnel, from the lowest to senior levels. As a result, workers with equal expertise and experience did not always enjoy similar advantages when working for the same business; subcontracted personnel typically lacked a legal basis to file complaints.
A number of strikes were announced, some of which were called off after successful negotiation. Others, however, were carried out without problems, or with some degree of repression. Workers’ grievances generally involved poor working conditions, including lack of personal protective equipment, improper implementation of collective agreements, nonpayment of salary arrears or retirement benefits, illegal termination of contracts, lack of salary increases, and failure of employers to properly register employees and pay the employer’s contribution to the National Social Insurance Fund, which provides health and social security benefits.

The government suspended the salaries of 11 workers’ representatives affiliated with the Wouri divisional union of council workers following a strike on April 10. Employees of the city council in Douala demanded health insurance for themselves and their immediate relatives. The government-delegate fired the complainants, but was overruled by the Minister of Labor and Social Security. The government-delegate, however, had not reinstated the employees as of December.

Medical doctors staged a series of strikes for better working conditions and higher pay in April and May, after unsuccessful negotiations with health minister Andre Mama Fouda in January had failed to yield positive outcomes. Minister Fouda cautioned the doctors against striking, which he described as illegal, stating that the doctors union was not registered. In an attempt to neutralize the movement after the April strike, he transferred union leaders to health facilities in remote rural areas in the northern part of the country. In none of the transfers did the technical level of the health facility match the profile of the doctors.

Teachers and lawyers in the Anglophone regions also went on a strike that lasted for many months to protest what they referred to as their marginalization by the French-speaking majority. After initially restricting the lawyers significantly, the government subsequently implemented a series of measures aimed at diffusing tension. Lawyers and teachers resumed work in the two regions by November.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced and compulsory labor. The law prohibits slavery, exploitation, and debt bondage and voids any agreement in which violence was used to obtain consent. Violations of the law are punishable by prison terms of five to 20 years and fines ranging from 10,000 to 10 million francs ($18-$17,668). In cases of debt bondage, penalties are doubled if the
offender is also the guardian or custodian of the victim. The law also extends culpability for all crimes to accomplices and corporate entities. Although the statutory penalties are fairly severe, the government did not enforce the law effectively, due to lack of knowledge of trafficking and limited labor inspection and remediation resources. In addition, due to the length and expense of criminal trials and the lack of protection available to victims participating in investigations, many victims of forced or compulsory labor resorted to amicable settlement.

There continued to be reports of hereditary servitude imposed on former slaves in some chiefdoms in the North region. Many Kirdi, whose tribe had been enslaved by Fulani in the 1800s, continued to work for traditional Fulani rulers for compensation, while their children were free to pursue schooling and work of their choosing. Kirdi were also required to pay local chiefdom taxes to Fulani, as were all other subjects. The combination of low wages and high taxes, although legal, effectively constituted forced labor. While technically free to leave, many Kirdi remained in the hierarchical and authoritarian system because of a lack of viable options.

In the South and East regions, some Baka, including children, continued to be subjected to unfair labor practices by Bantu farmers, who hired the Baka at exploitive wages to work on their farms during the harvest seasons.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

The law generally protects children from exploitation in the workplace and specifies penalties ranging from fines to imprisonment. The law sets a minimum age of 14 for child employment, prohibits children from working at night or longer than eight hours per day, and enumerates tasks children under 18 cannot legally perform, including moving heavy objects, undertaking dangerous and unhealthy tasks, working in confined areas, and prostitution. Employers were required to train children between ages 14 and 18, and work contracts must contain a training provision for minors. The Ministry of Social Affairs and the Ministry of Labor and Social Security were responsible for enforcing child labor laws through site inspections of registered businesses. Although the government did not allocate sufficient resources to support an effective inspection program, workers’ organizations reported child labor was not a major problem in the formal sector.
The use of child labor, including forced labor, in informal sectors remained rampant. According to an International Labor Organization 2012 survey, 40 percent of children between the ages of six and 14 were engaged in economic activity; 89 percent of working children were employed in agriculture, 5 percent in commerce, and 6 percent in either industrial work or domestic service. UNICEF’s 2014 *Multiple Indicator Cluster Survey* indicated that 47 percent of children ages five-14 engaged in child labor. Children working in agriculture frequently were involved in clearing and tilling the soil and harvesting crops, such as bananas and cocoa. In the service sector, children worked as domestic servants and street vendors. Children worked at artisanal mining sites under dangerous conditions. Children were also forced to beg by adults, often by their parents to provide additional income for the household. According to anecdotal reports, child labor, especially by refugee children, was prevalent in the building construction sector. Chinese firms also reportedly resorted to child labor in the manufacture of children’s shoes.

Parents viewed child labor as both a tradition and a rite of passage. Relatives often brought rural youth, especially girls, to urban areas to exploit them as domestic helpers under the pretense of allowing them to attend school. In rural areas many children began work at an early age on family farms. The cocoa industry and cattle-rearing sector also employed child laborers. These children originated, for the most part, from the three northern and the Northwest regions.

The Ministry of Social Affairs implemented activities to sensitize parents to the negative impact of child labor. For example, during the vacation period in June, the ministry, in collaboration with the second police district in Yaounde, conducted a two-week campaign to identify children from ages seven to 17 selling items on the streets of Mokolo. Police took the children to the district police station, where they registered and held the children until they could notify the parents. Police interrogated the parents, informed them of the risks to which their children were exposed, and warned them they would be prosecuted if the children returned to the streets.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

d. Discrimination with Respect to Employment and Occupation

The law contains no specific provisions against discrimination.
Discrimination in employment and occupation allegedly occurred with respect to ethnicity, HIV status, disability, gender, and sexual orientation, especially in the private sector. Ethnic groups often gave preferential treatment to fellow ethnic group members in business and social practices, and persons with disabilities reportedly found it difficult to secure employment. There were no reliable reports of discrimination against internal migrant or foreign migrant workers, although anecdotal reports suggested such workers were vulnerable to unfair working conditions. During the year, however, no reliable reports highlighted any concrete case of discrimination with respect to employment. The government did not report publicly or privately on its efforts to prevent or eliminate employment discrimination.

e. Acceptable Conditions of Work

The minimum wage in all sectors is 36,270 CFA francs ($68) per month. Premium pay for overtime ranges from 120 to 150 percent of the hourly rate, depending on the amount of overtime and whether it is weekend or late-night overtime. Despite the minimum wage law, employers often negotiated with workers for lower salaries, in part due to the high rate of unemployment in the country. Salaries lower than the minimum wage remained prevalent in the public works sector, where many positions required unskilled labor, as well as in the domestic work sector, where female refugees were allegedly vulnerable to unfair labor practices.

The law establishes a standard workweek of 40 hours in public and private nonagricultural firms and a total of 2,400 hours per year, with a maximum limit of 48 hours per week in agricultural and related activities. There are exceptions for guards and firefighters (56 hours a week), service-sector staff (45 hours), and household and restaurant staff (54 hours). The law mandates at least 24 consecutive hours of weekly rest.

The law mandates paid leave at the employer’s expense at the rate of one and one-half working days for each month of actual service. For persons under age 18, leave accrues at the rate of two and one-half days per month of service. A maximum of 10 days per year of paid special leave, not deductible from annual leave, is granted to workers on the occasion of immediate family events. For mothers the leave is increased by either two working days for each child under age six on the date of departure on leave, where the child is officially registered and lives in the household, or one day only if the mother’s accrued leave does not exceed six days. The leave is increased depending on the worker’s length of service with the employer by two working days for each full period whether
The government sets health and safety standards in the workplace. The minister in charge of labor establishes the list of occupational diseases in consultation with the National Commission on Industrial Hygiene and Safety. These regulations were not enforced in the informal sector. The labor code also mandates that every enterprise and establishment of any kind provide medical and health services for its employees. This stipulation was not enforced. By law workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities did not effectively protect employees in these situations.

The Ministry of Labor and Social Security is responsible for national enforcement of the minimum wage and work-hour standards. Ministry inspectors and occupational health physicians are responsible for monitoring health and safety standards, but the ministry lacked the resources for a comprehensive inspection program. Although there were ministries tasked with upholding the labor laws, resources were inadequate to support their mission. For example, the city of Douala, which has six subdivisions, hundreds of companies, and thousands of employees, had only one labor inspectorate, which was generally poorly staffed. Meme Division of the Southwest region had only one labor delegate and no labor inspectors. This labor delegate did not have any means or transportation to travel throughout the division. The office had not had computers since 2016 due to a burglary, so the delegate often visited the communal technology center or other government offices to type and print official correspondence and notices.
TAB 9
Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth periodic report of Cameroon*

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Cameroon (E/C.12/CMR/4) at its sixth and seventh meetings (E/C.12/2019/SR.6 and E/C.12/2019/SR.7), held on 20 and 21 February 2019, and adopted the present concluding observations at its thirty first meeting, held on 8 March 2019.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Cameroon and the written replies to the list of issues (E/C.12/CMR/Q/4/Add.1), although they were received late. The Committee is appreciative of the dialogue held with the high level delegation of the State party and the information provided during the discussion. It regrets, however, that the answers to many of its questions, in particular those concerning labour, education and cultural rights, have not been forthcoming, either during the dialogue or in written form thereafter, thus preventing a truly constructive dialogue.

B. Positive aspects

3. The Committee welcomes the State party’s ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict in 2013. It also welcomes the steps that have been taken towards the realization of the rights enshrined in the Covenant, such as the implementation of the 2014–2017 Decent Work Country Programme; the 2016–2027 Health Sector Strategy and its first action plan; and other initiatives mentioned in the present concluding observations. In view of the security situation faced by the State party, the Committee welcomes the adoption of the 2018–2020 national action plan on Security Council resolution 1325 and related resolutions on women and peace and security; the establishment of a humanitarian response plan covering the period 2017–2020 for implementation in the Far North, North, Adamawa and East Regions; and an emergency humanitarian assistance plan for the North-West and South-West Regions.

C. Principal subjects of concern and recommendations

The critical security situation

4. The Committee is concerned by the general lack of security in the Far North Region of the State party, where non-State armed groups have been carrying out terrorist attacks. It is also deeply concerned by the widespread violence being witnessed in the North-West and

* Adopted by the Committee at its sixty-fifth session (18 February–8 March 2019).
South-West Regions, where most of the population belongs to the English-speaking community, and by reports that acts of violence leading to the destruction of hospitals, schools and entire villages in those Regions have been committed by non-State armed groups and by members of the State party’s security forces. The Committee is concerned about the serious impact of these situations on the enjoyment of the economic, social and cultural rights of the persons concerned, including women, children, persons with disabilities and older persons.

5. The Committee recommends that the State party:
   (a) Take steps, as a matter of urgency, to ensure the enjoyment of Covenant rights by the people living in areas affected by violence and a lack of security, particularly in the Far North, North-West and South-West Regions;
   (b) Conduct thorough, independent investigations into reports of violence and the destruction of hospitals, schools and entire villages, particularly in the North-West and South-West Regions, in order to ensure that those responsible are brought to justice and sentenced to penalties commensurate with the gravity of their acts;
   (c) Ensure the effective implementation of the humanitarian assistance plans that have been adopted and of the 2018–2020 national action plan on Security Council resolution 1325 and related resolutions on women and peace and security by, inter alia, establishing effective follow-up mechanisms that provide for the participation of the population groups concerned, including women, and by allocating sufficient financial, human and technical resources for their implementation.
   (d) Make every effort to achieve a peaceful solution to the crisis in the North-West and South-West Regions of the country.

Applicability of the Covenant

6. While noting the information provided by the State party concerning the measures taken to ensure that the provisions of the Covenant can be invoked in the nation’s courts of law, the Committee remains concerned at the fact that they have only very rarely been applied by the courts.

7. Recalling its previous recommendation in this regard (E/C.12/CMR/CO/2-3, para. 7), the Committee calls upon the State party to redouble its efforts to ensure that economic, social and cultural rights can be invoked at all levels of the judicial system and to facilitate access to effective remedies for victims of violations of these rights. In particular, it calls upon the State party to continue to provide training on a regular basis, in particular to judges, lawyers, law enforcement officers, parliamentarians and other stakeholders, concerning the rights enshrined in the Covenant and their enforceability in the courts and to provide rights holders with the information they need to demand that those rights be respected. In this regard, the Committee refers to its general comment No. 9 (1998) on the domestic application of the Covenant.

Internally displaced persons

8. The Committee is concerned about the large number of persons who have been displaced by the widespread violence and security crises in some regions of the State party. It is also concerned about the negative impact of this situation on the affected persons’ enjoyment of their economic, social and cultural rights (arts. 2 and 11).

9. The Committee calls upon the State party to avoid taking measures that could lead to the forced displacement of the population and to take appropriate, reasonable measures to prevent such displacement. The Committee recommends that the State party provide effective protection to displaced persons, refugees and asylum seekers so that they have access to adequate housing, health care, education and social protection, including by seeking support through international cooperation, if necessary. It recommends that the State party do everything within its power to ensure that internally displaced persons are able to return to their home regions safely and with dignity or to offer them appropriate alternatives. The Committee draws the State
party’s attention to the principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17).

Situation of human rights defenders

10. The Committee is concerned by reports that human rights defenders, including those working to defend economic, social and cultural rights, operate under restrictive conditions and are often subjected to various forms of harassment or reprisal.

11. The Committee recommends that the State party provide effective protection to human rights defenders, including those working to defend economic, social and cultural rights, from any and all forms of harassment, intimidation and reprisal and to ensure that perpetrators of acts of this nature are brought to justice. It urges the State party to carry out information and awareness-raising campaigns focusing on the importance of the work of human rights defenders with a view to engendering a climate of tolerance in which they can fulfil their mission without fear of intimidation, threats or reprisals of any kind. The Committee refers the State party to the statement on human rights defenders and economic, social and cultural rights which it adopted in 2016 (E/C.12/2016/2).

Situation of indigenous peoples

12. The Committee is concerned at the discrimination and exclusion faced by indigenous peoples in the State party and at the lack of recognition of their rights with regard to access to land, their ancestral territories and natural resources. The Committee is also concerned by reports that the indigenous peoples concerned have not been consulted with a view to obtaining their free, prior and informed consent before development projects are conducted on their lands and in their territories (arts. 1 and 2).

13. The Committee recommends that the State party:
   
   (a) Recognize the rights of the indigenous peoples who live in the State party and take effective steps, in consultation with them, to combat discrimination against them and their exclusion;
   
   (b) Protect and guarantee, in law and in practice, the right of indigenous peoples to freely dispose of their lands, territories and natural resources;
   
   (c) Ensure that indigenous peoples are consulted with a view to obtaining their free, prior and informed consent to any measures that may affect them, including the implementation of projects on their lands and territories;
   
   (d) Consider ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Maximum available resources

14. While it is aware of the security and climate-related challenges faced by the State party, the Committee is concerned at the limited extent to which domestic resources are being mobilized for the realization of economic, social and cultural rights. The Committee notes with concern that, according to information provided by the State party, only a small part of its revenues are derived from taxation and a very large percentage of its taxes are indirect levies, which may limit the State party’s ability to reduce its high level of inequality. The Committee is also concerned about the State party’s dependence on international assistance and cooperation, especially in several sectors linked to the realization of the rights set out in the Covenant, to the detriment of the mobilization of domestic resources, which could be improved by increasing the fees charged to foreign investors for the exploitation of forests and extractive resources (art. 2 (1)).

15. The Committee recommends that the State party ensure the effective mobilization of domestic resources by, inter alia, developing a more efficient, progressive and socially just fiscal policy and increasing the fees charged to foreign investors for the exploitation of forests and extractive resources, as a means of combating economic inequalities and progressively achieving the full realization of...
economic, social and cultural rights. It also recommends that both the reinforcement of fiscal policy and the preparation of budget proposals be conducted in a transparent and participatory manner.

Development projects

16. The Committee expresses its concern at the lack of effective instruments to ensure the protection of the rights set out in the Covenant when permits are being granted for projects for economic development or exploitation of natural resources. The Committee is concerned by reports regarding the negative impacts that some of these projects have on the traditional lifestyles of the relevant population groups, including indigenous peoples, and on their access to land, an adequate food supply and an adequate standard of living (arts. 1, 11 and 12).

17. The Committee recommends that the State party:

(a) Draw up clear guidelines and rules for evaluating the impact on the enjoyment of economic, social and cultural rights and the environmental impact of economic development and natural-resource exploitation projects in the State party, including those implemented by private actors, and, in particular, projects involving the territories and natural resources of indigenous peoples;

(b) Ensure that communities, including indigenous communities, that are affected by activities related to economic development or to the exploitation of natural resources on their territories are consulted, receive compensation for damages or losses and receive a share of the profits from those activities.

18. The Committee refers the State party to its general comment No. 24 (2017) on States’ obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.

Corruption

19. The Committee takes note of the measures adopted by the State party to combat corruption and the efforts that have been made to investigate cases of corruption. However, the Committee remains concerned at the lack of effectiveness of those measures and the lack of sufficient protection for persons reporting or investigating corruption (art. 2 (1)).

20. Reiterating its previous recommendation in this regard (E/C.12/CMR/CO/2-3, para. 8), the Committee calls upon the State party to address the root causes of corruption as a matter of priority and to adopt all necessary legislative and administrative measures to ensure transparency in public administration, both in law and in practice. It also recommends that the State party ensure the effective implementation of anti-corruption measures and take steps to effectively protect victims of corruption and their lawyers, anti-corruption activists, whistle-blowers and witnesses.

Anti-discrimination legal framework

21. While taking note of the introduction of some anti-discrimination provisions in its legislative framework, including the Criminal Code, the Committee observes with concern that these measures do not cover all the grounds and areas covered by the Covenant (art. 2).

22. The Committee urges the State party to adopt a broad anti-discrimination law in accordance with article 2 (2) of the Covenant and, in so doing, to take account of general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights with a view to prohibiting direct and indirect discrimination on any grounds in all the areas covered by the Covenant and guaranteeing effective remedies for victims of discrimination.

Discrimination on the basis of sexual orientation and gender identity

23. The Committee notes with concern that consensual same-sex relationships are criminalized by article 347-1 of the Criminal Code and that lesbian, gay, bisexual,
transgender and intersex persons are discriminated against in terms of the enjoyment of their economic, social and cultural rights, particularly in the case of their right to health (art. 2).

24. The Committee recommends that the State party decriminalize consensual homosexual relations and repeal article 347-1 of the Criminal Code, along with all other legal provisions that are discriminatory with regard to sexual orientation or gender identity. It also recommends that the State party combat discrimination and stigmatization of lesbian, gay, bisexual, transgender and intersex persons by, inter alia, conducting awareness-raising campaigns and that it ensure that no one is discriminated against in terms of the enjoyment of economic, social and cultural rights, in particular with regard to access to health services, on the basis of sexual orientation or gender identity.

**Discrimination against minorities**

25. While taking note of the explanations provided by the delegation, the Committee is concerned at the de facto discrimination and marginalization faced by some ethnic and linguistic minorities, including the English-speaking minority, which hinders their effective enjoyment of their economic, social and cultural rights (art. 2).

26. The Committee recommends that the State party redouble its efforts to effectively prevent and combat de facto discrimination and marginalization of ethnic, linguistic and religious minorities, including the English-speaking minority. In this regard, the Committee recommends that the State party adopt all necessary measures, including temporary special measures, and launch awareness-raising campaigns to ensure the effective enjoyment of all economic, social and cultural rights.

**Equality between men and women**

27. The Committee notes with concern that the persistence of gender stereotypes, certain practices and the use of customary law continues to reinforce inequality between men and women, including with regard to their access to land. The Committee remains concerned at the maintenance of certain legal provisions that discriminate against women, in particular in the Civil Code, and that bar women from certain types of employment. The Committee notes with concern that, despite some efforts to improve the situation, women remain underrepresented in administrative and political affairs (art. 3).

28. The Committee recommends that the State party place priority on putting an end to the persistent inequality between men and women. To that end, it calls upon the State party to:

   (a) Take measures to combat gender stereotypes and change traditional attitudes that interfere with women’s enjoyment of their economic, social and cultural rights, including their access to land;

   (b) Repeal all legal provisions, including in the Civil Code, that discriminate against women or bar women from certain types of jobs, and ensure equality between men and women in the application of customary law, as well as in statutory law;

   (c) Adopt all necessary measures, including temporary special measures, to ensure that women have equal access to all spheres of political and public life.

29. The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

**Right to work**

30. The Committee notes with concern that, despite the State party’s efforts to improve the situation, unemployment and underemployment rates remain markedly high, particularly among young people and women. The Committee also remains concerned at the difficulties faced by certain groups, such as indigenous peoples, persons with disabilities and English-speaking persons, in gaining access to the labour market, including employment in government service (art. 6).
31. The Committee recommends that the State party redouble its efforts to lower the unemployment and underemployment rates by, inter alia, ensuring the effective implementation of a national employment strategy. It recommends that the State party ensure that the strategy is accompanied by an action plan with clear objectives, gives priority to groups that have disproportionately high unemployment and underemployment rates, and is allocated the necessary financial and technical resources for its effective implementation and sustainability. The Committee also recommends that the State party improve the quality of school programmes and of technical and vocational training programmes and that it tailor them to the needs of the labour market and to the needs of the most underprivileged and marginalized persons and groups. In this regard, the Committee refers to its general comment No. 18 (2005) on the right to work.

Informal sector of the economy

32. The Committee notes with concern that the vast majority of workers, especially women workers, are employed in the informal sector of the economy and are therefore not properly protected by labour laws or covered by the social protection system (arts. 6, 7 and 9).

33. The Committee calls upon the State party to ensure that workers, including women workers, employed in the informal sector of the economy are protected by labour laws and have social insurance coverage by, inter alia, ensuring that labour inspections are also carried out in this sector. In addition, it calls upon the State party to take the necessary steps to progressively formalize the situation of persons employed in the informal economy and draws the State party’s attention to its general comments No. 18 (2005) on the right to work, No. 19 (2007) on the right to social security and No. 23 (2016) on the right to just and favourable conditions of work and to its 2015 statement entitled “Social protection floors: an essential element of the right to social security and of the Sustainable Development Goals” (E/C.12/2015/1).

Working conditions for women

34. The Committee takes note with concern of the wage gap between men and women, which is partly attributable to the overrepresentation of women in the informal economy, and of reports of discrimination and violence against women in the workplace (art. 7).

35. The Committee recommends that the State party take steps to eliminate the persistent wage gap between men and women by combating occupational segregation that results in women working in low-paid jobs and encountering obstacles that prevent them from having the same career opportunities as men. It recommends that the State party take steps to put an end to all discriminatory practices directed at women and to ensure that women victims of discrimination, harassment, abuse or violence have access to protection mechanisms and to effective remedies and compensatory measures.

Working conditions of indigenous peoples

36. The Committee is concerned by allegations that the substandard working conditions to which members of indigenous peoples are subjected are tantamount to forced labour (art. 7).

37. The Committee urges the State party to adopt concrete measures without delay to put a stop to forced labour and to ensure just and favourable working conditions for all workers and particularly members of indigenous peoples. The Committee also calls upon the State party to make sure that independent investigations of such cases are undertaken, to ensure that the perpetrators of these practices are brought to justice and given sentences commensurate with the gravity of their acts and to provide effective protection and rehabilitation services for their victims.

Trade union rights

38. The Committee notes with concern that the State party’s legal framework imposes excessively restrictive conditions on the exercise of trade union rights, including the right to
strike. The Committee is concerned by reports of trade union leaders and strikers being subjected to violence, intimidation and discrimination. It also notes with concern that article 2 of the Anti-Terrorism Act, under which the death penalty is to be imposed for acts likely to disrupt the normal operation of public services or the provision of essential services to the population or to create a crisis situation among the population, places a significant restriction on trade union activities (art. 8).

39. The Committee calls upon the State party to bring its laws on trade union rights into line with article 8 of the Covenant, while also taking into account the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). In particular, the Committee urges the State party to amend article 2 of the Anti-Terrorism Act in order to bring it into line with human rights standards. In addition, it calls upon the State party to introduce appropriate mechanisms for the effective protection of union rights by, inter alia, investigating thoroughly all complaints brought to its attention and paying adequate compensation to the workers concerned.

Right to social security

40. The Committee notes with concern that the State party’s social protection system is heavily based on formal employment and that, despite the adoption of a voluntary insurance scheme, a significant number of persons continue to be excluded from the social protection system, including workers in the informal economy, self-employed persons and persons performing unpaid domestic work and other tasks, especially women (art. 9).

41. The Committee recommends that the State party redouble its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, especially those belonging to the most disadvantaged and marginalized groups, in order to ensure that they have a decent standard of living. It urges the State party to step up its efforts to devise a social protection floor that includes basic universal social guarantees. The Committee draws the State party’s attention to its general comment No. 19 (2007) on the right to social security and to its statement entitled “Social protection floors: an essential element of the right to social security and of the sustainable development goals”.

Economic exploitation of children

42. The Committee notes with concern that, despite the measures adopted to address the situation, many children between 6 and 14 years of age are engaged in some form of economic activity, particularly in the informal sector (art. 10).

43. The Committee recommends that the State party adopt and implement a national action plan for the elimination of child labour, ensure that the laws on child labour are rigorously enforced, strengthen labour inspection mechanisms so that inspections can be carried out in the informal sector as well as the rest of the economy and provide support to poor families so that their children can stay in school. It recommends that the State party ensure that all cases of economic exploitation of children or adolescents and any type of abuse or violence directed at them are thoroughly investigated and that those responsible are duly punished.

Birth registration

44. While taking note of the adoption of a universal birth registration project, the Committee notes with concern that the birth registration rate remains low and that a large number of people do not have access to identity cards, which interferes with the enjoyment of certain economic, social and cultural rights (art. 10).

45. The Committee recommends that the State party step up its efforts to increase the rate of birth registration and ensure access to identity cards. In particular, it urges the State party to: (a) effectively ensure that birth registration is free of charge; (b) ensure the accessibility of the birth registration services of the national civil registry office throughout the country, including, where appropriate, by using mobile units to this end; and (c) carry out campaigns to raise awareness about birth registration
procedures, particularly in rural areas. The Committee calls upon the State party to effectively implement the universal birth registration project by, inter alia, allocating adequate resources for that purpose.

Violence against women

46. While taking note of the information provided by the State party on the application of the provisions of the Criminal Code to perpetrators of acts of violence against women, the Committee regrets that it has not received statistics on the number of cases in which those provisions have been applied or on the number of offenders who have been put on trial and convicted. The Committee notes with deep concern that practices that are harmful to women and girls remain widespread in the State party, even though they are prohibited by law (art. 10).

47. The Committee recommends that the State party take the necessary steps to strengthen its legislative framework regarding violence against women by, inter alia, adopting a specific law on the elimination of all forms of violence against women and by explicitly making marital rape and domestic violence criminal offences. It urges the State party to adopt effective measures for the elimination and prevention of practices that are harmful to women, including polygamy, early marriage, forced marriage and female genital mutilation. It calls upon the State party to organize large-scale information, educational and awareness-raising campaigns on the seriousness and detrimental effects of violence against women and girls and practices that are harmful to them.

Poverty reduction and the right to an adequate standard of living

48. The Committee is aware of the significant challenges that the State party faces in reducing poverty and ensuring the realization of the right to an adequate standard of living owing, in particular, to the security crisis affecting the country and the wider region. Nevertheless, the Committee notes with concern that the State party’s anti-poverty programmes are proving insufficient: poverty rates remain very high and disproportionately affect the inhabitants of rural and remote areas. The Committee is also concerned about the high level of inequality in the State party (art. 11).

49. The Committee recommends that the State party redouble its efforts to combat social inequality and poverty, particularly extreme poverty, by, inter alia, undertaking a thorough evaluation of existing anti-poverty programmes and strategies with a view to identifying obstacles and adopting the necessary changes to permit the implementation of a comprehensive poverty reduction strategy. The Committee calls upon the State party to ensure that this strategy is coupled with clear-cut, measurable objectives, is properly funded, provides for effective mechanisms for coordination among the various actors, is implemented in accordance with human rights standards and principles, and takes due account of existing regional disparities and the real needs of the population, especially those of the most disadvantaged and marginalized groups. The Committee refers the State party to the statement on poverty and the International Covenant on Economic, Social and Cultural Rights that it adopted in 2001 (E/C.12/2001/10).

Right to food

50. The Committee notes with concern that a large number of people continue to suffer from food insecurity. The Committee regrets the lack of information on the adoption of a framework law to protect the right to food and on the measures adopted to improve access to food in regions where food insecurity is more serious, such as the Far North Region (art. 11).

51. The Committee urges the State party to:

(a) Adopt a legislative and institutional framework and a comprehensive strategy for guaranteeing the right to adequate food and combating hunger and chronic malnutrition, particularly in rural areas and in the Far North Region, and seek technical support in that regard from the Right to Food Team of the Food and Agriculture Organization of the United Nations;
(b) Step up its efforts to boost the productivity of smallholder farmers by facilitating their access to appropriate technologies and to local markets as a means of raising income levels in rural areas;

(c) Consider mounting campaigns to raise awareness about the importance of preventing the use of agricultural pesticides and chemicals that are hazardous to people’s health and to disseminate agroecological practices.

52. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004.

Forced evictions

53. While taking note of the information provided by the State party concerning article 322-1 of the Criminal Code, under which non-payment of rent is an offence, the Committee remains concerned about the negative effects of its enforcement on the enjoyment of the right to housing, particularly with regard to protection against forced evictions (art. 11).

54. The Committee recommends that the State party review article 322-1 of the Criminal Code with a view to decriminalizing the non-payment of rent and ensuring that the State party’s legal framework effectively protects the right to housing. The Committee urges the State party to take the necessary steps to provide protection against forced eviction, including the adoption and implementation of an appropriate legal framework which guarantees the provision of compensation or the option of adequate alternative housing for persons who have been forcibly evicted. The Committee draws the State party’s attention to its general comment No. 7 (1997) on forced evictions.

Right to physical and mental health

55. The Committee is concerned that the accessibility, availability and quality of physical and mental health-care services remain limited in the State party owing, in particular, to a lack of adequate medical supplies and infrastructure and shortages of medical personnel. The Committee notes that these problems are becoming more serious in remote rural areas and in areas affected by security crises in the Far North, North-West and South-West Regions (art. 12).

56. The Committee recommends that the State party:

(a) Allocate sufficient resources to the health sector to ensure the effective implementation of the 2016–2027 Health Sector Strategy;

(b) Ensure the accessibility, availability and quality of health care in all regions by, inter alia, improving the infrastructure of the primary health-care system and ensure that hospitals are adequately staffed with suitable medical personnel and have sufficient and appropriate infrastructure and equipment, along with a regular supply of medicines;

(c) Adopt legislation and an overarching policy on mental health with a view to ensuring the availability of mental health services, including community-based services, and increasing the number of professional staff working in this field.

57. The Committee draws the State party’s attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Sexual and reproductive health

58. The Committee notes with concern that, under article 337 of the Criminal Code, the voluntary termination of pregnancy is an offence except under very restrictive circumstances (art. 12).
59. The Committee recommends that the State party review its criminal legislation under which abortion is prohibited with a view to making it compatible with women’s rights, including the right to mental and physical health and the right to life, and to expanding the set of circumstances under which abortion is legal while also doing away with the restrictive requirements that limit access to abortion. In this regard, the Committee also recommends that the State party ensure that women who have recourse to this practice are not held to be criminally liable. It calls upon the State party to ensure the dissemination and availability of appropriate, high-quality sexual and reproductive health information and services, including family planning services, to all women and adolescent girls, especially in remote rural areas. The Committee draws the State party’s attention to its general comment No. 22 (2016) on the right to sexual and reproductive health.

Right to education

60. The Committee notes with concern that numerous challenges remain with regard to the effective enjoyment of the right to education in the State party. In this regard, it is concerned at:

(a) The decline in the primary school enrolment rate;
(b) The low enrolment rate for girls and the difficulties that remain in terms of their admission to school and their continued attendance;
(c) The lack of adequate school infrastructure, including insufficient access to safe drinking water and sanitation facilities;
(d) The school costs at the primary education level occasioned by indirect and unofficial fees that have a disproportionate impact on children from low-income households;
(e) Obstacles to the realization of the right to education for indigenous peoples owing, in part, to the fact that educational programmes are not culturally appropriate and to the limited availability of instruction in indigenous languages;
(f) Acts of violence directed at teachers, students and parents and damage to educational infrastructure in areas affected by the security crises in the Far North, North-West and South-West Regions of the country (arts. 13 and 14).

61. The Committee calls upon the State party to:

(a) Take steps to raise the enrolment rate in primary and secondary schools;
(b) Address the remaining challenges and obstacles in order to ensure that girls and boys have equal access to education;
(c) Take the necessary steps to improve school infrastructure by, inter alia, ensuring access to safe drinking water and adequate sanitation facilities;
(d) Ensure that attendance at primary school is actually free of charge and reinforce the rules and mechanisms for monitoring and overseeing private educational institutions;
(e) Ensure access to a quality and culturally appropriate education for indigenous peoples by, inter alia, upgrading the instruction provided in their own language;
(f) Take steps, as a matter of urgency, to ensure that children in the Far North, North-West and South-West Regions of the country have access to education and conduct thorough investigations into acts of violence directed at teachers, students and parents, as well as regarding the damage done to educational infrastructure, in order to bring those responsible to justice.

Cultural diversity

62. The Committee acknowledges the State party’s efforts to preserve the cultural and linguistic diversity of its society by means, inter alia, of the establishment of the National Commission for the Promotion of Bilingualism and Multiculturalism in 2017. Nevertheless,
the Committee notes with concern that some stakeholders have expressed misgivings about the Commission’s independence and that numerous obstacles stand in the way of the promotion and dissemination of the culture, languages and traditions of the different ethnic and linguistic minorities (art. 15).

63. The Committee recommends that the State party redouble its efforts to promote greater respect for cultural diversity by fostering an enabling environment for the efforts of minority groups and indigenous peoples to preserve, develop, express and share their identity, history, culture, traditions and customs. The Committee recommends that the State party ensure the effective operation of the National Commission for the Promotion of Bilingualism and Multiculturalism by ensuring its independence and allocating sufficient human, financial and technical resources to it.

Internet access

64. The Committee is concerned at the very low level of Internet access in the country, especially in rural areas. It is also deeply concerned about restrictions on Internet access in the North-West and South-West Regions, which have constrained the exercise of economic, social and cultural rights, including the right to enjoy the benefits of scientific progress and its applications (art. 15).

65. The Committee recommends that the State party take all necessary steps to improve access to the Internet, especially in rural areas, by, inter alia, developing the requisite infrastructure and ensuring that Internet services are affordable for everyone. It calls upon the State party to ensure that any limitations placed on access to the Internet are in all cases subject to careful scrutiny in order to make sure that they are necessary and proportionate to the circumstances, temporary and non-discriminatory, and to ensure that any Internet restrictions are compatible with article 4 of the Covenant and provided for by law.

D. Other recommendations

66. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

67. The Committee also encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Rights of Persons with Disabilities; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

68. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the course of its implementation of the 2030 Agenda for Sustainable Development at the national level, with the support of international assistance and cooperation when needed. Achievement of the Sustainable Development Goals will be significantly facilitated if the State party establishes independent mechanisms to monitor progress and treats beneficiaries of public programmes as rights holders who are entitled to avail themselves of their rights. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination will ensure that no one is left behind.

69. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators for tracking the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant with regard to various segments of the population. In that context, the Committee refers the State
party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

70. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, including at the national and regional levels, in particular among members of the National Assembly and the Senate, public officials and judicial authorities, and to inform the Committee in its next periodic report about the steps it has taken to act upon them. The Committee encourages the State party to engage with the national human rights institution, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in its consultations at the national level prior to the submission of its next periodic report.

71. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months from the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 26 (discrimination against minorities), 39 (trade union rights) and 51 (the right to food) above.

72. The Committee requests the State party to submit its fifth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 March 2024. It also invites the State party to update, as appropriate, its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).
TAB 10
Human Rights Committee

**Concluding observations on the fifth periodic report of Cameroon**

1. The Human Rights Committee considered the fifth periodic report of Cameroon (CCPR/C/CMR/5) at its 3426th and 3427th meetings (CCPR/C/SR.3426 and CCPR/C/SR.3427), held on 24 and 25 October 2017. At its 3444th meeting, held on 6 November 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting, albeit somewhat late, its fifth periodic report in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/CMR/Q/5). It appreciates the opportunity to resume a constructive dialogue with the State party’s multisectoral delegation on the measures taken by the State party to give effect to the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation.

B. Positive aspects

3. The Committee welcomes the legislative and institutional measures taken by the State party, including:

   (a) Order No. 081/CAB/PM of 15 April 2011 establishing an interministerial committee for monitoring the implementation of the recommendations and/or decisions of international and regional human rights protection mechanisms;

   (b) Act No. 2011/024 of 14 December 2011 on measures to combat the smuggling of migrants and trafficking in persons;

   (c) Act No. 2012/001 on the Electoral Code on the introduction of the gender approach in the preparation of candidate lists;

   (d) Act No. 2016/007 of 12 July 2016 on the Criminal Code, establishing new offences relating, inter alia, to genital mutilation and to forced and early marriage.

4. The Committee also welcomes the State party’s ratification, in 2013, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

* Adopted by the Committee at its 121st session (16 October–10 November 2017).
C. **Principal subjects of concern and recommendations**

**Applicability of the Covenant in the domestic legal system and implementation of the Committee’s Views**

5. The Committee notes that article 45 of the Constitution of Cameroon establishes the primacy of international treaties over national laws. The Committee welcomes the few examples cited by the delegation of cases in which the Covenant has been invoked before national courts. It regrets the often significant delays in the implementation of its Views, in particular with regard to compensation (art. 2).

6. **The State party should:** (a) continue its efforts to raise awareness of the Covenant among judges, lawyers and prosecutors in order to ensure that its provisions are taken into account before and by the national courts; and (b) take all appropriate measures to give full effect to the Committee’s Views without undue delay and to ensure that an effective remedy is available to persons whose rights under the Covenant have been violated.

**National Commission on Human Rights and Freedoms**

7. The Committee welcomes the fact that the National Commission on Human Rights and Freedoms has been re-accredited, with A status, to the Global Alliance of National Human Rights Institutions. However, it is concerned at reports that the Commission is not perceived as a fully independent body and, in particular, about: (a) the process for selecting its members, which is not inclusive or transparent; (b) the fact that the Commission’s membership includes members of Parliament and senators, who have voting rights; and (c) reports that the Commission’s funding is limited and its access to certain places of detention is restricted (art. 2).

8. **The State party should:** (a) review Act No. 2004/016 of 22 July 2004 in order to ensure that the process for selecting and appointing the Commission’s members is transparent and independent and to include a provision on the conflict-of-interest rules that apply to those members; and (b) provide the Commission with sufficient resources and with the full autonomy and freedom it requires in order to discharge its mandate in full, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

**Anti-corruption efforts**

9. While acknowledging the measures taken by the State party to combat corruption (Operation Épervier), the Committee notes with concern that corruption is endemic in the State party. Also troubling are reports that public authorities, including those in the police, judicial, tax, education and health sectors, often extort money from individuals as a condition for providing services. The Committee takes note of the State party’s anti-corruption measures, but is still concerned at allegations that these measures are exploited and misused in order to target certain prominent individuals, including political figures (arts. 2, 14, 25 and 26).

10. **The State party should:** (a) step up its efforts to combat corruption and to ensure that it does not go unpunished; (b) ensure that all cases of corruption are independently and impartially investigated and, where applicable, that appropriate judicial penalties are imposed on perpetrators; and (c) establish strict standards for public officials and ensure that those responsible for acts of corruption are subjected to disciplinary action and are prosecuted in court.

**Counter-terrorism**

11. While recognizing the necessity of counter-terrorism measures in the State party, the Committee is particularly concerned about: (a) Act No. 2014/028 of 23 December 2014 on the penalization of acts of terrorism, which introduces new grounds for the death penalty, contains provisions that are incompatible with basic human rights and provides for the jurisdiction of military courts, even over civilians; (b) allegations that this law is widely
applied, including for alleged failure to report terrorist activities; and (c) reports that numerous abuses, such as arbitrary detention, torture and extrajudicial killing, have been committed in the name of counter-terrorism (arts. 2, 6, 7, 9 and 14).

12. The State party should take the necessary steps to: (a) review Act No. 2014/028 in order to bring it into compliance with the Covenant; and (b) see to it that counter-terrorism measures are fully compatible with the State party’s obligations under the Covenant and other relevant international standards.

Discrimination on grounds of sexual orientation and gender identity

13. The Committee reiterates its concerns about section 347 bis of the Penal Code, which criminalizes sexual relations between consenting adults of the same sex. It is concerned as well about section 83 of Act No. 2010/012 of 21 December 2010 on cybersecurity and cybercrime, which criminalizes the sexual propositioning of an adult of the same sex by means of electronic communication. The Committee also deplores the alleged existence of: (a) discrimination against lesbian, gay, bisexual, transgender and intersex persons; (b) pretrial detention of lesbian, gay, bisexual, transgender and intersex persons for extended periods of time, in violation of section 221 of the Code of Criminal Procedure; and (c) acts of violence committed against such persons in places of detention by both other detainees and prison staff (arts. 2, 7, 9, 17 and 26).

14. The State party should consider reviewing section 347 bis of the Penal Code and section 83 of Act No. 2010/012 and should take all appropriate steps with a view to: (a) enacting comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and (b) protecting lesbian, gay, bisexual, transgender and intersex persons, safeguarding their fundamental human rights and ensuring that all cases of discrimination or violence are, without fail, investigated, that the perpetrators are brought to justice and convicted, and that the victims receive adequate compensation.

Discrimination against persons with disabilities

15. The Committee takes note of the State party’s efforts in this regard, in particular the adoption of Act No. 2010/002 of 13 April 2010, and of the delegation’s statement that persons with disabilities account for 10 per cent of the population of Cameroon. It regrets, however, that in practice persons with disabilities are still discriminated against in terms of access to employment and to most public infrastructure and services (arts. 2 and 26).

16. The State party should continue its efforts and, in particular, should: (a) adopt a legal framework with specific, mandatory accessibility benchmarks pertaining to employment, public services, buildings and roads and means of transport; and (b) consider ratifying the Convention on the Rights of Persons with Disabilities.

Gender discrimination and gender equality

17. While welcoming the Electoral Code reform that introduced a 30-per-cent quota for women’s representation on candidate lists, the Committee is concerned about: (a) the low representation of women in decision-making positions and in political and public life; and (b) the overrepresentation of women among informal-sector workers without access to social protection. The Committee also remains concerned about the retention of discriminatory provisions in family law, in particular: (a) articles 229, 1421 and 1428 of the Civil Code (see CCPR/C/CMR/CO/4, para. 8); (b) the retention of provisions on polygamy; and (c) the existence of different minimum ages for marriage for girls and boys (15 and 18 years, respectively) (arts. 2, 3 and 26).

18. The State party should: (a) continue its efforts to increase the number of women in public affairs, including through effective enforcement of the Electoral Code; (b) take steps to increase the number of women in decision-making positions; (c) seek to reduce the proportion of women working in the informal sector and ensure the protection of such women; and (d) continue its efforts to enact a personal and family code that is consistent with the provisions of the Covenant, and, in the interim,
undertake a systematic examination of the Civil Code and amend all provisions that are discriminatory with respect to women.

Violence against women and practices harmful to women

19. While welcoming Act No. 2016/007 of 12 July 2016 on the Penal Code, which establishes new offences, including offences relating to violence against women, the Committee is concerned at reports that complaints filed by victims, investigations and convictions are few in number. It also deplores the failure to expressly include marital rape among the new offences introduced under the reform. Also troubling is the persistence of the practices of female genital mutilation and breast ironing (arts. 2, 3, 7, 24 and 26).

20. The State party should: (a) ensure that cases of violence against women are reported and thoroughly investigated and that perpetrators are prosecuted and sentenced; (b) step up its awareness-raising campaigns on this issue, expand and improve shelter services and care arrangements for victims and collect disaggregated data on the extent of violence against women; (c) review its legislation in order to criminalize marital rape and establish sanctions that are commensurate with the gravity of the offence; and (d) ensure that all persons who engage in practices involving female genital mutilation or interference with the normal growth of a body part are prosecuted and sentenced.

Voluntary termination of pregnancy and maternal mortality

21. The Committee is concerned about sections 337 and 339 of the Penal Code, which criminalize abortion except in the event of grave danger to the health of the woman. It is also concerned about the onerous conditions imposed on rape victims who seek a lawful abortion, specifically the requirement that the facts of the case must be certified by the Public Prosecutor’s Office, as these legal restrictions could lead women to resort to unsafe abortions under conditions that put their lives and health at risk. Further, the Committee is concerned about the maternal mortality rate, which remains high, and about reports of illegal hospitals and of facilities that turn away women who are unable to pay, some of whom have died as a result (arts. 3, 6, 7, 17 and 26).

22. The State party should amend its legislation with a view to guaranteeing effective access to safe, legal abortions when the life or health of a pregnant woman or girl is endangered and when carrying a pregnancy to term would cause the woman or girl substantial pain or suffering, particularly if the pregnancy is the result of rape or incest or if it is not viable. The State party should also: (a) lift the requirement that prior court authorization must be given for an abortion in the event of pregnancy resulting from rape; (b) ensure that women and girls who have recourse to abortions and the doctors that attend to them are not subject to criminal penalties, inasmuch as the existence of such penalties obliges women and girls to resort to unsafe abortions; (c) ensure that women and girls have access to quality prenatal and post-abortion services and to immediate treatment without conditions; and (d) ensure that women and girls have access to sexual and reproductive health services and that contraceptives are affordable and available throughout the country, particularly in rural and remote areas.

Death penalty

23. While noting the absence of executions since 1997 and the delegation’s explanation of the reasons for the retention of the death penalty, the Committee notes with regret that a significant number of people have been sentenced to death, inter alia by military courts, in the context of counter-terrorism (art. 6).

24. The State party should: (a) consider abolishing the death penalty; (b) ensure that all persons sentenced under Act No. 2014/028 were given a fair trial, particularly in cases where civilians were tried by military courts; and (c) consider commuting the sentences of individuals currently on death row and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.
Extrajudicial killings

25. The Committee is concerned about reports that extrajudicial killings persist in the State party, and regrets the lack of statistics in this regard. In the context of counter-terrorism, it is particularly concerned about reports of violent search and arrest operations in which extrajudicial killings have been committed by agents of the State, including the rapid response brigade, as in the case of the events of 19 November 2014 in Bornori and the events of 27 December 2014 in Magdémé and Doublé, which allegedly resulted in 200 arrests, 130 disappearances and 25 deaths. Also troubling are allegations that information on the sites where the victims’ bodies are buried is not provided to their families. Another matter of concern to the Committee is the persistence of cases of “mob justice” against crime suspects, which have resulted in extrajudicial killings (art. 6).

26. The State party should: (a) systematically undertake prompt, impartial and effective investigations into all reported cases of extrajudicial killing, including those carried out by members of the rapid response brigade, and identify the perpetrators in order to bring them to justice; (b) take all necessary measures to determine the facts and provide full reparation to the victims’ families; (c) take effective steps to prevent and eliminate all forms of excessive use of force by agents of the State, including the rapid response brigade; and (d) ensure that acts of mob justice are investigated and that those responsible are brought to justice.

Torture and cruel, inhuman or degrading treatment

27. The Committee takes note of the State party’s efforts to prosecute persons who have committed acts of torture, but remains concerned about the persistence of such acts. In the context of counter-terrorism, the Committee is particularly concerned at the alleged existence of: (a) numerous cases of torture and cruel, inhuman or degrading treatment perpetrated in places of detention used by the rapid response brigade and the intelligence service, in which victims have reportedly been killed or left with severe disabilities; and (b) secret detention facilities that are not subject to oversight of any kind (arts. 2 and 7).

28. The State party should: (a) ensure that alleged acts of torture and ill-treatment committed by agents of the State, including the rapid response brigade and the intelligence service, are thoroughly investigated, and see to it that suspected perpetrators are prosecuted and, if found guilty, duly punished, and that victims are compensated and offered rehabilitation services; (b) prohibit and punish secret detention and detention in unofficial facilities; and (c) establish a national mechanism for the prevention of torture.

Prison conditions

29. The Committee is concerned to note that conditions are poor in almost all prison facilities in the State party and that this situation has apparently led to riots. Of particular concern are: (a) the very high rate of prison overcrowding; (b) deaths in detention and violence among prisoners; (c) the failure to segregate accused persons from convicted persons and to segregate juveniles from adults in many institutions; and (d) the difficulties encountered by families wishing to visit their relatives in prison, including the requirement to obtain permission from the military prosecutor in the case of persons sentenced by military courts (arts. 6, 7, 10 and 23).

30. The State party should: (a) continue its efforts to improve the living conditions and treatment of prisoners; (b) continue to take steps to address prison overcrowding, in keeping with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela rules); (c) pursue its efforts to use non-custodial penalties as an alternative to deprivation of liberty; (d) take the necessary steps to separate prisoners according to age, sex and detention regime; and (e) ensure that families are routinely allowed to visit their relatives in prison.

Trafficking in persons

31. While acknowledging the State party’s efforts to combat trafficking in persons, in particular the adoption of Act No. 2011/024 of 14 December 2011, the Committee notes
with concern that trafficking for the purpose of forced prostitution (in the case of women) or domestic labour (in the case of children) still persists. In particular, it regrets the lack of statistical data in this regard, disaggregated by age, sex and origin, and is concerned at reports that most cases of trafficking are detected by civil society organizations (arts. 8 and 24).

32. The State party should continue to strive, in particular, to: (a) ensure that all of its legislation is in conformity with international anti-trafficking standards; (b) strengthen the financial and human resources of its institutional mechanisms, in particular the network to combat child trafficking and child exploitation and the Interministerial Committee to Prevent and Combat Trafficking in Persons; (c) ensure the collection of statistical data disaggregated by the age, sex and origin of trafficking victims; (d) ensure that trafficking victims are identified and take appropriate measures to provide them with medical, psychological, social and legal assistance; and (e) ensure that all cases of trafficking in persons are systematically investigated and that suspected perpetrators are prosecuted and, if found guilty, duly punished.

Liberty and security of person

33. The Committee remains concerned at reports that there have been many arbitrary arrests, made in particular by the rapid response brigade in the context of counter-terrorism. It regrets that the commission set up to examine compensation claims submitted in relation to arbitrary arrest is not yet operational, even though its members have been appointed. Further, the Committee is concerned about the excessive length of judicial proceedings and the large number of persons placed in pretrial detention (arts. 9, 10 and 14).

34. The State party should take steps to see to it that: (a) no one is arbitrarily arrested or detained and all the legal rights of detainees are respected, in compliance with articles 9 and 14 of the Covenant; (b) all cases of arbitrary arrest are investigated and those responsible are subjected to disciplinary action and/or judicial proceedings; (c) all victims of arbitrary arrest are accorded compensation by the commission set up to examine compensation claims submitted in relation to arbitrary arrest; and (d) the provisions of the Code of Criminal Procedure on the permissible length of pretrial detention are observed.

Treatment of refugees

35. The Committee is concerned about the continued vagueness and uncertainty surrounding the procedures for determining refugee or asylum seeker status in the State party. The Committee notes the explanations given by the delegation on cooperation with the Office of the United Nations High Commissioner for Refugees, but is concerned at reports that refugees and asylum seekers from Nigeria have been ill-treated by the armed forces and that there have been mass forced expulsions of such persons for alleged collaboration with terrorist movements (arts. 6, 7, 9 and 13).

36. The State party should: (a) ensure that its procedures for the determination of refugee status are consistent with international standards and that effective access to those procedures is available at all border posts, including those at international airports and transit zones, and that border patrol officers and other relevant officials receive proper training; (b) ensure that instances of mass forced return do not occur; and (c) strictly enforce the absolute prohibition of refoulement under articles 6 and 7 of the Covenant.

Independence of the judiciary and administration of justice

37. The Committee remains concerned about persistent allegations of corruption and interference by the executive branch with the judiciary. Of particular concern is the fact that the independence of the judiciary is not sufficiently guaranteed in law and in practice, especially with regard to: (a) procedures for the selection of judges; (b) disciplinary measures against judges; and (c) the retention of section 64 of the Code of Criminal Procedure, which allows for intervention by the Ministry of Justice or the Attorney General to terminate criminal proceedings in certain instances. It is also concerned about: (a) reports
of violations of the right to a fair trial, which have been substantiated by the opinions adopted by the Working Group on Arbitrary Detention in the cases of Paul Kingue, Christophe Désiré Bengono and Marafa Hamidou Yaya; and (b) the continued jurisdiction of military courts to try civilians, which was extended by Act No. 2017/12 of 12 July 2017 on the Code of Military Justice (para. 14).

38. The State party should take all necessary measures to safeguard the independence of the judiciary in law and in practice and, in particular, to: (a) eliminate all forms of interference by the executive branch in the judiciary and effectively investigate allegations of such acts; (b) intensify its efforts to combat corruption in the judicial system and to prosecute and punish perpetrators, including judges who may be complicit therein; (c) consider reviewing the composition and functioning of the Judicial Service Commission to ensure the impartiality of the justice system; and (d) reform its legislative framework to ensure that civilians cannot be tried by military courts.

Right to privacy

39. The Committee expresses concern about Act No. 2010/012 of 21 December 2010 on cybersecurity and cybercrime, in particular its section 25, under which network operators and service providers are required to retain data for a 10-year period, even though such data are private (art. 17).

40. The State party should review its legislation in order to ensure that the rules on the length of time for which data are to be retained and on access to retained data are compatible with the provisions of the Covenant and that access to retained data is limited to what is strictly necessary.

Freedom of expression and freedom of assembly and protection of journalists and human rights defenders

41. The Committee is concerned about reports of: (a) torture and ill-treatment of journalists; (b) legal proceedings in which media outlets and journalists are put on trial for the opinions they express; (c) bans on the holding of press conferences; (d) shutdowns of Internet access for months at a time; and (e) reprisals against human rights defenders. It is also concerned at reports of infringements of the freedom of assembly, especially in the context of the crisis in English-speaking parts of the country, and of the excessive use of force by police to disperse demonstrations, which led to deaths and injuries during the events of 1 October 2017 (arts. 2, 6, 7, 14, 19, 21 and 26).

42. In the light of the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should: (a) ensure that any restrictions on press and media activities or on Internet access are fully compatible with the provisions of article 19 (3) of the Covenant; (b) ensure that agents of the State avoid any unnecessary or disproportionate interference with the freedom of expression of the media, protect journalists from any form of torture or ill-treatment and investigate, prosecute and sentence the perpetrators of such acts; (c) take all necessary measures for the protection of human rights defenders from threats and intimidation, and investigate, prosecute and sentence the perpetrators of such acts; (d) lift any unnecessary restrictions on the freedom of assembly and the freedom to demonstrate, in particular for members of the country’s English-speaking minority; and (e) carry out prompt, impartial and effective investigations of all cases involving the excessive use of force to disperse demonstrations, and bring the perpetrators to justice.

Guarantees of free and fair elections

43. While noting that the independence of the electoral oversight body Elections Cameroon is enshrined in law, the Committee is concerned about reports that this body’s members are not fully independent and impartial in relation to the executive branch (art. 25).

44. The State party should take the necessary steps to guarantee the independence of Elections Cameroon and ensure the successful conduct of elections in 2018 and beyond.
Rights of minorities

45. The Committee is concerned about the situation of the Pygmy and Mbororo communities, especially in the light of reports of: (a) discrimination; (b) confiscation of their traditional lands; and (c) violence, harassment and threats against them. The Committee is also concerned by reports that members of the English-speaking minority are discriminated against in terms of employment and public participation and that their rights to freedom of expression and peaceful demonstration are restricted (arts. 2, 19, 21 and 27).

46. The State party should take the necessary steps to: (a) ensure that there is no discrimination against indigenous peoples and minorities; (b) provide effective legal protection of the right of indigenous peoples to their ancestral lands and natural resources; (c) see to it that cases of violence, harassment and threats against persons belonging to such communities are investigated and prosecuted; and (d) ensure equal treatment of members of the English-speaking minority and safeguard their rights to freedom of expression and assembly.

D. Dissemination and follow-up

47. The State party should widely disseminate the Covenant, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official languages of the State party.

48. In accordance with rule 71 (5) of the Committee’s rules of procedure, the State party is requested to provide, within two years of the adoption of the present concluding observations (by 10 November 2019), information on its implementation of the recommendations made in paragraphs 26 (extrajudicial killings), 28 (torture and cruel, inhuman or degrading treatment) and 42 (freedom of expression and freedom of assembly and protection of journalists and human rights defenders) above.

49. The Committee requests the State party to submit its next periodic report by 10 November 2022 and to include in that report information on the implementation of the present concluding observations. Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of the report in due course. The State party’s replies to that list will constitute its sixth periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
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STATE-SPONSORED HOMOPHOBIA

2019
13th Edition

LUCAS RAMÓN MENDOS
ilga.org
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6. **THE WORLD AT A GLANCE** *(overview chart)*
The Third Cycle of the UPR: Organisations Push for More and Better Recommendations on SOGIESC Issues

By Diana Carolina Prado Mosquera

More than eleven years ago the Universal Periodic Review (UPR) was created. This has become an innovative mechanism for States, and in practical terms one of the mechanisms that has been most accepted by governments, either because of its constructive nature, or because, as its name suggests, it is a study done between peers. States study other States.

It is universal as it not only applies to the 193 Member States of the United Nations (UN), but also, it analyses any situation on human rights, including issues of sexual orientation, gender identity and expression and sex characteristics (SOGIESC).

It is periodic as it is a mechanism that for each State happens every five years, with regularity and it does not matter the situation that the State is going through. The study must be presented, and it is irrelevant if the previous government had accepted previous recommendations, the current government is obligated to report the level of implementation of those recommendations.

Since its creation, the UPR has evolved in a positive manner. During the first session, the first country which received a recommendation on sexual orientation and gender identity issues was Ecuador. In that moment Egypt opposed this recommendation and the dispute ended when Ecuador said that the proposed recommendation by Slovenia was going to be accepted. Today, such disputes are no longer observed in the working group sessions, on the contrary, the recommendations on SOGIESC issues are more frequent, and are always present in every session. By the end of 2018, the mechanism counts 2,013 recommendations on SOGIESC issues.

At the end of the second cycle in 2016, the UPR had only one recommendation and a specific advanced question on the topic of intersex persons. However, the third cycle has seen an increase in these recommendations and today there are 13 that deal with this issue, and the tendency shows that the number will continue to increase in the next working group sessions. In a similar way, the same has happened with the recommendations on gender identity: in 2018 the mechanism counted 49 recommendations on the issue.

By the end of 2018, the UPR counts 2,013 recommendations on SOGIESC issues.

This third cycle has seen the first recommendation on the prohibition of sterilisation as a requisite for the legal recognition of gender, and also the first recommendation in the issue of prohibition of forced anal examinations as proof of homosexuality. Both recommendations have been the result of the efforts of civil society organisations that every day see more the utility of this mechanism and give more relevance to these processes both at a national and international level.

A lot has been said of the efficacy of the UPR in countries, and distinct comparisons are made against the other existing UN mechanisms such as Treaty Bodies and Special Procedures which issue recommendations that are more technical and concrete. However, the UPR is seen by countries as

44 Diana Carolina Prado Mosquera is ILGA World’s Senior Officer on UN Advocacy (UPR, HRC and SDGs).
one of the more effective mechanisms that exerts international pressure on concrete issues, and in turn deals with issues that are more relevant to the LGBTI populations in different countries.

When the UPR is utilised by civil society organisations as a complementary tool, it can bring positive benefits. By means of amending laws or generating changes in countries regarding awareness issues and even creating a new channel of communication between civil society organisations that work with LGBTI issues and the government.  

The UPR is seen by countries as one of the most effective mechanisms that exerts international pressure on concrete issues.

Furthermore, during the third cycle, different countries received their first recommendations in SOGIESC issues, among them are Argentina, Burkina Faso, France, Luxembourg, Morocco, Pakistan, and Serbia. Countries such as Bolivia, Ecuador, the Philippines, Georgia and India formulated their own recommendations, increasing the number of countries that contribute to these issues during interactive dialogues of the UPR working group session.

The third cycle is shaping as an implementation cycle, as during the working group sessions States should report on the level of implementation of the recommendations received during the second cycle. It is precisely here where the mechanism meets its match as midterm reports are voluntary, and to date, of the 193 states examined, only 39 have presented a midterm report for the second cycle. The level of implementation and the way to follow up continues being a challenge.

Working group sessions present new advances. For example, in the case of Luxembourg, during the second cycle (2013), it received a recommendation from the Netherlands, where it was asked to adopt a law on same-sex marriage, and the State, in its third UPR, reported that in 2014 such law was approved.

At the same time, it shows advances in other countries like Ghana, where in 2013 it created a system for cases of discrimination, which received complaints online, via SMS messages or in person. Then they are investigated with the intention of resolving them. This system was created for persons who had been victims of discrimination due to their sexual orientation or gender identity among others. It responds to two recommendations that were accepted by Ghana in its second cycle and the advances were reported during the review of the third cycle.

Some countries have showed advances in the implementation of recommendations. Meanwhile, in others the reaction in the face of questions of sexual orientation and gender identity has resulted in the failure to comply with recommendations that were issued and accepted in the second cycle. For example, even though in the second cycle, Cameroon accepted the recommendation to investigate police violence motivated by sexual orientation, real or perceived, there have been 137 documented arrests in the last 5 years. Further still, a law recently sanctioned the criminalisation of certain forms of expression between persons of the same sex.

Whilst States have their own challenges, civil society organisations continue to strive to follow-up on recommendations. Therefore, the end of the second cycle and the beginning of the third has seen the creation of different follow-up mechanisms on the part of civil society, the organising of periodic meetings with governments, the combined work with national offices of the UN
The third cycle is shaping up as a cycle in which the recommendations on SOGIESC issues will continue to increase.

At the same time, 2018 ended with a pilot project that ILGA together with other two international non-governmental organisations held in Jamaica. This project was firstly focused on the implementation and follow-up of recommendations by the UN and included recommendations from the UPR and the Human Rights Committee. The project concluded with a national consultation that included women’s organisations, organisations that work with SOGIESC issues and organisations on health issues. For 2019, ILGA hopes to continue with this project in other countries, contributing to the following-up process of recommendations.

The third cycle is shaping up as a cycle in which the recommendations on SOGIESC issues will continue to increase, as well as advanced questions proposed on these issues.

The language will be very specific and the continued presence of recommendations and forward-thinking questions in the topic of SOGIESC will oblige states under review to decide on issues, which in some cases will be the first time that civil society hears its governments decide on issues in this regard.

The third cycle will continue giving value to reports sent by organisations that work on these issues and also observe techniques, each time more elaborate. Without a doubt, one hopes that the third cycle contributes to generate a positive impact on the legislative processes, for example through laws and public policies.

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54 In an effort to compile these practices, in 2019 ILGA will prepare a report on best practices for implementation and follow-up on recommendations of the UPR, which will seek to compile information from different civil society organisations, with the objective that other organisations may replicate these best practices and adapt them to their own context.

Courage and Resilience amidst Oppression

Various authors.

Mechanisms of Adaptation and Resistance to Repression in North Africa

By Naoufal Bouzid1 and Khadija Rouggany.

The situation of LGBTQI+ people in North Africa is characterized by a context in which 4 countries still criminalize sexual acts between adults of the same sex: Mauritania, Morocco, Algeria, and Tunisia.2 Additionally, Egypt does not formally have norms that explicitly criminalize this type of acts, but in practice they are criminalized under other legal provisions (de facto criminalization).3 This criminalization carries penalties ranging from imprisonment and the fine to death, in Mauritania.

In addition, the regional context is marked by a repression that goes beyond limiting the sexual and emotional life of LGBTQI+ people. The laws restrict the right to freedom of assembly and association in all the countries of the region,4 except in Tunisia, where civil society has managed to found and officially register several LGBTQI+ organizations. Similarly, freedom of expression is often severely limited, notwithstanding initiatives that seek to empower local communities, often running the risk of being persecuted.5

Therefore, despite a difficult context, queer groups are emerging under their own dynamics - groups whose objective is to improve the lives of those who are affected.

In contexts where repressive laws continue to oppress LGBTQI+ people and create barriers to the formation of human rights organizations, local activists in the region opt to organize around informal groups/collectives. Under that scheme, they carry out their work to the extent they can. Although for the moment it is mostly discrete activities, they are progressively achieving a certain level of visibility.

Arts and festivals committed to diversity

When words, slogans, and harangues are no longer enough to achieve mobilization, art committed to diversity stands out as an effective alternative voice. The objective is to raise awareness about the human rights of LGBTQI+ people and democracy, through an interactive dynamic: that of cinema, music, and theater that reflect the difficult lives of LGBTQI+ people in Northern Africa. Among these initiatives are the Chof-tohonna festival and the Tunisian International Festival of Feminist Art LBT Chouf Minorities Association, which had its 4th edition in 2018.6

Social networks

In addition, the sotto voce dynamic has not prevented activists from participating in training activities and further developing their capacities at the national, regional or international level. The expansion of social networks also provides greater visibility to groups and organizations and helps to maintain a sense of closeness within the

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2 The human rights situation in each of these countries and the main events between 2017 and 2018 are developed in the entries for each country in the “Criminalization” section of this report.

3 For more information on de facto criminalization and the situation of persecution in Egypt, see the entry for that country in the “Criminalization” section of this report.

4 For more information on these types of restrictions, see the section on legal barriers to registration and operation of SOR NGOs in the “Global Overview” section of this report.

5 For more information on restrictions on freedom of expression, see the corresponding section in the “Global Overview” section of this report.

6 “International Feminist Art Festival of Tunis”, Facebook Webpage.
community, through the interaction and publication of activities on social networks.

These communication channels have been used to carry out awareness and promotion campaigns, such as the viral campaign #HomophobiaIsACrime and #StopArt489 of the MALI group (Alternative Movement for Individual Freedoms), which is launched annually on the occasion of the IDAHOT (Day International against homo, lesbo, bi and transphobia), or the #TenTen virtual campaign that celebrates the national day of LGBTIQ + people in Algeria. Initiated by three activists, this day is celebrated each year on October 10 since 2007. Activists and allies light candles and share photos of these candles with that hashtag as an act of solidarity in social networks.

Web magazines and radio broadcasts

On the other hand, in order to better frame and develop theoretical content, some groups in the region publish quarterly (or every semester) articles in attractive journals, with content on sexual diversity issues. Other groups manage to broadcast on web radios on issues related to the rights of LGBTQI+ people, sometimes with the presence of experts and offering the possibility of asking questions live through Facebook.

Dynamics of regional coalitions

The dynamics of networks, meetings, exchanges and regional trainings have allowed the emergence of several initiatives. Among them is Transat, a platform of trans activists, non-binaries and gender dissidents from North Africa and the Middle East, which capitalizes on a queer regional solidarity as a form of virtual resistance.7

Regional and international incidence

Several groups in the region are part of a strategic vision to reform the laws that affect LGBTQI+ people and are working on the issue through two main strategies. The first is to prepare reports to monitor violations of the rights of LGBTQI+ people. The second aims to occupy advocacy spaces, to encourage and channel pressure from the international community on national governments, including the Human Rights Council, Universal Periodic Review and the African System of Human and People’s Rights. In effect, the region knows of a real dynamic that overcomes the many existent restrictions. The best example is how the Egyptian queer community survived the repression of 2017, the effects of which are still palpable.

Activist groups carry out their activities despite very limited resources: only 0.001% of global LGBTQI+ funding goes to North Africa,8 while the region needs much more help to implement the changes desired by the community.

A Brief Overview of East Africa

By Eric Guitari.9

In East Africa, the continued criminalization of private consensual sexual acts between adults of the same sex, as well as the outlawing of diverse gender expressions are indicators of States’ interest to entrench discrimination and violence based on real or perceived sexual orientation and gender identity/expression.

Although Rwanda does not criminalize same sex relations, social stigma against LGBTQI persons is prevalent, including family exclusion and discrimination on the basis of sexual orientation and gender identity is rife in the employment sector.

None of the East Africa countries have anti-discrimination statutes and hate crimes laws to protect persons from bias or discrimination on grounds of their sexual orientation and gender identity. The legal social status of LGBTQI persons and communities in East and central Africa is nothing but vague, hostile and criminal.

According to reports by social movements and activists, violence and discrimination remain the most concerning legal social issues facing LGBTQI person and communities in the East Africa region.

For example, Tanzania has banned provision of condoms and lubricants to LGBTIQ health clinics and has since 2018, upscaled the use of forced anal examination against suspected LGBTQI persons including cramming down on organizations that support their rights.10

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7 "Transat", Website.
9 Eric Guitari is a PhD Candidate (SJD) at Harvard Law School and the former Executive Director of the National Gay and Lesbian Human Rights Commission-Kenya (NGLHRC).
10 For more information, see the entry on Tanzania in the “Criminalisation” section of this report.
In Burundi, a protracted election violence led by an incumbent state that refuses to obey presidential constitutional term limits continues to subject LGBTIQ persons to structural violence on account of their political opinions and sexual orientations.11

In Uganda, reports of an imminent parliamentary bill to further criminalize same sex relations continue to heighten anguish and insecurities within LGBTIQ community members. Political and religious elites in Uganda continue to perpetuate paternalistic public discourses that cast same sex orientation and trans identities as existential threats to the future of the nation. Anxieties over reproduction and fear of recruitment of children into homosexuality are the common social trojans used against LGBTIQ persons in public discourse.

In Kenya, NGLHRC’s Because Womxn has reported increased vulnerabilities and discrimination against LBQ women on account of multiple biases of gender and sexual orientation. This has resulted in marginalization, violence and exclusion of LBQ women not only by the general society but also within the LGBTIQ community. These intersections and multiplicity of discrimination grounds become more relevant and subtler in asylum cases for LGBTIQ persons who face rights violations and protection challenges during asylum processing.

Geo-conflicts in Somalia, DR Congo, Sudan and South Sudan have continued to drive out LGBTIQ refugees towards Kenya, Tanzania and Uganda. The asylum flights pose a legal paradox where countries that criminalize same sex relations continue to abide by their international obligations to protect LGBTIQ refugees and asylum seekers within their borders but at the same time continue to prosecute and persecute their LGBTIQ citizens.

Activists and groups have been documenting and fighting discriminations based on sexual orientation including ongoing litigation challenging criminalization of same sex relations in Kenya, denial of registration of SMUG in Uganda, refusal of registration of NGLHRC in Kenya and the recently (2018) successful challenge against forced anal examination in Kenya.

It can thus be said that criminalizing East States have no demonstrable legislative and political interests to reduce violence and suffering on LGBTIQ persons. LGBTIQ persons within these countries need therefore embrace their civic duty to stay vigilant on their rights and engage in public education towards equality and social justice.

The Situation of the LGBT Community in West Africa

By Ababacar Sadikh Ndoye12 and Emma Onekekou.13

The context of West Africa is peculiar as a "false calm" exists when speaking of the rights of LGBTI persons. This silence is deceptive as it could suggest that the situation of lesbians, gays, trans and intersex persons is positive. However, nothing could be further from the truth. One of the problems in West Africa is that there is no political will to support and respect the rights of LGBT persons. There is a certain level of political will when it comes to health issues and HIV/AIDS, related to the taking care of men who have sex with men (MSM). However, it is exclusively focused on this group to the detriment of women who have sex with women and trans persons.

The socio-legal diversity in the region

The region is characterised by its socio-cultural and legislative diversity, which makes LGBT communities face distinct legal differences. These go from the explicit criminalisation (in countries such as Gambia, Guinea, Liberia, Mauritania, Nigeria, Senegal, Sierra Leon, and Togo) to countries with a certain level of antidiscrimination protection (such as Cape Verde).14 In a more ambiguous situation are some countries that do not explicitly criminalise same-sex sexual acts. However, in practice there have been recorded cases of detention and prosecution for such acts (such as Ivory Coast).

Religion has a big influence in judicial rulings of some West African countries, such as Mauritania, Niger, Senegal and Northern Nigeria, where Islam has a strong presence in both the social notions of sexuality and its application in the law. In effect, Islamic Sharia law is one more source of law amongst others, in which same-sex sexual acts are

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11 For more information, see the entry on Burundi in the “Criminalisation” section of this report.
12 Ababacar Ndoye is a blogger (@Tous_pour_1) and human rights activist in Senegal.
13 Emma Onekekou is a blogger (@EmmalInfos) and human rights activist in Ivory Coast and Burkina Faso.
14 Since 2008, article 45(2) of the New Labour Code of Cape Verde prohibits an employer soliciting information of the “sex life” of their employees. Article 406(3) imposes sanctions on employers who fire employees on the basis of their sexual orientation.
criminalised, in some cases the death penalty applies.15

Generally speaking, it can be said that the HIV/AIDS epidemic has opened some space for LGBT activism. The focus of the issue regarding men who have sex with men (MSM) has shaped the emergence of the LGBT community and given certain access to funding. Therefore, the rights of LGBT people in the region are mostly addressed through the issue of public health. This approach has however, brought some consequences for lesbians, bisexual women and trans persons whose own issues remain marginalised.

Even so, in recent years, a broader approach for LGBTI organisations has progressively emerged. For example, in the Ivory Coast a federation of LGBTI organisations called Couple Akwaba was created, which brought together 15 of the 23 organisations in the country.16 This organisation faces multiple challenges, such as obtaining information on time and from reliable sources in the face of violations of LGBTI persons’ rights in the country and the resources to document them, give psychological support to victims of attack and/or arbitrary detention due to the sexual orientation or the gender identity, or even to provide support for temporary relocation in grave situations.17

In the Ivory Coast, despite the fact that no law exists which criminalises consensual same-sex sexual relations, at the end of 2016 a judge in the city of Sassandra used article 360 of the Penal Code to condemn 2 men to 18 month imprisonment.18 They were caught by the uncle of one of the men, and after having been reported, they admitted before the judge to having been in a loving relationship.19

In Burkina Faso, in the period between March 2017 and December 2018, there were 10 LGBTI persons detained in Ouagadougou (the capital city) and 38 more in the municipality of Bobo-Dioulasso (the second biggest city in the country and predominantly Islamic).20 Despite this, the Burkinabe penal code does not actually prohibit consensual same-sex sexual acts. In October 2017, two gay men reported to the authorities that their phones had been stolen. On being summoned by the authorities after the criminal had been apprehended and phones recovered, the claimants were detained as the phones had contained same-sex pornographic content. The two men were eventually freed thanks to the intervention of a community leader in Ouagadougou and having paid a fine of 40,000 francs.

In countries where same-sex sexual relations are criminalised, there are few cases where the persons arrested have been found “in flagrant delicto”. In the majority of cases, the arrests and prosecutions take place based on third party accusations (sometimes anonymous) that report people for having had allegedly performed same-sex sexual acts. Such was the case where a group of 2 men and 2 women were detained on 15 September 2018 in the city of Dakar, Senegal. The authorities of Godppeul arrested them as they were reported for committing “unnatural acts” and having gone against the moral order.21

Violence and social prejudice

Same-sex sexual acts continues to be a taboo subject in almost all West African countries, particularly in countries such as Ivory Coast, Burkina Faso, Senegal and Benin, where the existence of LGBTI people is often completely denied. Public opinion and the media usually consider sexual orientation as a “choice” that reflects a “sexual perversion” or even motivated by “economic incentive”.22 The growth in widespread general homophobia has justified multiple forms of violence against LGBTI people: from arbitrary detention by the police, school exclusion, denial of medical attention, expulsion from the home, arbitrary dismissal from employment to lynching.

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15 Countries where there is a possibility of imposing the death penalty for consensual same-sex sexual relations are: Mauritania and Nigeria (in the provinces where Islamic sharia law applies).

16 “La Coupole Akwaba”, Facebook Page.


18 Penal Code (Ivory Coast), article 360: “Whoever commits acts which constitute an affront to public modesty will be sentenced to imprisonment of between six months and two years, and a fine of 50,000 to 300,000 francs”.


20 This information was obtained by the Courage and Plural Vision Organisation (individual interview).


22 *Poverty responsible for rise in homosexuality*, Graphic Online, 3 November 2018.
and murder. In many cases the attacks are recorded on phones and go viral being shared on social media. On 15 January 2019, two young men were discovered in the district of Wolofobougou-Boliba, Bamako, Mali, kissing in the street. Neighbours and some police officers dressed as civilians attacked and beat them in a type of lynching. In some areas of Ghana, homophobic gangs lynch LGBT persons, later terrorising their partners and families. LGBT people live in an increasingly hostile environment, suffering increasingly violent attacks and arbitrary detention. This happens with the acquiescence of the States of the region who give no response to these violations. Even in Benin where consensual same-sex sexual relations are not criminalised, LGBT persons are forced to live in hiding.

New forms of organised violence and the media

The growth of homophobia has found new ways of operating by harassing, exposing and humiliating LGBT persons through false social network profiles. In 2017, the movement “Fight against homosexuality in Mali” (LCHM) was created, made up of numerous Malian residents, although its main leaders live abroad (chiefly in France, Italy, Canada and the United States). In Mali social networks, the news group of the movement is achieving high levels of participation in what they call “hunting homosexuals.”

In all of West Africa, we are seeing a stronger media focus on sexual orientation issues, with the media tending to publish incendiary articles and reports on the issue. It is common to read extremely pejorative content regarding same-sex sexual acts, denigrating references of LGBT people, equating it with paedophilia and prostitution, as well as negative descriptions of human rights defenders.

In the face of such levels of aggressions, many LGBT people in West Africa have no other choice but to leave their countries in search of asylum. In general, the majority of victims of arbitrary attacks and detention due to their sexual orientation or gender identity go to neighbouring countries or Europe and other western countries.

Access to economic support

On the economic front, LGBTI organisations in West Africa are responsible for the plurality of self-employed activity which generates income. This highlights the vulnerability of LGBTI people in this regard. In fact, gender identity expression can be a barrier to employment. This problem is still more worrying in the case of trans people, who in most countries are unable to change their gender marker on their identity cards, diplomas and other necessary documents. Some trans people have been forced to completely abandon their sources of income, and on occasion are arrested for the crime of “identity theft”, as was the case of Lyly.


26 See, for example: “In Sierra Leone, human rights defenders stay silent on LGBT+ discrimination”, Politico SL, 16 January 2018.


28 “Gays in Mali are hunted and humiliated online”, The Observers, 18 September 2017.


31 For more information on the legislation in the modification of personal documentation in Africa, see: Zhan Chiam et al., Trans Legal Mapping Report 2017: Recognition before the law (Geneva: ILGA, November 2017).

In the last two years, issues related to sexual orientation and gender identity have not seen much progress in Central Africa. These issues continue to be perceived as taboo and “contrary to African values”. In addition, many people still believe that these issues are “imported from Europe”. It is only necessary to walk the streets of several of these countries to understand how difficult it is to be seen as a couple with a person of the same sex. In the region, while in some countries there are explicit laws that criminalize same-sex sexual acts, in others there is a legal vacuum on the matter.

Although Cameroon revised its criminal code in 2016, the provisions that penalize same-sex relationships were unfortunately kept intact. In the international arena, Cameroon has rejected all recommendations on issues of sexual orientation and gender identity. Even so, there is some political will to eradicate HIV from key population groups and the National Health Plan 2018-2022 identifies men who have sex with men (MSM) and trans women as a vulnerable population.

In the Central African Republic, although same-sex sexual relations between consenting adults are not explicitly criminalized, article 85 of the criminal code criminalizes “acts against nature committed in public”, defining them as “attacks on public morals” and imposing harsher penalties compared to other attacks on morals. Alternatives Centrafricaine, a local LGBT organization, has documented cases of arbitrary arrests based on (false) allegations of same-sex sexual intercourse. In this line, in its 3rd cycle of the UPR, the Central African Republic received two recommendations (prohibit discrimination based on sexual orientation and gender identity and improve the situation of sexual minorities). The National HIV Plan 2016-2020 identifies MSM as key populations, so the actions of the Global Fund project focus on them.

While there is no law in Gabon criminalizing consensual same-sex relations between consenting adults, the human rights situation of LGBT people remains extremely worrying, with arrests for “moral attacks” based only on the form of dressing “translating sexual orientation”. Gabon had its first recommendation on SOGIEC in the third cycle of the UPR in 2017, which focused on access to medical care for LGBT people. In fact, the National Health Plan does not recognize gay and bisexual men as a key population.

Before 2017, the legal situation was not particularly clear in Chad: Article 272 of the Criminal Code condemned those who committed “acts against nature” with persons under 21 years of age. A bill to criminalize same-sex relations with up to 20 years in prison was debated in Parliament in 2016 but failed to pass. However, the revision of the Criminal Code that entered into force in 2017 incorporated the criminalization of “same-sex sexual relations”, making Chad the latest State to criminalize same-sex consensual relationships and, therefore, a worrying example of legal regression in the region. Furthermore, the National Health and HIV Plan does not identify key populations and there is no record on any LGBT organization operating in the country.

Of particular gravity is the situation in the Democratic Republic of the Congo, where LGBT people continue to be victims of human rights violations and face increasing discrimination and
stigmatization. While same-sex sexual relations between consenting adults are not expressly criminalized, Article 176 of the Criminal Code—which criminalizes activities against public decency—is used in practice as the legal basis to criminalize LGBT persons.44

There are numerous documented instances of arbitrary arrests and blackmail perpetrated by the police in which this provision is used to persecute and repress public displays of affection, non-normative gender expressions, among others.45

In this regard, the Human Rights Committee expressed its concern and recommended that the State ensure that no person is prosecuted under Article 176 of the Penal Code because of their sexual orientation or gender identity, as well as enact anti-discrimination legislation that expressly includes sexual orientation and gender identity.46

Among the few positive aspects, it should be mentioned that the Democratic Republic of the Congo has a law to protect people living with HIV/AIDS.47 Articles 3 and 4 of this law prohibit acts of stigmatization and discrimination against any person living with the virus.

In addition, article 2 contains a definition of “vulnerable groups”, which includes sex workers and “homosexuals”. This law is today the only legal text in force that can be used to offer protection to LGBT people, although mainly with respect to men who have sex with men. Unfortunately, this means that lesbians and trans people must use the label of one of the groups identified as “vulnerable groups” to have access to care.

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**Small Victories Add up in Southern Africa**

The author wishes to remain anonymous.

It could be argued that in a few countries in Southern Africa some advancements in legislative protections and guarantees of equality often outpace changes in public sentiment. Even South Africa, the first country with a constitutional protection from discrimination based on sexual orientation, has and continues to struggle with a lack of societal acceptance of sexual and gender minorities, and reports of anti-LGBT violence seem to regularly cycle through the news.

Yet the past two years have seen a number of legislative and court victories for LGBTI people across the sub-region, proving that progress is possible in the face of resistance. Importantly, the governments of non-criminalizing countries have signalled support for SOGI issues in a number of areas, including ending discrimination in education and supporting LGBTI asylum-seekers.

**Homophobia, discrimination, and hate incidents**

In terms of marriage equality, constitutional rights, and legal protections from discrimination for LGBTI people, South Africa is undoubtedly a regional leader. At the same, South Africa’s high rates of rape and homophobic crime, perpetrated disproportionately against lesbians of colour in poorer townships, demonstrate that robust legislation does not necessarily translate to societal acceptance. A 2017 report on violence faced by the LGBT community in South Africa found that a shocking four out of ten LGBT South Africans know of someone who has been murdered for their sexual orientation or gender identity; that number rises to 49% for black LGBT people in the country.49

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43 Over the past five years, several members of Parliament have made efforts to explicitly criminalize same-sex relationships. See: Canada: Immigration and Refugee Board of Canada, *Democratic Republic of Congo: Situation of sexual minorities, including legislation and treatment by society and the authorities: state protection and support services* (2014).

44 Penal Code of the DRC, article 176: “A person who engages in activities against public decency will be liable to a term of imprisonment of eight days to three years and/or fined twenty-five to one thousand zaires”.


47 Loi n° 08/011 du 14 juillet 2008 portant protection des droits des personnes vivant avec le VIH/SIDA et des personnes affectées.


49 Michael Morris, “LGBT community still faces high levels of violence - report” News24. 4 December 2017.
The high rates of violence perpetrated against LGBTI people continue to be a major focus of activism from human rights groups in the country. In May 2017, dozens of human rights defenders lobbied the authorities to take immediate action on the bias murders of five LGBT persons that had been denied justice for years. Soon after, activists took to the streets of several South African cities to protest ongoing deadly attacks against members of the LGBTI community.

Protection from discrimination

In March of 2018, in a huge step towards addressing the country’s persistent problems with homophobic and transphobic violence, South Africa’s cabinet approved a bill criminalizing hate crimes and hate speech and submitted it to Parliament. Aside from providing justice to victims of bias crimes, the bill would greatly improve data collection on the incidence of and nature of hate crimes in the country. However, critics feared the broad language used in the bill may pose a threat to free speech, and pushed back by arguing that the bill “makes a ‘common’ insult punishable by three years in prison.” In December 2018, the South Africa Parliament invited public input on the bill from stakeholders and interested persons, and announced it would hold public hearings on the bill.

That same month, the South African National Assembly passed a bill to remove a provision from the Civil Union Act that allowed civil servants to refuse to marry same-sex couples on the basis of their “conscience, religion, or belief.” The prior year, the Minister of Home Affairs revealed that only 111 of its 412 branches had officers willing to marry same-sex couples, and that 37% of its officers were exempt from providing the services. Nonetheless, the Minister refused to back an amendment repealing the provision.

Civil society organizations in South Africa have been developing innovative approaches to combating discrimination and hate crimes. A nationwide initiative addressing violence against LGBTI communities has launched a website to help victims anonymously report hate crimes in South Africa. A 2016 survey of LGBT people found that 88% of respondents did not report hate crimes or discrimination, as they often fear having to come out to friends and family, or facing victimization from the authorities or community.

In September 2018, an umbrella organization for LGBT+ employee network groups launched an index to measure how companies in South Africa are faring when it comes to the inclusion of sexual and gender minorities in the workplace. Of the 17 companies—representing six different sectors and employing over 30,000 people—that participated in the analysis, very few had provisions protecting employees from discrimination on the grounds of gender identity and expression.

The UN Independent Expert on the protection against violence and discrimination based on sexual orientation and gender identity paid a visit to Mozambique at the end of 2018 to assess how the government was upholding the rights of its LGBT citizens. In his assessment, he commented that the absence of systematic, large-scale rights violations against the LGBT community made Mozambique an “inspiring example” in the region, but that the government urgently needed to end its policy of marginalization and “guarantee the full social inclusion of lesbian, gay, bisexual and transgender people.”

Education

Several countries in the sub-region participated in the first international ministerial meeting on education sector responses to homophobic and transphobic violence organised by UNESCO.
Mauritius, South Africa and Mozambique, joined the countries signing the Call for Action sponsored by UNESCO to express their political commitment to ensuring inclusive and equitable education for all learners in an environment free from discrimination and violence, including discrimination and violence based on sexual orientation and gender identity/expression.  

In March 2017, the Limpopo Department of Education in South Africa was ordered to pay compensation to a student who had suffered discrimination for her gender identity from her school principal.  

The same week she won her case, 38 girls at a school in Mdantsane, South Africa were forced to disclose their sexual orientation in front of parents, guardians and teachers, after the principal had seen two of them kissing.  

Though the education department of the province investigated the issue, they took no disciplinary action against the principal who outed the students.

**Intersex issues**

In early 2017, activists from South Africa and Kenya gathered to Pretoria to take part in a consultative meeting on the Model Law on the rights of intersex persons in Africa, which the Centre for Human Rights was drafting for eventual tabling at the African Commission on Human and Peoples’ Rights. The Draft Model Law sought to, “prevent unfair discrimination and to protect and promote of the rights of intersex persons in African countries.”

At the end of the year, intersex and human rights activists hosted a National Engagement on the Promotion and Protection of the Human Rights of Intersex Persons with the Department of Justice and Constitutional Development, the first large-scale engagement with the government of South Africa. They discussed a number of issues of importance to the intersex community, including infant genital mutilation and healthcare procedures, and strengthening legal mechanisms to protect from discrimination.

**Issues on gender identity**

South Africa has similarly seen progress in legal gender recognition and accommodations for trans individuals. After a lawsuit from three trans people and their spouses, the Western Cape High Court ruled that a law barring married individuals from changing their gender without first divorcing was unconstitutional.

More recently, a trans woman in South Africa, currently serving a 15-year sentence in a prison for stealing, sued the Correctional Services Department to seek recognition for her right to gender expression while in custody. The case has the potential to change the way transgender individuals are treated in the criminal justice system.

In December 2017, a trans plaintiff in Botswana won the right to change his gender from female to male on identity documents.

**Immigration and asylum**

Given the high number of criminalizing states in the sub-region, and in Sub-Saharan Africa more generally, nearby countries like South Africa where consensual same-sex acts are legal become a destination for LGBT asylum-seekers. Despite having laws guaranteeing refugee status to LGBT persons fleeing persecution, many gay, lesbian, and trans refugees are turned away at the border.

Queer human rights activists lobbied the government to address the situation, as many LGBT refugees being discriminated against were remaining in country undocumented. In September 2018, the Department of Home Affairs agreed to have its officials undergo sensitisation training.

A Mozambican LGBT organization attended the 32nd Assembly of the African Union in February 2019 to draw attention to the fact they have been receiving requests for support from...
LGBT refugees fleeing other African nations, and to partner with UNHCR to establish a, “structured response to the needs of these people.” They also pledged to do more for LGBT refugees in the Nampula camp in Mozambique, including offering psychological support, counselling, and healthcare.72

HIV & health

A national HIV plan to address the specific needs of the LGBTI community, the first of its kind, was launched during the 8th South African AIDS Conference in Durban. The plan aims to reduce HIV rates by 63 percent, tuberculosis by 30 percent, and boost STI detection by 70 percent over five years. The plan also acknowledged the effects of societal stigma and discrimination on LGBTI people seeking healthcare, and called for services designed for their needs.73

As part of its commitment made under the HIV plan, South Africa’s Human Sciences Research Council announced the country’s first national survey on HIV in transgender women in January 2018. The study aimed to fill a gap in data on HIV prevalence among transgender women and their specific vulnerabilities in order to be able to better serve their community.74 Just two months later, the South African government began distributing PrEP75 to sex workers for free in hopes of reducing the spread of HIV.76

In neighbouring Mozambique, health NGOs announced in February 2018 they received grants from The Global Fund for programming aimed at reducing new HIV infections and HIV-related deaths by 40 percent and tuberculosis deaths by 50 percent by 2020.77

Activism in the sub-region

Given its size, regional power status, and active civil society, South Africa tends to dominate the discussion of LGBTI issues in Southern Africa. Yet, over the past two years, grassroots activism in neighbouring countries is increasing domestic and international visibility of their LGBT people.

At the end of 2016, representatives of LGBTI organizations from Madagascar, Mauritius, Seychelles, and Réunion gathered in Antananarivo, Madagascar for the 15th symposium on HIV, where they formed the Indian Ocean region’s first LGBTI network.78

A few months later, a Malagasy LGBTI group belonging to the network hosted an awareness-raising event during the World Day Against Homophobia. The group aimed to highlight the discrimination and stigmatization faced by LGBTI people in everyday life in Madagascar, and to put a human face to their community.79

Human rights organisations in Namibia organized a five-day advocacy event in July 2017 to “celebrate the rich tapestry of Namibian LGBTI lives, while addressing social and policy discriminatory laws, policies and practices.”80 The event, called ‘We Are One,’ ended with activists marching for better anti-discrimination laws during the country’s first pride parade.81

Conclusion

Though regional surveys of public sentiment towards LGBTI people often report dismal numbers, we see an interesting, seemingly contradictory, trend happening in South Africa: though the majority of South Africans (72%) believe that same-sex sexual activity is “morally wrong”, a majority (51%) feel that gay South Africans deserve the same rights as all other citizens.82 Similarly, a 2016 survey found Namibia and Mozambique to be two of the most tolerant countries in Africa.83

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73 “SA launches first national HIV plan for LGBTI people” ENCA. 16 June 2017.
74 “First South African study looking at HIV prevalence in transgender women contributes to global 90-90-90 target” Human Sciences Research Council. 10 January 2018.
75 Pre-Exposure Prophylaxis (PrEP) is a daily pill that reduces HIV infection risk in HIV-negative individuals by 92 - 99%.
76 Lungani Zungu, “PrEP pill to save sex workers from HIV/Aids” IOL. 1 April 2018.
78 “La première coalition des associations LGBT de l’océan Indien est née” IMAZPress. 6 October 2016.
which as a whole is also trending towards tolerance among the young and well-educated. 84

It’s also worth noting that legislative advancements made in the sub-region over the past years have retained their strength and have not been weakened by religious exemptions; the South African government even closed a loophole that allowed civil servants to decline to perform same-sex weddings. Though there remain a significant number of criminalizing countries in the sub-region, progress made in South Africa, Mozambique and Namibia offer hope as to the future of LGBTI people in neighbouring countries.

Recent SOGi Developments in Angola and an Overview on Other African Lusophone Countries

By Rui Garrido. 85

Angola

On 23 January 2019 Angola joined the list of countries that decriminalised same-sex acts between consenting adults. The Penal Code of 1886, inherited from Portuguese colonialism, criminalised anyone who partook in the practice of “vices against the nature.” 86 Same-sex sexual relations were illegal under that provision, and it was generally understood as criminalising same-sex sexual acts. Under article 71, for the offence of “vices against nature”, the first time that the crime was committed the sentence was the bond of “good conduct” or “freedom under surveillance”, and for those who re-offended, the sentence was surveilled freedom or internment. 87 It is not known of any case targeting LGBTI people based on that provision.

The enactment of the new Penal Code was the end of a long journey that took more than a decade to conclude. Angola started the revision of its Penal legislation in 2004 through a presidential order that created the Commission for the Reform of Justice and Law. This commission mandated, among other things, the drafting of a new Penal Code for the country. 88

In recent years, the Angolan State has tried to be transparent, especially when it is under international scrutiny. In 2014, during the 2nd UPR cycle, in the national report, Angola argued that intimacy between consenting adults was protected under constitutional law, and the state was unaware of any case of discrimination based on sexual orientation. 89

In 2016, Angola submitted its national report to the African Commission on Human and Peoples’ Rights. The report stated that there are no laws criminalising same-sex relations between adults, and that the draft law which approves the new Penal Code prohibits discrimination based on sexual orientation. 90 This reference was not made under article 2 (non-discrimination) of the African Charter on Human and Peoples’ Rights, but under article 3 (right to dignity) of the Protocol on Women’s Rights. Despite the reference to sexual orientation and the absence of criminal offence against LGBTI peoples, the Angolan authorities seem to misconceive, or not fully understand the issue of sexual orientation, as it is treated under the implementation measures of women’s protocol. Under the same “right to dignity”, LGBTI issue are grouped with prostitution and sexual violence against women, girls and children. This reinforces the Angolan authorities’ misunderstanding of the subject.

In June 2018, the Ministry of Justice and Human Rights granted the legal recognition to the association IRIS Angola, the first LGBTI association in the country. 91 Regarding the new Penal Code approved on 23 January 2019, 92 it is a significant shift from criminalisation to protection. In fact, the new Penal Code introduced “sexual orientation” as an aggravating circumstance in the provision establishing the general guidelines for the

84 Michael Morris, “LGBT community still faces high levels of violence - report” News24. 4 December 2017.
85 Rui Garrido, Ph.D candidate in African Studies at ISCTE-IUL, Portugal.
86 Penal Code of 1886, article 71(4).
87 Id., Article 71(1).
88 Presidential Order No. 124/12, 27 November 2004.
92 The bill that was approved can be read here.
determination of penalties. Additionally, article 172(1) establishes the crime of threatening to perpetrate a crime against someone, which could affect their “sexual self-determination”. Notably, article 241 criminalises acts of discrimination based on sexual orientation with regard to the provision of goods and services, employment and obstructing economic activities. Articles 215, 216 and 217 raise the penalties for acts of insult, defamation and disrespect of the deceased (respectively) when they are committed because of the victim’s sexual orientation. Furthermore, incitement to discriminate based on sexual orientation is criminalised under article 382. Last but not least, article 284 explicitly includes prosecution based on sexual orientation in the provision on crimes against humanity. The expression “sexual orientation” appears 12 times in the Code. However, no reference is made to “gender identity”, “gender expression”, or “sex characteristics”, so there is certainly much space for further advocacy and progress.

The Penal Code was approved by a vast majority of MPs in Parliament —115 votes in favour, 7 abstentions and only 1 vote against— and was described by the leader of the People’s Movement for the Liberation of Angola as “genuinely Angolan”.

Cape Verde

Cape Verde is considered one of the most consolidated African democracies and a country with high levels of social acceptance of homosexuality. The legal framework is not repressive towards sexual orientation, and the reform of the Penal Code in 2003 removed the criminalisation of the “vices against nature”, but no protection was granted to sexual orientation. However, in 2008, Cape Verde enacted protections against discrimination based on sexual orientation in employment under the New Labour Code. Furthermore, the 2015 amendment of the Penal Code stated that “the current circumstances demand an adequate response for some kinds of murder, in particular those motivated by hate of the sexual orientation or gender of a person”. The amendment of article 123 establishes a penalty of 15 to 30 years imprisonment for murder committed on the basis of the victim’s sexual orientation or gender identity. Cape Verde is the only African Lusophone country that criminalises hate crimes based both on sexual orientation and gender identity.

Guinea Bissau

Guinea Bissau was the first country to reform its Penal Code after independence from Portugal. In 1993, the Law-decree No. 4/93 (Penal Code) decriminalised same-sex activity but granted no protection to sexual orientation or gender identity. Social attitudes in the country are not tolerant, with the exception of the capital city Bissau, in which the LGBTI community have some space to be open. In a recent interview, a local NGO director stated that there are some cases of violence targeting people based on their sexual orientation or gender identity and that Guinea-Bissau lacks legal protections for LGBTI people.

Mozambique

Even though the legal framework of the country is not hostile to sexual orientation or gender identity, there is still much that could be improved. In 2007, the Labour Law introduced prohibition of discrimination based on sexual orientation as a fundamental principle to the Right to Work. In 2015, a new Penal Code entered into force, removing the criminalisation of the “vices against nature”, but no protection was granted to sexual orientation or gender identity.

The Mozambican State failed in the legal registration of the NGO LAMBDA Mozambique, a process started by LAMBDA in 2008. In 2017, the Constitutional Council of Mozambique declared article 1 of Law no 8/91 unconstitutional.
which allows the registration of associations in the country in accordance with the principles of “moral order”. The Constitutional Council found that the reference to “moral order” is in contravention with article 53(3) of the Mozambican Constitution of 2004, which only forbids the registration of military associations or those that promote violence, racism or xenophobia. This decision gave new strength to the aspirations of LAMBDA to become legally registered as an NGO.

*São Tomé e Príncipe*

*São Tomé and Principe* removed criminalisation of the “vices against nature” in 2012, when the new Penal Code entered into force. Article 130 (qualified murder) of the Penal Code defines sexual orientation as an aggravating circumstance of this type of crime, giving sexual orientation the same protection as racial, political or religious hate. Furthermore, sexual orientation was introduced in the law on domestic and familial violence, and was adopted 4 years before the Penal Code. Article 2 of Law No. 11/2008 states that every woman, man and child has their fundamental rights inherent to their personhood, regardless of their sexual orientation, among other factors. The same law recognises domestic violence as a human rights violation. There are no records of any association working with LGBT human rights in the country.

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104 Acórdão No. 07/CC/2017, atinente a declaração de inconstitucionalidade do artigo 1 da Lei nº 8/91, de 18 de Julho – Lei que regula o direito à livre associação, requerido pelo Provedor de Justiça.
106 Law No. 6/2012 (Approving Penal Code).
108 Id., Article 6.
Legal Barriers to the Registration or Operation of Sexual Orientation-Related CSOs

Highlights

41 UN Member States
21% UN Member States

<table>
<thead>
<tr>
<th>Region</th>
<th>Count</th>
<th>Percentage</th>
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<td>Africa</td>
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<td>54</td>
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<tr>
<td>LAC</td>
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<td>Oceania</td>
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Introduction

The ability of sexual orientation-related (SOR) civil society organisations (CSOs) to formally register and operate in a country allows them to more effectively serve and advocate for SOR issues.

Registration refers to the ability of organised groups to be recognized as independent legal entities under the law, which would allow them to receive funding and conduct their activities formally. In this section, a SOR CSO is defined as one that is explicitly sexual orientation-related, whether in its name or registration documents. While some NGOs may achieve registration by using non-explicit names or descriptions (e.g. as “human rights” or “sexual health” groups), they would not be regarded as SOR CSOs for the purpose of ascertaining the existence of legal barriers to registration.

Additionally, even if SOR CSOs may be able to get formal registration, they may also be prevented from effectively conducting their activities and advocacy. In this section we also include States with laws that may seriously interfere or obstruct the work of SOR CSOs. This may include legal restrictions on funding or the types of activities that are permitted.

What does International Human Rights Law say?

Everyone has the right to freedom of peaceful assembly and association, including for the purposes of peaceful demonstrations, regardless of sexual orientation, gender identity, gender expression or sex characteristics.

Persons may form and have recognised, without discrimination, associations based on sexual orientation, gender identity, gender expression and sex characteristics, and associations that distribute information to or about, facilitate communication among, or advocate for the rights of, persons of diverse sexual orientations, gender identities and expressions and sex characteristics.

Yogyakarta Principle 20
Legal Barriers to the Registration or Operation of Sexual Orientation-Related CSOs

Methodology Note

Mapping the legal barriers to the registration or operation of sexual orientation-related civil society organisations can be quite challenging. Unlike other laws, which may be more straightforward in their wording or in its effects, the barriers that usually prevent the registration or operation of organisations can be more difficult to trace in the abstract.

Therefore, in order to confirm the existence of a legal barrier, additional information needs to be gathered with regard to the official response or explanation given to a failed attempt to register an organisation. In this regard, this section does not pretend to be exhaustive. Other countries with legal barriers may be included if more information becomes available.

In this section ILGA lists States in two tiers:

- **TIER 1: confirmed legal barriers.**
  
  ILGA has found that there may be an explicit prohibition against SOR activities or associations, where the law specifically forbids SOR NGOs from registering. Although this kind of prohibitions exist, they are quite rare.
  
  Most cases include countries with NGO laws that prohibit the registration of groups that engage in illegal, immoral or “undesirable” activities or purposes. These provisions may be interpreted to prohibit SOR NGOs, which is often the case in countries where consensual same-sex sexual acts are criminalised. Tier 1 countries are those for which ILGA was able to corroborate that local groups have been actually denied registration of a SOR CSO based on a provision of law. Reference to the source in which the rejection was documented is always provided.

- **TIER 2: legal barriers very likely to exist.**
  
  This tier includes countries for which ILGA was not able to find evidence of official rejection but where criminalisation of same-sex intimacy, restrictive NGO laws and generalised hostility (state-sponsored or otherwise) make it very unlikely that a request for registration will be accepted.
  
  Lack of evidence of official rejection can be attributed to various reasons. First, in several countries no SOR CSO or civil society groups are known to exist on the ground. In others, for various reasons (exposure, governance, interference, cost, etc.), groups expressly choose not to pursue NGO status, and opt for other creative strategies to be able to operate at the policy level.
  
  For example, in countries with the death penalty or harsh penalties for same-sex consensual acts, where activists may find it too dangerous even to organise or come out, it is highly likely that any attempt at registration will be denied. Additionally, when the legal terminology used to criminalise same-sex intimacy is the same or similar to that used in the provisions on CSO registration, the likelihood of a legal barrier increases.
  
  Additionally, as most laws on NGOs and associations prohibit the registration of organisations with “illegal purposes”, the criminalisation of same-sex activity can be indicative of a legal barrier to register a SOR CSO. However, this cannot be taken as a hard and fast rule given that in many countries that still criminalise, local courts have argued that advocating for the rights of LGBT people cannot be equated with the sexual acts that fall under sodomy laws. Therefore, not every criminalising country is included in this second tier.
## Africa (12)

<table>
<thead>
<tr>
<th>Tier 1: Confirmed Legal Barriers</th>
<th>Country</th>
<th>Year</th>
<th>Legal Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Burkina Faso</td>
<td>2015</td>
<td>Article 16 of Law 064-2015/CNT on freedom of association allows authorities to reject the registration of groups that are based on a cause or object that is “illicit, or contrary to laws and good morals”. Repeated attempts by LGBT organizations to register with the Ministry of Territorial Administration, Decentralization, and Security were not approved though no explanation was provided for the refusals.¹</td>
</tr>
<tr>
<td>2</td>
<td>Burundi</td>
<td>1992</td>
<td>Decree-Act No. 1/11 of 18 April 1992² allows the authorities to deny registration when the object of the association is contrary to the law, public order or morality.³ Activists have reported being unable to register their groups except when they focus on HIV/AIDS issues.⁴</td>
</tr>
<tr>
<td>3</td>
<td>Cameroon</td>
<td>1999</td>
<td>Law no 99/014 of 22 of December 1999⁵ regulates NGOs in Cameroon, which are required to pursue aims that are in the “public interest”.⁶ Groups report that they face obstacles in the process of obtaining legal recognition and some groups have had to exclude any reference to LGBT people to become legally registered.⁷</td>
</tr>
<tr>
<td>4</td>
<td>Democratic Republic of Congo</td>
<td>2001</td>
<td>Article 3 of the Decree-Law No. 004 of 20 July 2001 requires organisations seeking registration to undergo a two-tiered process, with legal personality granted by the Minister of Justice after a favourable opinion is received from the ministry responsible for the sector in which the organization is engaged. According to a joint submission by 6 SOR NGOs to the 2017 UPR, most organisations have been denied registration when they make reference to LGBT persons in their constitutions.⁸</td>
</tr>
<tr>
<td>5</td>
<td>Egypt</td>
<td>1964-2017</td>
<td>Article 14(2) of The Law of Associations and Other Foundations Working in the Field of Civil Work (Law No. 70 of 2017) prohibits associations from any “activities that result in destabilizing the national unity, national security, public law and order, and public morals”. As a result of hostile state and social attitudes, groups have not been able to register their organisations officially and often have to work secretly and anonymously to avoid state persecution.⁹</td>
</tr>
</tbody>
</table>

² No online text of law could be located.
⁵ No online text of law could be located.
CAMEROON

Provisions in force

- **Penal Code of Cameroon** (Law No. 2016/007 of 12 July 2016).

  **Article 347-1.**
  Whoever has sexual relations with a person of the same sex shall be punished with imprisonment from 6 months to 5 years and fine of from CFAF 20,000 to CFAF 200,000.

Cameroon’s first Penal Code, enacted in 1965, did not criminalise consensual same-sex sexual acts. An Ordinance issued in September of 1972 by President Ahmadou Ahidjo introduced Article 347bis (now 347-1). This amendment took place a few months after the advent of the unitary State under the new Constitution, when the National Assembly had not yet been elected.

- **Law on Cybersecurity and Cybercrime** (Law No. 2010/012 of 21 December 2010).

  **Article 83.**
  1. Any person who makes sexual propositions to a person of their sex through electronic communications shall be punished with imprisonment of one to two years and a fine of 500,000 to 1,000,000 CFA francs or only one of these two penalties.
  2. The penalties provided in paragraph 1 above are doubled when the proposals have been followed by sexual intercourse.

Human Rights Situation

- Additional information on the situation in Cameroon is provided at the end of this entry in a “Local Perspective Essay” written by Joachim Ntetmen for ILGA World.

In 2013, Eric Ohena Lembembe who was a prominent gay human rights activist and who headed the AIDS advocacy group Camfaids, was found dead in his home with his limbs and face burnt after a slew of attacks on human rights defenders in the country.¹ No one has been arrested or convicted for his murder.² In 2014, a gay man who had been jailed for sending a text message saying “I’m very much in love with you” was also found dead in prison after his family had removed him from a hospital where he was receiving medical treatment.³ A 2016 Human Rights Watch report documented cases of forced anal examinations by the authorities conducted on men arrested on suspicion of engaging in same-sex sexual conduct.⁴ In 2018, five LGBTI human rights defenders were arrested at a youth centre run by the Avenir Jeune de l’Ouest (Youthful Future of the West) and ordered to undergo anal exams after

³ “Gay man jailed in Cameroon has died, says lawyer”, The Guardian, 13 January 2014.
they were released on bail. In 2017, a lawyer received death threats for defending LGBT people and he was told to stop doing so when he sought help from the Lawyers’ Association. The police similarly dismissed his case and told him not to “defend those faggots”.

In June 2018, it was reported that the family members of LGBT human rights activist Dominique Menega were also seeking asylum in France because of their association with him. Attacks on LGBT human rights defenders are frequently reported: in 2016, anti-gay Cameroonians threatened and harassed LGBTI rights advocates in Douala, driving some of them from their homes. In Yaoundé, Jules Eloundou, president of Humanity First, was the target of two homophobic attacks in the guise of burglaries.

A UN joint (12 CSOs) shadow report of October 2017, documented cases of extortion and blackmail by police officers based on perceived or actual sexual orientation, noting at least 67 cases in 2016. A media report in October 2018 highlighted cases of family violence against lesbian women who were chained and raped after their families found out about their sexuality. Four cases of “corrective rape” were documented in 2014, and seven cases in 2016. In December 2018, a list of persons accused of being “homosexuals” was disseminated through social media: this outed many individuals who had been hiding their identities.

In January 2019, it was reported that a female footballer was thrown off her team and banned from playing after she was outed as gay. In the same month, a group of anti-gay youths shut down a gay advocacy organisation after they set part of the group’s office on fire, and forced the cancellation of a planned gay pride celebration.

**Statements by public officials**

In 2013, Jacques Doo Bell, member of the National Commission for Human Rights and Freedoms wrote in the Commission’s magazine that “homosexuals” were like “highway bandits and chicken thieves [who are] systematically lynched by the crowd” and recommended that they remain “extremely careful and discreet.”

In July 2013, in response to the murder of activist Eric Ohena Lembembe, Issa Tchiroma Bakary, Minister of Communication and Government spokesperson, explained that between 95% and 99% of society are “against homosexuality because their religions are against homosexuality”. He added that “maybe in 50 years from now things will be different [but] it is the duty of the President of the Republic to respect the will of his people”.

**National Human Rights Institution**

The National Commission for Human Rights and Freedoms is Cameroon’s NHRI. The entity not only negates and ignores SOGIESC issues and requests, but, as evinced in its reports, denies discrimination and upholds the country’s criminalisation laws.

**UN voting record**

In 2011, Cameroon voted against the adoption of Resolution 17/19, the first SOGI resolution adopted by the Human Rights Council. As its term of the HRC expired, it did not vote the 2014 and 2016 SOGI resolutions.

At the session of Third Committee of the UN General Assembly held in November 2016, Cameroon voted against the LAC.
amendment to remove Operative Paragraph 2,\textsuperscript{20} and in favour of the African oral amendment to block the Independent Expert on SOGI at the UNGA Plenary Session on 19 December 2016. Additionally, Cameroon voted in favour of the amendment which tried to block financial resources allocated to the newly created mandate.

### International advocacy and supervision

#### Universal Periodic Review

Cameroon rejected all seven SOGI recommendations in its 1\textsuperscript{st} cycle UPR in April 2008. In its second UPR, other than accepting one recommendation to investigate police violence based on sexual orientation, it rejected 14 SOGI recommendations.

In its 3\textsuperscript{rd} cycle of the UPR carried out in May 2018, Cameroon noted (functionally rejected) all 12 SOGIESC recommendations, including those referred to decriminalisation.\textsuperscript{21} The State provided no comments referring to the SOGIESC situation during the working group session.

#### Treaty Bodies

In 2010, the Human Rights Committee urged Cameroon to repeal article 347(1) of the Penal Code and to address “social prejudice and stigmatization of homosexuality”.\textsuperscript{22}

In February 2014, the CEDAW Committee urged Cameroon to raise awareness among political, traditional and religious leaders, as well as members of civil society, about the possible withdrawal of article 347 of the Penal Code.\textsuperscript{23}

### Special Procedures

In May 2012, several mandates collectively expressed concern regarding the authorities’ interference with a meeting discussing HIV and human rights of LGBT people.\textsuperscript{24} In November 2012, several mandates\textsuperscript{25} highlighted to the state the alleged death threats against Alice Nkom and Michel Togue, legal representatives of individuals charged on the basis of their real or perceived sexual orientation.\textsuperscript{26} In January 2013, the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern regarding the alleged murder and death threats against two individuals related to their sexual orientation, Jonas Singa Kumie and Franky Ndome.\textsuperscript{27} In August 2013, several mandates\textsuperscript{28} against reiterated their concerns regarding the murder of an LGBTI defender.\textsuperscript{29}

### A LOCAL PERSPECTIVE

#### The Question of Sexual Orientation and Gender Identity in Cameroon

By Joachim Ntetmen for ILGA World.\textsuperscript{30}

Arrests and prosecutions on the basis of provisions which criminalise consensual same-sex sexual relations continue to take place in Cameroon today.

In addition to this state violence, there is a very high level of acts of physical and psychological violence in Cameroon motivated by hate of sexual orientation and gender identity.\textsuperscript{31} Blackmail and threats particularly are amongst the most common forms of aggression. In 2017, 578 cases of violence

20 Operative Paragraph 2 was an attempt by the Africa Group to defer action on Resolution 32/2 and block the IE SOGI mandate.

21 “UPR-Cameroon”, ILGA Website, 18 May 2018.

22 Concluding observations of the Human Rights Committee - Cameroon, CCPR/C/CMR/CO/4, 4 August 2010, para. 12.

23 Concluding observations on the combined fourth and fifth periodic reports of Cameroon, CEDAW/C/CMR/CO/4-5, 28 February 2014.

24 For more information, see CMR 1/2012.

25 These are the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

26 For more information, see CMR 5/2012.

27 For more information, see CMR 7/2013.

28 These are the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on rights to freedom of peaceful assembly and of association; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

29 For more information, see CMR 3/2013.

30 Joachim Ntetmen was trained as a psychologist and is currently Director of programs at Alternatives Cameroun, a human rights organisation in Cameroun created in 2006 which especially defends the rights of sexual minorities.

and violations of LGBTI rights were registered.\textsuperscript{32} Alarmingly, in 2018, 1,134 of such cases were registered, which represents a vertiginous increase.\textsuperscript{33} Violence was the order of the day in multiple forms: waves of arrests - including the arrest of five LGBTI activists in the western region of the country - intimidation, aggression and murder. Particularly tragic was the case of a young man, Tobi Aubin Parfait Kenfack, who was murdered on the 12 August 2018 in the city of Douala: his older brother murdered him because of his sexual orientation.\textsuperscript{34} The 2017 annual report produced by Alternatives Cameroon exposed the consequences that violence and violations of rights have on the physical and psychological health of LGBTI persons.\textsuperscript{35} A community study carried out in 2017 showed that 57% of lesbian women in Douala consumed tobacco and 18% drugs:\textsuperscript{36} the same study revealed that more than 30% of gay men and lesbian women suffer severe depression, as opposed to 5% nationally amongst the general population of Cameroon (WHO figures). A 2016 IBBS study signalled that the prevalence of HIV is 20.3% between men who have sex with men (MSM), with HIV rates showing as up to twice as high in those who have been exposed to violence.\textsuperscript{37}

Discourses on issues of sexual orientation remain extremely hostile in Cameroon. In October 2018, a science text book of life and the Earth, destined for fifth grade classes caused a scandal. In it, "homosexuality" was characterised as "deviant", the same as "sodomy", "fellatio" and "cunnilingus".\textsuperscript{38} The rationale presented for this content was the protection of children. A local NGO made their own argument and denounced the book as a "criminal initiative" that pretended "to promote zoophilia and homosexuality" following the UN agenda, plunging Cameroonian society into sexual immorality.\textsuperscript{39} The scandal led to a petition to remove the book from the program, to which the government finally agreed. This example illustrates that talking about sexual or gender diversity to young people is never well received in Cameroon.

In terms of progress, although timid, the state response to HIV with men who have sex with men (MSM) has been included in the national HIV plans since 2011, and more recently, the 2018-2022 National HIV Plan also includes trans persons. Issues related to gender identity are achieving more visibility and a number of trans organisations have consolidated: it was their efforts that ensured inclusion, and recognition of specific vulnerability to HIV exposure, of trans persons in National HIV Plan. Further, these strategies now include a human rights perspective, access to care is a battle far from being won. Lesbians and bisexual women, for example, remain ignored and invisible in health programs.

Issues related to intersex people have rarely been addressed officially and remain little-understood within and outside the LGBTI community. However, over the past two years intersex persons have started to organise in the city of Douala and already have at least 30 members, and their work in part is to draw attention (through documentation) to the discrimination and violence they experience. There are many cases of hastily-done and unnecessary surgeries that are often harmful to an individual’s wellbeing, and that have been carried out without consent.

The presidential elections of October 2018 were an opportunity to influence issues of diversity. Civil society organisations called on candidates to include issues of sexual and gender diversity in their policy agendas.\textsuperscript{40} For this purpose, a mapping of the candidates and their respective positions on the subject was carried out: of the nine candidates, three were classified as hostile, four had a “mixed” position and two had favourable approaches to these issues.\textsuperscript{41}

This latest data offers some hope for an eventual change in the future but the situation remains difficult.
Submission by Human Rights Watch to the Committee on Economic, Social and Cultural Rights on Cameroon

65th session, 2019

This submission relates to the review of Cameroon under the Committee on Economic, Social and Cultural Rights. It focuses on the issue of the protection of students, teachers, and schools in crisis and conflict situations and the right to health for lesbian, gay, bisexual and transgender (LGBT) people.

Health (article 12)

Standard of Physical and Mental Health for LGBT people.

Cameroon’s laws deny LGBT people access to the highest attainable standard of physical and mental health. The criminalization of consensual same-sex conduct under article 347(1) of the Penal Code, which punishes “sexual relations with a person of the same sex” with up to five years in prison, infringes on the right to health of people who are sexual and gender minorities. Studies demonstrate that laws criminalizing same-sex intimacy pose barriers to HIV prevention, care, and treatment services.¹

In April 2018, police arrested four activists and a security guard at the office of AJO, an organization that works on HIV education with men who have sex with men (MSM), and other vulnerable groups. The activists spent a week in jail on spurious homosexuality charges before a lawyer secured their release. Cameroonian human rights organizations documented the arrest of at least 25 other men and at least two women

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¹ Global Commission on HIV and the Law, “Risks, Rights and Health,” July 2012
on homosexuality charges in the first half of 2018. They also reported numerous cases of physical violence by private citizens targeting LGBT people.2

The Joint United Nations Programme on HIV/AIDS (UNAIDS) has found that health centers in Cameroon have turned away clients on the basis of their presumed sexual orientation.3 Sexual minorities are often afraid to seek services, for fear of their sexual orientation being exposed.4

Men who have sex with men (MSM) and transgender women are not adequately reached by current government prevention programs.5 Cameroon’s National AIDS Control Committee conducted its first study of HIV prevalence rates among MSM in 2011, in the cities of Douala and Yaoundé. It found extraordinarily high prevalence rates – 24% in Douala and 44% in Yaoundé – indicating the urgent need to target MSM in HIV/AIDS prevention efforts.6 Cameroon’s 2018-2022 National Strategic Plan on HIV/AIDS and sexually transmitted infections (STIs) called for government efforts to target MSM, though it makes no reference to transgender women, another vulnerable group. It also raises concerns regarding the “tightening of the legislative and social environment” with regard to MSM as an obstacle to care, but does not specifically call for decriminalization of same sex relations.7 The UN Special Rapporteur on the Right to Health has called for the decriminalization of homosexual sex as an essential step in ensuring the right to the highest attainable standard of health is upheld.8

In 2012 and 2013, Human Rights Watch documented a number of cases of forced anal examinations to seek “proof” of same-sex conduct in homosexuality prosecutions.

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7 Ibid.
Forced anal examinations are a form of invasive, intrusive, and profoundly humiliating treatment that can have serious health consequences including lasting psychological trauma.⁹

While Human Rights Watch has not documented recent cases of forced anal exams, Cameroon has taken no steps to ban the practice. Human Rights Watch is concerned that the risk of forced anal exams may drive men who have sex with men and transgender women away from health services. When doctors become tools of abuse, this risks undermining the already fragile trust between medical professionals and members of marginalized populations.¹⁰

Human Rights Watch recommends to the Committee that it calls upon the government of Cameroon to:

- Decriminalize consensual same-sex conduct, in order to ensure equitable access to the right to health.
- Ban the use of anal examinations on people accused of consensual same-sex conduct.
- Ensure that rights of health care providers, social workers, and all actors and organizations providing information, material, or services to men who have sex with men, women who have sex with women, or transgender people are respected and protected.
- Ensure that the Ministry of Health establishes clinics in major population centers and rural areas in which health workers are specifically trained and equipped to reach men who have sex with men, transgender people and other key populations. The Ministry of Health should also train all health care staff in all public clinics on sexual orientation and gender identity.

Education (article 13)

The Global Coalition to Protect Education from Attack's (GCPEA) global study, Education under Attack 2018, found that Cameroon was one of 28 countries most

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affected by attacks on education between 2013 and 2017. In 2018, Human Rights Watch conducted research into abuses by government forces and authorities and armed separatist groups in the Anglophone regions of Cameroon, including attacks on education.

In November 2016, teachers from the country's two Anglophone regions went on strike to protest perceived discrimination against English-speaking teachers and students in the country’s education system. Teacher unions called off their strike in February 2017. Anglophone activists however continued to push the local population to refrain from returning their children to school as a tactic to pressure the government.

In 2017, armed separatists began threatening education officials with violence if they did not enforce a boycott of schools in the country's Anglophone regions. As of June 2018, UNICEF indicated that 58 schools had been damaged in the two regions. The separatists’ attacks on education over the past two years have created an environment that continues to prevent tens of thousands of children from attending classes.

Human Rights Watch has documented multiple instances in which armed separatists have kidnapped school staff and students, and physically assaulted teachers and students, sometimes resulting in death.

Additionally, during the 2016 protests in the Anglophone regions, government security forces detained or injured several university students and professors.

Ahead of the resumption of the school year in September 2017, it was reported that unknown attackers partially burned over half a dozen schools at night. The burning of schools continued in a number of localities throughout late 2017 and early 2018. The administrator of one partially burned school in August 2017 noted that enrolment had dropped from around 325 students to just 77 following the arson attack.

In addition to this, there have been serious threats to students, parents, and teachers to enforce the boycott. Separatist activists have threatened the lives of teachers and

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children, and the burning of schools via social media, text messages, and printed notices.  

Separately, in Cameroon’s Far North region, Amnesty International and Forensic Architecture identified a school the organizations said was used by the Rapid Intervention Battalion (BIR)—a government security force—for illegal detention and torture of suspected Boko Haram members. The groups authenticated a video showing several soldiers, some wearing distinctive BIR uniforms, torturing individuals at this site before October 2016.

The human rights groups compared features visible in the video with satellite images and sketches of the school done by former detainees. Amnesty International interviewed several men from the area and three men held in this location between December 2015 and March 2016, who all independently recognized the building as the Public School number 2 of Fotokol (‘Ecole publique numéro 2 de Fotokol’). The video shows soldiers dragging a man and beating blindfolded detainees with sharp wooden sticks. While, according to Amnesty International, the school had not been in use for teaching since the hostilities with Boko Haram started, it reopened in late 2016. In November 2016, a Cameroonian newspaper reported on the re-inauguration of the school by the military. However, information obtained by Amnesty International shows that the school was still being partially used by the BIR in June 2017, with soldiers cohabitating and sharing the space with the children.  

Cameroon recently pledged to protect students, teachers, and schools during times of armed conflict by endorsing the Safe Schools Declaration, thereby committing to use the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict as a practical tool to guide their behavior during military operations.

**Human Rights Watch recommends that the Committee:**

- Ask the representative of the government of Cameroon what laws, policies, and trainings are in effect to regulate the use of schools for military purposes by its security forces;

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• Ask the representative of the government of Cameroon how many schools have been damaged or destroyed in the Anglophone regions of the country, and how many have been repaired or reconstructed;

• Call upon the government to respond to the education crisis by providing alternative forms of education and preparing remedial catch-up programs and a campaign with necessary incentives to get children who have been out of school for two years to return to school;

• Take note and congratulate Cameroon for endorsing the Safe School Declaration and the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*;

• Encourage Cameroon to advocate for neighboring states, and fellow African Union members, to endorse the Safe Schools Declaration and implement its commitments to protecting students, teachers, and schools during armed conflict; and

• Encourage Cameroon to continue to develop and share examples of its implementation of the Declaration’s commitments—including concrete measures to deter the military use of schools—with this Committee and with other countries that have endorsed the Safe Schools Declaration.
TAB 13
Torture and Other Cruel, Inhuman and Degrading Treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon

To be submitted for consideration at the 62 Session of the Committee against Torture

October 2017

Submitted by:

- Acodevo
- Alcondoms-Cameroun
- Alternatives-Cameroun
- Association amis du cœur
- Association AVAF
- Association des jeunes solidaires de Garoua
- Avenir Jeunes de l'Ouest
- Cerludhus
- Elles Cameroun
- Humanity First Cameroun
- Ladies Cooperation
- Synergia - Initiatives for Human Rights
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I. EXECUTIVE SUMMARY

This report is a joint submission by Acodévo,1 Alcondoms-Cameroun,2 Alternatives Cameroun,3 Association Amis Du Cœur,4 Association AVAF,5 Association des Jeunes Solidaires de Garoua,6 Avenir Jeunes de L'Ouest,7 Cerludhus,8 Elles Cameroun,9 Humanity First Cameroun,10 Ladies Cooperation,11 and Synergía - Initiatives for Human Rights,12 to the United Nations (UN) Committee against Torture (“the Committee”) for its consideration of the State of Cameroon’s implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention” or “Convention against Torture”) at the 62nd session taking place between 6 November and 6 December, 2017.

These organizations have worked together to produce this report on the human rights violations of lesbian, gay, bisexual, and transgender (LGBT) people in Cameroon regarding the obligations assumed under this Convention as it relates to torture, and other cruel, inhuman or degrading treatment. This collaborative report discusses the human rights violations against individuals on the basis of their sexual orientation and/or gender identity.

Torture, cruel, inhuman and degrading treatment in Cameroon against LGBT people, or otherwise people perceived to not conform to accepted gender norms, is fueled by a myriad of factors: criminalization of same-sex sexual acts between consenting adults, the lack of a legal framework protecting the rights of people without discrimination, on the basis of sexual orientation and gender identity, and a generalized context of violence and discrimination against LGBT people in Cameroon, which in turn is also driven by statements by religious leaders, public officials and the media which publicly express their rejection to

1 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. Acodévo also works for a society that is tolerant of the human rights of all people.
2 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.
3 Alternatives Cameroun is a non-profit organization that works for liberty, expression and the respect of people who are in need or socially excluded.
4 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.
5 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.
6 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.
7 Avenir 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.
8 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.
9 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.
10 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.
11 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.
12 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.
“homosexuality,” and associate same-sex sexual behaviors with Satanism. Generalized discrimination and marginalization of LGBT people is deeply ingrained in Cameroonian society.

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.

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 torture, inhuman and degrading treatment, extortion, intimidation, and other forms of violence 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.

Civil society organizations based in Cameroun 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 Kodengu.

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.

However, as indicated by the government in its fifth report to this Committee, the government contends that arrests of persons suspected of homosexual acts is carried out on the basis of the criminal code of Cameroon, and therefore, those arrests are not arbitrary.

Arbitrary detentions with purposes of extortion of LGBT people constitute torture and cruel, inhuman and degrading treatment. Given the context of extreme violence and prejudice towards LGBT people in Cameroon, and the existence of legislation which criminalizes same-sex intimacy in Cameroon, arbitrary arrests with purposes of extortion fall under the definition of torture, or cruel, inhuman or degrading treatment. LGBT people are threatened with criminal prosecution, even without real proof, and their sexuality or identity is exposed to their community and family.
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.

Human rights defenders of LGBT people face numerous challenges, including being subjected to constant acts of violence and discrimination. In a case highlighted in this report, a human rights defender filed a complaint in July 2013 because of death threats he had received in 2011 and 2012. When attempting to file a complaint “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.”

Notwithstanding the government’s affirmation made to this Committee that “victims of violence or threats, including lesbian, gay, bisexual, transgender and intersex persons, are free to file a complaint with the courts in order to obtain redress,” LGBT people in Cameroon face many obstacles when attempting to seek justice and redress in the face of violence and harassment.

Further, lesbian and gender non-conforming women have been subjected to “corrective” rape which 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.

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 the State of 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.”

The State of Cameroon has failed in its obligations under the Convention to adopt effective measures to give effect to the rights recognized therein, including to effectively prevent acts of torture against LGBT people, to ensure effective remedies and access to justice and to prevent impunity.

The State of Cameroon has not complied with the recommendations made by this Committee and other human rights bodies and hence, it has failed to meet its obligations under the CAT.

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13 CAT/C/CMR/5. 3 November 2016, para. 167.

This report draws the attention to the following violations of the rights of people on the basis of sexual orientation and or gender identity in Cameroon, in clear violation of the obligations established under the CAT:

- Torture, cruel, degrading and inhuman treatment and forced anal examinations against LGBT people or people perceived as such.
- Criminalization of sexual acts and sexual propositions through electronic communications between consenting adults of the same sex.
- 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.
- Violence against LGBT human rights defenders.

II. BACKGROUND, CONSTITUTIONAL AND LEGAL FRAMEWORK

The Constitution of the Republic of Cameroon guarantees many fundamental rights, including the 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.”  

The government of Cameroon ratified the Convention against Torture without any reservations in 1986. It signed but never ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2009. Ratification of the Convention bestows on the government of Cameroon the obligation to prevent, investigate and punish acts of torture, including when committed on the basis of perceived or actual sexual orientation and/or gender identity.

Article 1 of the Convention against Torture establishes that “torture” means any act “by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or

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acquiescence of a public official or other person acting in an official capacity."

Further, according to Article 2 the State of Cameroon is under the obligation to “take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.” Further Article 4 establishes that “each State Party shall ensure that all acts of torture are offences under its criminal law.” Torture is a crime under Cameroon’s criminal code (article 132 bis).

In its List of Issues prior to submission of Cameroon’s fifth report, this Committee asked the State of Cameroon,

“Please comment on reports that lesbian, gay, bisexual and transgender people continue to be subjected to arbitrary arrest and ill-treatment by the police. In this regard, please provide information on the steps taken to address such harassment. Please also provide information on current legislation regarding consensual relations between adults of the same sex. Please also inform the Committee of the measures taken to protect those defending the rights of lesbian, gay, bisexual, transgender and intersex persons (LGBTI) and to punish the perpetrators of acts of violence and intimidation against them. Please include information on the specific measures taken in connection with the investigations into the murder in Yaoundé on 15 July 2013 of Éric Ohena Lembembe, the executive director of the Cameroonian Foundation for AIDS and a journalist committed to defending the rights of LGBTI persons.”

To this, the State responded that the reports that LGBTI people continue to be subjected to arbitrary arrest and ill-treatment by the police are unfounded. Also, that any arrest of a person “suspected of homosexual acts is carried out on the basis of that legal provision. Such arrests are therefore not arbitrary.” Further, the State contends that “any victims of violence or threats, including [LGBTI] persons, are free to file a complaint with the courts in order to obtain redress.”

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

20 A/HRC/WG.6/16/CMR/3, paras. 51-54; A/HRC/24/15, paras. 42, 43, 57 and 110; CCPR/C/CMR/CO/4, para. 12.
21 CAT/C/CMR/QPR/5, 11 June 2015, para. 29.
22 CAT/C/CMR/5, 3 November 2016, paras. 163, 165, 167.
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.

As explained in this report, these legal provisions have very specific consequences on LGBT people, or people perceived as such, particularly on the right to be free from violence. These legal provisions provide the basis for the police to conduct arbitrary detentions and “weekend arrests,” forced anal exams and other forms of torture and cruel, degrading and inhuman treatment, and generalized violence against LGBT people, including killings, rape, threats and harassment against LGBT people and those who defend their rights in Cameroon.

The State of Cameroon has not implemented the recommendations issued by international or regional human rights mechanisms, on repealing legislation that criminalizes same-sex sexual acts between consenting adults. 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.”

III. 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

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.

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 with

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the jurisdiction of the Legislative Power), contravening the principle of separation of powers. The revision of the Penal Code brought renewed hope to the human rights community in Cameroon, in the hopes that Article 347 bis would be abrogated. 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.

Additionally, Article 83 of the 2010 law on cybercrimes 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.

2. **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.

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.”

The criminalization of same-sex sexual acts between consenting adults in practice criminalizes people with non-normative or diverse gender identity and sexual orientation. This, in turns, increases stigmatization and makes people perceived to fall “outside gender norms,” more vulnerable to violence and human rights abuses, including death threats and violations of the

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27 Alternatives Cameroun et al., Draft Rapport sur la situation des minorités sexuelles au Cameroun pour la 30th session of UPR, July 2017 (not yet public).
28 With the passing of Law N° 2010/007 on 12 July 2016, modifying the Penal Code Article 347 bis became Article 347(1) with the same legal provisions.
29 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.
30 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.
right to life, which are often committed in a climate of impunity.”31 Criminalization laws of this kind are utilized “to harass and prosecute individuals because of their actual or perceived sexuality or gender identity.”32 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.

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

In Cameroon, it is common for people to be prosecuted 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 2015.33 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 2012.34 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.”35

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.”36 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).”37

Further, civil society organizations report that Article 83 of the 2010 law on cybercrimes and cybersecurity was used to prosecute a young man presumed to be gay in Yaoundé in 2015.38

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33 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.
34 This organization was ADEFHO. Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.
35 Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.
38 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).
IV. GENERALIZED CONTEXT OF VIOLENCE AGAINST LGBT PEOPLE IN CAMEROON

A. 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, 9 cases in 2015, and 20 cases in 2016). Also, civil society organizations documented two cases of attempted homicide, and two unexplained homicides in 2015. 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.

B. 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.” 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.”

Local organizations reported 4 cases of “corrective” rape in 2014, and 7 cases in 2016. 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.

C. Human Rights Defenders

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.48

For this review of the State of Cameroon under the Convention against Torture, the Committee asked the State to “include information on the specific measures taken in connection with the investigations into the murder in Yaoundé on 15 July 2013 of Éric Ohena Lembembe.”49

Eric Ohena Lembembe, director of a local organization was murdered in 2013, and some of his 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.50 Lembembe’s crime has yet to be fully investigated.51 Lembembe’s killing was preceded of many attacks on the offices of human rights defenders, including those working for equal rights for LGBT people.52

In its response, the State of Cameroon informed the CAT, that “the public prosecutor ordered an initial investigation into the case, which was considered a suspicious death. That investigation led to the case being dismissed.”53

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 2012.54 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 Bananjo, 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.”55

On June 27, 2013, the offices of Alternative Cameroun (Douala) were set on fire, and some of its


49 CAT/C/CMR/QPR/5, 11 June 2015, para. 29.


members have been swindled. In another instance, in May 2013, “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.” It is also reported that due to this arrest he lost his job as a cook.

In its previous concluding observations to Cameroon, in 2010, the Committee against Torture recommended the government: “the State party should take effective measures to put an end to the harassment, arbitrary arrest, torture, cruel, inhuman or degrading treatment, and death threats to which journalists and human rights defenders are exposed, and to prevent further acts of violence. In addition, it should ensure that a thorough and effective inquiry is carried out quickly and that the perpetrators of such acts are duly punished.”

Notwithstanding the government’s affirmation made to this Committee that “victims of violence or threats, including lesbian, gay, bisexual, transgender and intersex persons, are free to file a complaint with the courts in order to obtain redress,” LGBT people in Cameroon face many obstacles when attempting to seek justice and redress in the face of violence and harassment.

LGBT people are often mistreated at police stations, and denied the possibility to lodge complaints of crimes committed against them. 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”.

D. Homophobic and Transphobic Statements by religious leaders, public officials and the media, which fuel violence against LGBT people

Homophobic and transphobic statements by religious leaders, public officials, and the media fuel pervasive violence and discrimination against LGBT people, or people perceived not to...
conform to traditional gender norms. LGBT organizations report that religious groups publicly express their rejection to “homosexuality,” and associate same-sex sexual behaviors with Satanism.61 Some opinion leaders and media anchors deliver public messages against LGBT people, for example, by proclaiming that homosexuality is a satanic practice.62

V. 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 conduct, 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. The government has failed to implement mechanisms to ensure these acts are properly investigated and perpetrators punished.

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

Article 347-1 of the Penal Code, that criminalizes same-sex sexual conduct, 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.”63 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 no proof of same-sex sexual act in the file.64 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, 7 cases in 2015, and 33 cases in 2016 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. 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 Kodengu.

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.

Arbitrary detentions with purposes of extortion of LGBT people constitute torture and cruel, inhuman and degrading treatment. Given the context of extreme violence and prejudice towards LGBT people in Cameroon, and the existence of legislation which criminalizes same-sex intimacy, arbitrary arrests with purposes of extortion fall under the definition of torture, or cruel, inhuman or degrading treatment. LGBT people are threatened with criminal prosecution, even without real proof, and their sexuality or identity is exposed to their community and family.

B. 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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65 Humanity First Cameroon, Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de l’Homme : La Dictature du 346 bis.
67 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 ».
68 Humanity First Cameroon, Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé, p. 3.
70 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.
71 Information reported to Humanity First Cameroon, 2017.
Human rights organizations have documented several cases in 2012 and 2013. 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. One of the men told Human Rights Watch “We had anal exams. She put two fingers inside me. It hurt. There was one policeman in the room [during the exam]. The doctor insulted us. She called us ‘dirty homosexuals,’ ‘dogs,’ and ‘devils.’” They were sentenced by a judge to six months in prison, relying partially on the medical reports following the anal exams as “evidence.”

In another case, two men both 17 years old, were subjected to anal examinations in August 2011. Their lawyers, filed a motion to have the case dismissed because of due process violations, including the ill-treatment of the defendants in custody because of the anal examinations. However, the court ruled that anal examinations did not constitute ill-treatment. One of the men accused received a two-year sentence for same-sex relations.

In its report on several countries where forced anal examinations are conducted with purposes of obtaining “evidence” of same-sex conduct, the organization Human Rights Watch affirms regarding Cameroon “[i]n the cases we documented in Cameroon, anal examinations appeared to be largely conducted at the whim of police or gendarmes who were conducting preliminary investigations. Unlike in many other countries in which anal examinations were conducted on the order of a prosecutor or magistrate, in Cameroon, the police or gendarmes requisitioned the exams directly, in some cases using a form entitled “Enqûête Préliminaire: Requisition à Personne Qualifiée.”

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. 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

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beaten every day for a month by the officers.\textsuperscript{79} People under custody are also humiliated by being forced to show their genitals so police officers could take photographs of them.\textsuperscript{80}

C. 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 face in Cameroon.\textsuperscript{81} 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,\textsuperscript{82} 6 cases in 2015,\textsuperscript{83} and 67 cases in 2016.\textsuperscript{84}

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 CFA francs (197.46€) in exchange for not imprisoning them. As the men declined to pay this amount, the staff sergeant hurled insulted 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 being having paid 3,000 CFA francs (4.56€). The men were warned to never cross paths with the staff sergeant again.\textsuperscript{85}

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

\textsuperscript{79} 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.
\textsuperscript{82} Humanity First Cameroon, Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis.
\textsuperscript{83} Humanity First Cameroon, Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Nouveau Visage de la Haine.
\textsuperscript{84} 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.
\textsuperscript{85} 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.
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.86

D. 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 specific steps is Cameroon taking to prevent, investigate and punish LGBT people from torture, cruel, inhuman and degrading treatment, including ‘anal exams’?

- What steps is Cameroon taking to protect LGBT people against violence, 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 torture?

- What actions is the State taking to prevent, eradicate and investigate arbitrary arrests, targeting LGBT people, or people perceived as LGBT including “weekend arrests” with the purposes of 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 gender non-conforming women?

- What efforts is the State undertaking to combat social prejudice and stigma against LGBT people and promote acceptance and respect for their human rights?

E. 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 the human rights of LGBT people in Cameroon to be free from torture, cruel, inhuman and degrading treatment. Cameroon should:

- Adopt specific measures to effectively prevent, investigate and punish torture and other acts of cruel, inhuman and degrading treatment of LGBT people.

- 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.

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• Repeal Article 83 of the 2010 law on cybercrime, 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), as well as instances of extortion and blackmail on the grounds of real or perceived sexual orientation and gender identity.

• Ban the use of anal examinations on men and transgender women accused of consensual same-sex conduct.

• Adopt measures to ensure that LGBT people have access to lodge complaints, and that LGBT people who are subjected to torture do not face discrimination when attempting to access the justice system.

• Adopt comprehensive measures to prevent, investigate and punish gender-based violence, including sexual violence and “corrective” rape of LGBT people, particularly lesbian, bisexual or gender non-conforming women.

• Ensure proper investigation and diligent prosecution of perpetrators of acts of torture, and cruel, inhuman and degrading treatment, 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.
The Violations of the Rights of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon

To be submitted for consideration at the 121th Session of the Human Rights Committee

October 2017

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
- Synergia - Initiatives for Human Rights
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I. EXECUTIVE SUMMARY

This report is a joint submission by Acodevo,^1 Action Affirmative,^2 Alcondoms-Cameroun,^3 Alternatives Cameroun,^4 Association Amis Du Cœur,^5 Association AVAF,^6 Association des Jeunes Solidaires de Garoua,^7 Association Jeunes de L'Ouest,^8 Cerludhus,^9 Elles Cameroun,^10 Humanity First Cameroun,^11 Ladies Cooperation,^12 and Synergía - Initiatives for Human Rights^13 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 121st 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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1 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.
2 Action Affirmative is a non-profit organization based in Cameroon.
3 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.
4 Alternatives Cameroun is a non-profit organization that works for liberty, expression and the respect of people who are in need or socially excluded.
5 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.
6 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.
7 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.
8 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.
9 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.
10 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.
11 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.
12 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.
13 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 od their rights, such as education, health, and employment. Discrimination against the LGBT community is deeply ingrained in Cameroonian society.

Civil society organizations based in Cameroun 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 Kodengu.

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.”

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

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.”

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, 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.”

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

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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,” 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.

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.

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), contravening the principle of separation of powers. The revision of the Penal Code brought renewed hope to the human rights

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18 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).”


20 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-Claude 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.”


community in Cameroon, in the hopes that Article 347 bis would be abrogated. 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.

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.

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. Since then, the Committee has recommended several States to take steps to abolish laws that criminalize same-sex relations.

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.” 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,
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.  

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. 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. 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.”

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.”

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).”

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.

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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30 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.
31 This organization was ADEFHO. Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.
32 Affirmative Action, Alternatives Cameroun, ADEFHO et al., UPR Submission, Cameroon, October 2012.
35 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.”

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.” Criminalization laws of this kind are utilized “to harass and prosecute individuals because of their actual or perceived sexuality or gender identity.” Furthermore, criminalization of same-sex sexual conduct 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 conduct, 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 conduct, 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.” 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...
no proof of same-sex sexual act in the file.\textsuperscript{40} 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\textsuperscript{41} 7 cases in 2015, \textsuperscript{42} and 33 cases in 2016\textsuperscript{43} 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.\textsuperscript{44} 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.\textsuperscript{45} 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.\textsuperscript{46}

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.\textsuperscript{47}

\section*{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.


\textsuperscript{41}Humanity First Cameroon, \textit{Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis.}

\textsuperscript{42}Humanity First Cameroon, \textit{Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Nouveau Visage de la Haine.}

\textsuperscript{43}Humanity First Cameroon and Alternatives Cameroon, \textit{Rapport annuel 2016 sur les violations des droits de l'homme : « chantages, arnaques et extorsions : La loi de la rue ».}

\textsuperscript{44}Humanity First Cameroon, \textit{Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé, p. 3.}

\textsuperscript{45}Humanity First Cameroon, \textit{Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis, p. 4.}

\textsuperscript{46}Humanity First Cameroon, \textit{Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis, p. 10.}

\textsuperscript{47}Information reported to Humanity First Cameroon, 2017.}
Human rights organizations have documented several cases in 2012 and 2013. 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.”

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. 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. People under custody are also humiliated by being forced to show their genitals so police officers could take photographs of them.

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. 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, 6 cases in 2015, and 67 cases in 2016.

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
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 being having paid 3,000 CFA francs (4.56€). The men were warned to never cross paths with the staff sergeant again.  

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 outing 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.  

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, 9 cases in 2015 and 20 cases in 2016). Also, civil society organizations documented two cases of attempted homicide, and two unexplained homicides in 2015. 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.
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.” 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.”

Local organizations reported 4 cases of “corrective” rape in 2014, and 7 cases in 2016. 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.

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.

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.”

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.

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

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64 Keren Lehavot and Tracy L. Simpson, Incorporating Lesbian and Bisexual Women into Women Veterans’ Health Priorities, June 27, 2013.
67 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.
68 Id. at p. 21-22.
70 “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. Lembembe’s crime has yet to be fully investigated. Lembembe’s killing was preceded of many attacks on the offices of human rights defenders, including those working for equal rights for LGBT people.

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. 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.”

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. “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.”

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75 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 LGBT 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”.
76 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. Some opinion leaders and media anchors deliver public messages against LGBT people, for example, by proclaiming that homosexuality is a satanic practice.

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.

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

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 plan 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.” 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...
hatred for homosexuals. 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. 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,” indicating that the State has a positive duty to ensure the right to non-discrimination is protected.

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, in terms of employment, education, housing, and within communities and their families. Further,

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90 Civil society organizations reported 7 cases of discrimination in hospitals in 2013, 7 cases in 2015, and 6 cases in 2016.
91 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.
93 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.
94 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*.
LGBT people are often mistreated at police stations, and denied the possibility to lodge complaints of crimes committed against them.  

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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96 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 conduct 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.
Michel Togué, a lawyer in the African country of Cameroon, has received death threats for defending lesbians and gays.

_This one, like the others, came anonymously “We know that your wife is now shopping in the mall. We know your children are now standing in front of their school. They will die if you don’t stop.”_

After the death threats began, he requested help from the Lawyer’s Association in his country, but their president said: “Stop defending the LGBT community and you won’t have problems anymore.”

Togué filed a complaint with the police, but they laughed him away, saying, “Don’t defend those faggots.” He did not receive any protection.

On March 13 Togué, together with his colleague Alice Nkom, received the prestigious Dutch Geuzenpenning Award 2017 in Vlaardingen, the Netherlands for their courageous work. We know just how courageous they have been and how well-deserved this award is because Human Rights Watch has collaborated with these lawyers for years and documented how dangerous it is to be gay or lesbian in Cameroon.

Between 2010 and 2013 we documented 28 arrests for consensual same-sex conduct in Cameroon, and in 2013 an activist, Eric Lembembe, was brutally murdered.

In 2010, we published a report on the situation of lesbians and
gays in Cameroon. In Yaoundé, Cameroon’s capital, I had meetings with the prime minister, with the justice minister, members of parliament and with representatives of the United Nations. During all my meetings I was accompanied by the leaders of two Cameroonian human rights organizations, Alternatives Cameroon and ADEPHO, and the Dutch ambassador.

Our message was the same in all our meetings: Repeal the law that criminalizes homosexual conduct with a maximum prison sentence of five years, and stop arresting lesbians and gays in the meantime.

After all the meetings, we went to an outdoor café close to the Parliament building. We wanted to report back to the members of the two Cameroonian human rights organizations. About 20 young people listened intently to our account of the meetings and were impressed that we had had a conversation about homosexuality with the prime minister and the justice minister. That had never happened before.

I invited Michel Togue to come to the Netherlands to lecture about the plight of LGBT people in Cameroon. He also spoke about the threats against him. The president of the Amsterdam Bar sent a letter of protest to his Cameroonian colleague, but to no avail. Nobody wanted to defend or protect Togue in his own country.

A year after Eric Lembembe was killed, several Cameroonian organizations sharply criticized the dysfunctional police investigation and expressed their fear that there was no political will to shed light on the circumstances of Lembembe’s killing. No one has been arrested and convicted for this murder.

As the death threats against Togue and his family escalated, he was left no other choice but to seek asylum for his wife and kids. The US government during the Obama administration granted them refugee status. His family now lives in the US. So not only gays and lesbians are victims of homophobia.

But in the threatening climate in Cameroon, Togue choose to stay. He knew that the people he represented need lawyers more than ever.

He decided not to close his law office in Cameroon, and he stayed in his country. He always says: “I cannot abandon the lesbian and gay community. They are entitled to be represented in court because human rights are universal and apply to everyone.”

Michel Togué and Alice Nkom are the only two lawyers in Cameroon who have been representing the LGBT community for many years. In such a hostile environment this calls for tremendous courage. In spite of death threats, in spite of bureaucratic obstruction, they keep on doing their work.
They are often the last resort for lesbians and gays in peril. Often their clients are very poor and Togué and Nkom provide them with pro bono legal assistance.

Their perseverance has had impact. The last few years the number of arrests of lesbians and gays in Cameroon has dropped significantly. Both lawyers are very dedicated to their work at great personal expense. That’s why they deserve the Dutch Geuzenpenning Award 2017.

“Is there really hope for us?” one of the young activists asked back in 2010 after hearing about our meetings with Cameroonian officials. In part because of the courage of Togue and Nkom, the answer is “yes.”
US: Senate Should Reject EARN IT Act

4  May 12, 2020  |  Report
Covid-19 Fueling Anti-Asian Racism and Xenophobia Worldwide

5  May 29, 2020  |  Report
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Forced Anal Examinations in Homosexuality Prosecutions

8) Material/samples for purposes of analysis/evidence

9) Material/samples for purposes of analysis/evidence (indicate materials)

What is/are the probable cause(s) of the above injuries?

Ano - Inflamed

Bladder

Buttocks and anus (where applicable)

Upper and lower limbs

(e)

(f)

(g)

(h)

(i)

(j)

(k)

(l)
Dignity Debased
Forced Anal Examinations in Homosexuality Prosecutions
Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.


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Summary

In at least eight countries in which consensual same-sex conduct is criminalized, law enforcement officials working in tandem with medical personnel subject men and transgender women who are arrested on homosexuality-related charges to forced anal examinations, with the purported objective of finding “proof” of homosexual conduct.

These examinations often involve doctors or other medical personnel forcibly inserting their fingers, and sometimes other objects, into the anus of the accused. Law enforcement officials and some medical personnel claim that by doing so they can determine the tone of the anal sphincter or the shape of the anus and draw conclusions as to whether or not the accused person has engaged in homosexual conduct. This argument is based on long-discredited 19th century science: the overwhelming weight of medical and scientific opinion holds that it is impossible to use these exams to determine whether a person has regularly engaged in same-sex conduct.

Forced anal examinations are a form of cruel, degrading, and inhuman treatment that can rise to the level of torture. They violate the Convention against Torture, the International Covenant on Civil and Political Rights, and the African Convention on Human and Peoples' Rights. Forced anal exams are invasive, intrusive, and profoundly humiliating. As the UN Committee against Torture has emphasized, they “have no medical justification and cannot be consented to fully.”

Some people subjected to these examinations experience lasting psychological trauma. Several victims told Human Rights Watch that they experienced forced anal examinations as a form of sexual violence. Human Rights Watch believes that they are a form of sexual assault. Medical personnel who conduct forced anal exams do so in violation of international principles of medical ethics, including the prohibition on medical personnel participating in any way in acts of torture or degrading treatment.

This report compiles evidence of the use of forced anal exams in eight countries: Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia. We have also received reports of the use of forced anal exams by police in Syria, which we have not independently verified. The report is based on interviews with 32 men and transgender
women who underwent forced anal examinations. Human Rights Watch also interviewed doctors and medical personal about the use of anal exams, and sought the opinions of forensic specialists from around the world. The report recommends that all states ban the practice of forced anal examinations, and that international and domestic human rights and health institutions vigorously and vociferously oppose their use.

A medical officer in Uganda who conducts forced anal examinations told Human Rights Watch in February 2016 that he did not see how the anal exams constituted a human rights violation. He tried to justify the exams, stating: “I don’t see it as a human rights violation. I'm also helping them. For instance, I inform them if they have STIs, which allows them to get treatment.” But such claims are belied by the realities described by people subjected to the exams.

Mehdi, a Tunisian student subjected to an anal examination in December 2015, that involved a doctor penetrating his anus with a finger and with a tube told us:

I felt like I was an animal. I felt I wasn't human. ... When I got dressed they put handcuffs on me and I went out, feeling completely in shock. I couldn’t absorb what was going on. The two police were standing and watching what the doctor was doing. I felt violated. I didn’t want to be naked in front of people – not just one person, but three people. ... It was the first time anything like this had happened to me and I couldn’t absorb anything.  

Muharram, an Egyptian man interviewed for Human Rights Watch’s 2004 report, *In a Time of Torture* (p. 115), likely spoke for many victims of anal exams when he said:

The two worst times in my life were at the forensic doctor's, and after that the verdict, when he said, ‘Two years [in prison].’ When I sleep, every night I remember those two things. I have bad dreams.

Louis, who underwent a forced anal examination in Cameroon in 2007 at age 18, echoed Muharram’s sentiments. Nine years after the forced anal examination, he told us:

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I still have nightmares about that examination. Sometimes it keeps me up at night when I think about it. I never thought a doctor could do something like that to me.\(^3\)

Genwa Samhat, director of the lesbian, gay, bisexual, and transgender (LGBT) rights group, Helem, in Lebanon, who has interviewed a number of victims of forced anal exams, said that even when she recently interviewed a victim three years after the fact, he found it difficult to speak about the traumatic experience. She explained, “It's a form of post-rape trauma. [Forcing someone to undergo an anal exam] has the same effect as raping people.”\(^4\)

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The use of anal examinations varies from country to country. In Egypt and Tunisia, forced anal examinations are used regularly in prosecuting homosexual sex. Police take men and transgender women who are arrested on homosexuality-related charges before a forensic medicine specialist, who conducts an anal examination and prepares a report, which is then introduced into court as a form of evidence for the prosecution.

In Cameroon and Zambia, although use of forced anal exams is less frequent than in Egypt and Tunisia, prosecutors have introduced medical reports based on anal exams into court, contributing to convictions of individuals charged with consensual homosexual conduct.

In Uganda, in the last three years, police in Kampala have frequently subjected men and transgender women accused of consensual homosexual conduct to anal exams. All of those cases have been dismissed before reaching trial. Occasional cases have been reported outside Kampala, which have also been dismissed before trial.

In Kenya, Human Rights Watch and its Kenyan partner organizations are only aware of one instance of forced anal examinations, conducted in February 2015, on two men arrested for “unnatural offenses.” In September 2015, with the support of Kenya’s National Gay and Lesbian Human Rights Commission, the men filed a petition with the High Court of Kenya in Mombasa, challenging the constitutionality of forced anal examinations, and HIV and

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\(^3\) Human Rights Watch telephone interview with Louis (pseudonym), June 17, 2016.

hepatitis tests. On June 16, 2016, the court ruled against them, claiming that the petitioners had consented to the exams, although the men said they had signed consent forms under duress.

In Turkmenistan, which has one of the most closed and repressive governments in the world, Human Rights Watch was not able to conduct research, but we were able to interview one individual now living in exile who says he was subjected to a forced anal examination in Turkmenistan in 2013. We also spoke with an exiled civil society activist who confirmed that such examinations are used to obtain “evidence” in sodomy cases. The man subjected to the examination reported that he was convicted in a mass trial with some 20 other men, most or all of whom were also subjected to anal exams, the results of which were used in securing convictions in court. He alleged that this was a common practice, and further investigation is warranted.

In Lebanon, authorities often used forced anal examinations against men arrested on homosexuality-related charges until 2012, when Lebanese activists mounted a campaign labeling the exams “Tests of Shame.” They successfully mobilized media and public opinion in opposition to the exams, leading the Lebanese Order of Physicians and then the Ministry of Justice to issue guidelines prohibiting the use of forced anal exams. Activists’ historic victory in enlisting government institutions in opposition to anal exams, and the rights-respecting actions taken by the Order of Physicians and the Ministry of Justice, should serve as a model for other states in which forced anal exams are currently practiced. However, the victory is only partial: Human Rights Watch found that some investigative judges in Lebanon are still asking doctors to conduct anal examinations and that some doctors are still doing so. Police also persist in using other forms of torture and ill-treatment against men accused of homosexuality in Lebanon.

No matter the circumstances or rationale, forced anal examinations in cases of consensual same-sex conduct are a human rights violation. They do not serve legitimate government interests, and they lack evidentiary value. As such, law enforcement officials should never order the examinations; doctors and medical personnel should not conduct them; and courts should not admit them into evidence.

Human Rights Watch also believes that all states should decriminalize consensual sex between adults of the same sex. The criminalization of consensual same-sex conduct
violates the right to privacy and the right to non-discrimination, guaranteed under the International Covenant on Civil and Political Rights, and under many states' constitutions. Until such laws are overturned, all states should improve respect for the rights of persons accused of homosexual conduct by banning forced anal testing. It is time for states to restore basic rights and dignity to men and transgender women accused of homosexual conduct, and to recognize that the prohibition on torture and cruel, inhuman, and degrading treatment extends to everyone, regardless of their sexual orientation or gender identity.
Key Recommendations

To all governments, notably the governments of Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia:

- Ban the use of anal examinations on men and transgender women accused of consensual same-sex conduct. Action should be taken at several levels to ensure that the practice is eliminated:

  - Heads of State should take steps that are legally within their powers to end forced anal examinations. Depending on the constitutional powers of the head of state, this may involve: issuing executive orders prohibiting the use of anal examinations in prosecutions for consensual same-sex conduct; introducing and advancing legislation banning forced anal examinations; or instructing relevant ministries, including those whose responsibilities include justice, security, and health, to take steps to ban forced anal exams.

  - To the extent allowed under domestic law, ministries of justice should prohibit judges and magistrates from admitting the results of anal examinations into evidence in cases involving charges of consensual same-sex conduct or other private sexual behavior between adults.

  - Law enforcement agencies, including public prosecutors' offices, police departments, and gendarmerie forces, should prohibit law enforcement officials from ordering anal examinations on persons charged with consensual same-sex conduct. They should ensure that medical personnel who refuse to conduct the exams do not face any legal consequences.

  - Ministries of health and national medical councils or similar regulatory bodies should prohibit medical personnel from conducting anal examinations on persons accused of consensual same-sex conduct.

  - National human rights institutions should conduct investigations into the use of forced anal examinations and should call on relevant authorities to put a stop to the practice.
Methodology

This report is based primarily on field research conducted between May 2015 and June 2016 in Egypt, Kenya, Lebanon, Tunisia, Uganda, Zambia, and a location, withheld for reasons of security, in which we interviewed exiles from Turkmenistan. It also draws upon research conducted in Cameroon in October 2012 and November 2013, Uganda in November 2013, and Lebanon in February 2014. The countries selected were the only countries in which Human Rights Watch had received concrete information regarding the use of forced anal exams against men and transgender people accused of engaging in consensual same-sex in the five years leading up to the report’s publication. During the course of research, Human Rights Watch also received reports of the recent use of forced anal exams in Syria, but we were unable to conduct field research to confirm those reports.

Human Rights Watch interviewed 32 victims of anal examinations, as well as lawyers, activists, government officials, and doctors, including doctors in four countries who had personally conducted anal exams on men accused of homosexuality. In five countries, we were able to review medical reports and court files from cases in which forced anal examinations had been used. We also spoke with nationally and internationally recognized forensic medicine specialists. Human Rights Watch also consulted secondary sources, including UN reports, reports by other non-governmental organizations, legal and medical texts, and media reports.

National civil society organizations and lawyers helped us identify interview subjects. Interviews were conducted in English, French, Arabic, or Russian, by interviewers fluent in those languages, or in English with the assistance of translators. All persons interviewed for this report provided verbal informed consent to participate and were assured that they could end the interview at any time or decline to answer any questions. Most victims have been given pseudonyms in this report, as indicated in relevant citations, and in some cases, other identifying information has been withheld to protect their privacy and safety. No one was compensated for his or her participation.

All documents cited in this report are either publicly available or on file with Human Rights Watch.
In Their Own Words

In the course of conducting research for this report, it became apparent that many people, including some government officials and medical experts in countries in which forced anal examinations are practiced, had very little awareness of these exams, and were shocked and repulsed to learn what the exams entail. Therefore, we wish to begin by allowing several victims of forced anal exams to describe their ordeal in their own words.

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Tunisia: Wassim’s Story

Wassim, a 19-year-old Tunisian student, told Human Rights Watch that he was arrested by police on charges of consensual sodomy and subjected to a forced anal exam by a forensic doctor in the southern town of Kairouan in December 2015. As he described his experience:

When I entered the examination room the doctor asked me to go on the examination bed and take off my trousers. ... I said no, so the doctor went to talk to the policemen and apparently they convinced him that he needs to force me. So the policeman came and took me by the neck and said, ‘Fucking go on the examination bed, now are you trying to be a man?’ The doctor was watching. The police took me by the neck and also slapped me on the face. I then went on the examination bed and then the doctor came and told me, ‘Now you take that position as if you were praying.’

The doctor pulled down my pants. First the doctor touched me with his fingers and then he inserted a tube. The doctor was wearing gloves and was touching me on the outside and then on the inside of the anus. He was feeling around. And then he put in a long, thin transparent tube, apparently to take some sample. ... I asked why he was doing that and he said, ‘I’m trying to see if you have sperm in your anus to find out whether you had sex yesterday.’

I was feeling very bad, I was very tense. I felt pain when the guy was doing things inside my anus. It took about 10 minutes altogether.... When the
doctor finished the test, I was crying.... [T]he doctor was saying in Arabic a religious saying, ‘There is no higher power than God,’ and laughing. I was crying because I didn’t accept it, it was really strange that I was in a room with two policemen and a doctor who took off my pants, and I was feeling horrible. I couldn’t do anything. I felt helpless. ... I felt there was nothing I could do to defend myself.⁵

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Uganda: Chloe’s Story

Chloe, a 19-year-old transgender woman, was arrested in Kampala in May 2015, together with her partner, Eric, age 25, after a mob attacked them on suspicion that they were homosexual and turned them in to the police. Chloe told Human Rights Watch that police interrogated her, beat her, and took her and Eric to Muyenga Dispensary for forced anal examinations. Chloe said the male doctor used an object, which appeared to be made of glass, to examine her in the presence of three police officers:

I was too embarrassed, I felt too bad. I was standing up and [the doctor] told me to take off my clothes and to bend over. It was very painful when he put that thing inside me but I had no choice ... I was crying, I was deep in tears, but I had no choice, the police were saying ‘Why are you crying, you have no choice! You deserve death!’

[The doctor] didn’t tell me the results when he finished. I only found out later. My results said ‘negative.’

After they tested me, they took me out of the room and then did the same exam to Eric in the room. They did not check my penis, just the anus, but for Eric, he told me they checked the penis. Because the police said he was my husband so he had been fucking me.⁶

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⁵ Human Rights Watch interview with Wassim (pseudonym), Tunis, February 15, 2016.
⁶ Human Rights Watch interview with Chloe (pseudonym), Kampala, February 5, 2016.
Turkmenistan: Nyazik’s story

Police arrested Nyazik in January 2013 after an acquaintance reported him for homosexuality. He was 18 at the time. He told Human Rights Watch:

The anal test was performed at the building [where] forensic medical examinations [are carried out]. We were escorted by the [police] investigator. I entered the room, there was a gynecological chair. The door was open the whole time. One lady was typing, one male doctor and one female doctor and a few nurses. The female doctor [ordered]: ‘Get undressed and take off your underwear. Now get up on the gynecological chair on all fours. Open your butt and now hog just like when you give [anal sex] to someone. How do you do it? Show us.’ And she began to beat my butt and back with the ruler.

While she is conducting the exam, she uses a flashlight to look inside and makes comments: ‘Wow, what a tunnel! What an anal fissure! The fissure is just like the abyss!’ That moment I wanted to cry. Then she says: ‘And, do you like it? Are you getting sexually excited? You probably had [sex] with the entire [city]. You should be burned. ... Dregs of society.’

It was all in Turkmen language and she only referred to us as to females. She performed the test with her finger in a disposable glove. She constantly made comments about what she sees and feels inside to her colleagues. When she did a test to one other guy [which Nyazik observed from the hallway, through an open door], she commented: ‘Oh, oh, oh, look, 13 anal fissures. She must be their mama.’

The investigator is in the room all the time, the door is open and others can see.⁷

⁷ Human Rights Watch interview with Nyazik (pseudonym), location withheld, July 24, 2015.
I. Background

Since 2013, the Egyptian Initiative for Personal Rights (EIPR), a human rights organization based in Cairo, has documented an increase in arrests on the grounds of sexual orientation and gender identity, and an “intentional targeting of LGBT people” by the public morals police. The new wave of arrests, many of which have been accompanied by the use of forced anal examinations, harkens back to a period of intense harassment of gay men over a decade ago, which activists had thought was long gone.\(^8\)

In May 2001, police in Cairo raided a disco on an anchored cruise ship on the Nile, the “Queen Boat,” and arrested dozens of men whom they suspected of being gay. Along with other men rounded up on Cairo’s streets in the days before the raid, a total of 52 men and one boy were prosecuted for the “habitual practice of debauchery” (fujur), criminalized under Law 10/1961 on the Combating of Prostitution. All 53 were taken to the Forensic Medicine Authority, a branch of the Ministry of Justice, and subjected to forced anal examinations.\(^9\)

Scott Long, who has conducted extensive research on the use of forced anal testing in Egypt, described the nature of these anal examinations:

Prosecutors routinely refer arrested men to state forensic doctors for a forced anal examination. The naked, humiliated subject is made to bend, while multiple doctors pursuing ‘marks’ of ‘sodomy’ dilate, peer into, and in some cases insert objects into his anal cavity.\(^10\)

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Twenty-three of the men were convicted by the State Security Court. The presiding judge later stated that the forensic medical examination reports had been an “important” element of proof: it “found that several people were habitually used,” he said.

A 2004 Human Rights Watch report found that in conducting the examinations, Egypt’s Forensic Medicine Authority was relying on theories popularized by an 1857 French medical text by Auguste Ambroise Tardieu, who argued that a “habitual pederast” who was sexually “passive” (receptive, or a “bottom”) could be identified by six signs:

The excessive development of the buttocks; the funnel-shaped deformation of the anus; the relaxation of the sphincter; the effacement of the folds, the crests, and the wattles at the circumference of the anus; the extreme dilation of the anal orifice; and ulcerations, hemorrhoids, fistules.

Tardieu focused largely on the “funnel-shaped” anus, which he said was the one “unequivocal” sign of “habitual” receptive anal sex. He further theorized that a “habitual pederast” who was “active” (insertive, or a “top”) would have deformations of the penis that would correspond to the funnel-shaped anus: either a slim, attenuated member, or a glans tapered like “the snout of certain animals.” These theories made their way into Egyptian medical textbooks by 1876. The author of one such textbook received financial support from Tardieu, which may explain in part why these theories seem to have found their most enduring, receptive audience in Egypt: the language in contemporary Egyptian medical reports on forced anal exams reflects, sometimes word-for-word, Tardieu’s six characteristic signs.

Egypt continues to rely on these antiquated ideas, despite an overwhelming consensus among forensic medicine experts that Tardieu’s theories, and anal examinations in general, have no scientific basis. In 2015, an Egyptian forensic medicine doctor told the

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11 The teenage boy was also convicted, in a separate process before the Cairo Juveniles Court. In a Time of Torture, p. 42, footnote 142.
12 In a Time of Torture, p. 44.
14 Ibid., pp. 108-109, n. 397.
15 In a Time of Torture, pp. 109-110, notes 400, 402.
news outlet *Buzzfeed* that a homosexual can be identified because his anus “will look like the female vagina.”

Egypt is not alone. Human Rights Watch has interviewed men and transgender women from eight countries who said they had undergone forced anal exams between 2011 and 2016. Those eight countries are Cameroon, Egypt, Kenya, Lebanon, Tunisia, Turkmenistan, Uganda, and Zambia.

Some doctors who conduct the tests, when interviewed by Human Rights Watch, said they were entirely unconvinced of their medical value, but felt they could not say no to law enforcement officials who either ordered or asked them to perform the tests. Others appeared to buy in to theories similar to Tardieu’s. In Uganda, a medical officer told Human Rights Watch:

> If someone has had [receptive] anal intercourse for two years or more, depending on the regularity, you find funnelling. This is a loss of subcutaneous fat around the peri-anal areas. It becomes the shape of a funnel. … We also look at the elasticity of the external anal sphincter. There’s a tendency after time to lose control of their bowels. I have seen cases where people have to wear diapers.

> I also put my fingers inside them to check anal tone. That’s the strength of the anal sphincter – its ability to contract back to its original position. If they’ve had anal intercourse recently, this test is reliable.

He said he also conducted penile exams on men suspected of homosexuality, claiming, “With the penis, you’re looking for infection or trauma.” It was unclear exactly why he believed that either infection or trauma on the penis would provide evidence of homosexual conduct.

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17 Human Rights Watch interview with Michael Oligo, Kampala, February 4, 2016. Ugandan pastor Martin Ssempa has regularly made the sensational claim that gay men wear diapers, based on the belief that anal sex causes incontinence.


19 Ibid.
In Tunisia, a forensic doctor gave a description that appeared to be straight out of Tardieu’s 1857 study:

The genital examination can show either acute or chronic pederasty. For acute pederasty, we look for wounds and signs of trauma in the anus, redness, irritability, a funneling in the anus. For chronic passive pederasty, we look for signs like diminished anal sphincter tone. On the other hand, for acute pederasty – acute meaning recent, non-habitual, and sometimes involuntary – we look for augmented anal sphincter tone. In some cases, we can see signs of both. We sometimes look for sperm, but if it’s been more than three to five days, we can’t find them.  

He did not seem to see any contradiction in stating that in one person, he could identify both augmented and diminished anal tone at the same time.

Worryingly, it appears possible that the use of forced anal examinations has increased in recent years. In Kenya, Uganda, and Zambia, prosecutions for consensual same-sex conduct were almost unheard of until 2013 or later. Uganda adopted its notorious Anti-Homosexuality Act in February 2014 and also stepped up arrests under the already existing section 145 of the penal code, which punishes "carnal knowledge against the order of nature" with life in prison.  

In Kenya and Zambia, moral panics targeting gay men and transgender women led to seemingly unprecedented arrests under similar laws, in 2013 in Zambia, and in 2015 in Kenya. These arrests were accompanied by forced anal exams—possibly because police, unfamiliar with handling such cases and at a loss as to how to find "proof" to help convict those who had been denounced for same-sex conduct but had not been caught in the act, fell back on the use of anal examinations.

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20 Human Rights Watch interview with a forensic doctor, Tunisia, February 2016, exact location and date withheld at the doctor’s request.

21 Email communications with representatives of Human Rights Awareness and Promotion Forum (HRAPF) and Chapter Four Uganda, May 8 and May 9, 2016.

22 In Kenya in February 2015, the circulation on social media of reportedly pornographic videos of men engaged in same-sex conduct led to intense public pressure on the police, who normally do not aggressively pursue homosexuality allegations, to make arrests. In Zambia, media reports of an alleged attempt by four same-sex couples to register their marriages in April 2013 led to several arrests and a wave of homophobic and transphobic attacks. See Kenya and Zambia sub-sections in Section II below.

23 A Ugandan police official told Human Rights Watch that Ugandan police began using forced anal exams in 2013, when heated debate around the proposed Anti-Homosexuality Bill appeared to lead to an increase in arrests. He explained that police resorted to the exams because they equated consensual anal sex with rape, and were already accustomed to
On the other hand, in Lebanon, activists conducted an effective advocacy campaign to ban forced anal exams in 2012, labeling them “Tests of Shame.” They gained support from the Lebanese Order of Physicians and the Minister of Justice, who both issued circulars calling for an end to the exams. The movement was largely successful, and offers much as an example to activists who would like to mount similar campaigns elsewhere. However, as documented in Section II, as recently as 2015, some prosecutors were still requesting, and some doctors were still conducting, anal exams on men accused of homosexual sex.

The countries this report focuses on may not be the only places where authorities forcibly subject people suspected of same-sex conduct to anal examinations. Forced anal exams were reported in the United Arab Emirates in 2005, and the UN Special Rapporteur on Torture denounced them. Human Rights Watch did not conduct research there, and it is unclear whether there have been more recent instances. Human Rights Watch also received two reports of cases of police in Syria ordering gay men to undergo forced anal testing, in 2012 and 2014, but has not independently verified the allegations.

24 Conducting anal or vaginal exams on some rape victims in order to collect evidence – the key difference being, of course, that rape victims are examined with their consent. Human Rights Watch and Chapter Four Uganda interview with Erasmus Twarukuhwa, director of Human Rights and Legal Services, Uganda Police Force, Kampala, June 15, 2016.

25 In closed societies or countries in which LGBT rights movements are nonexistent or not connected to broader global movements, forced anal examinations may be taking place without attracting international attention. The alleged use of forced anal examinations in Turkmenistan only came to the attention of Human Rights Watch because an activist working with the extensive Turkmen exile community introduced us to several gay men in exile. Even outside the country, they were fearful of speaking about their experiences.


27 Managers at a refugee agency in Beirut told Human Rights Watch that one client, a Syrian asylum seeker, told them that he was subject to a forced anal exam while being detained at the Criminal Security Department in Harsata, a suburb of Damascus, in March 2014. The asylum seeker was no longer reachable at the phone number the refugee agency had on file when Human Rights Watch sought to contact him in March 2016. In a second case, Rifat, a Syrian asylum seeker in Beirut, told Human Rights Watch that police in Damascus arrested him in 2012 when he was on the way to a drag party and took him to a medical examiner for an anal examination, but that the medical examiner did not conduct the exam and forged the report. According to Rifat, “We were detained for a few days. On our third day, they took us to a medical examiner and ordered him to give us anal exams. Luckily for us, the medical examiner was gay himself and so forged the reports and told the police that there is no evidence we are gay.” Human Rights Watch interview with Rifat (pseudonym), Beirut, February 25, 2014, and with representatives of an organization working to assist refugees, Beirut, March 31, 2016. These two cases are cause for concern that there could be a wider practice of police ordering anal exams on persons accused of homosexual conduct in Syria.
Other Abuses in the Medical Setting

While conducting research on forced anal exams, we learned from both victims and medical professionals of other medical examinations that violated the rights of those undergoing the tests, including exams that were conducted without consent or where consent was sought giving medically incorrect information.

For instance, women and girls are subjected to unscientific “virginity tests” in a number of countries. The tests are used in prosecutions for consensual sex outside of marriage; on women who allege rape; at the behest of their families; or even to determine their eligibility for employment.27 Egypt, one of the worst offenders in the world in its use of forced anal exams, has also used “virginity tests” under particularly shocking circumstances, including to humiliate female protestors arrested at anti-government protests.28

Like forced anal examinations, “virginity tests” have no scientific value.29 They have been recognized internationally as a violation of human rights, particularly the prohibition against “cruel, inhuman or degrading treatment” under article 7 of the International Covenant on Civil and Political Rights (ICCPR), and article 16 of the Convention against Torture.30 In 2014, the

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27 In Afghanistan, authorities routinely subject women and girls accused of “moral crimes,” such as “running away,” zina (consensual sex outside of marriage), and attempted zina, to “virginity tests.” In parts of the Middle East and North Africa, including Egypt, Lebanon, Jordan, and Libya, women can be subjected to “virginity testing” in various circumstances, including at the behest of their families. In Indonesia, the national police incorporate “virginity tests” as part of recruitment procedures for women candidates. Human Rights Watch, “UN: WHO Condemns ‘Virginity Tests,’” December 1, 2014, https://www.hrw.org/news/2014/12/01/un-who-condemns-virginity-tests.

28 In December 2011, Egypt’s administrative court, the Council of State, banned virginity tests for female detainees, citing article 40 of the Code of Criminal Procedure, which states that every detainee must be treated with respect for human dignity and prohibits physical or psychological ill-treatment, and article 46, which states that women can only be searched with their consent. However, the military has continued to use the tests as a method of humiliating and degrading women arrested during anti-government protests. Shahira Amin, “Virginity test allegations re-emerge in Egypt’s ‘climate of fear,’” CNN, February 21, 2014, http://edition.cnn.com/2014/02/21/world/meast/egypt-virginity-testing-shahira-amin/ (accessed April 11, 2016). See also Human Rights Watch, “Egypt: Military Impunity for Violence Against Women,” April 7, 2012, https://www.hrw.org/news/2012/04/07/egypt-military-impunity-violence-against-women.


World Health Organization (WHO) condemned the use of “virginity tests” by health workers treating or examining survivors of sexual assault.\textsuperscript{31}

In several of the countries covered in this report, including Egypt, Kenya, Lebanon, Uganda, and Turkmenistan, men accused of consensual same-sex conduct who were subjected to anal examinations were also subjected to forced HIV tests, or to blood tests the purpose of which was not explained. The result of an HIV test has no bearing on whether or not someone has engaged in consensual same-sex conduct. Involuntary HIV and STI tests constitute a violation of the right to bodily integrity and privacy, protected under the International Covenant on Civil and Political Rights, and the right to health under the International Covenant on Economic, Social and Cultural Rights.\textsuperscript{32} UNAIDS opposes involuntary HIV testing as a violation of human rights.\textsuperscript{33}

While this report focuses specifically on forced anal exams in the context of homosexuality prosecutions, Human Rights Watch also urges the countries in which “virginity tests” and forced HIV testing are conducted to take immediate steps to end them.

### Implications for HIV Prevention

Human Rights Watch is concerned that the practice of forced anal exams may drive men who have sex with men (MSM) and transgender women away from health services. When doctors become tools of abuse, this risks undermining the already fragile trust between medical professionals and members of marginalized populations.\textsuperscript{34} In countries such as Cameroon, Kenya, and Uganda, where the HIV epidemic has had a devastating impact on MSM, regular access to health services is essential for both HIV prevention and treatment.\textsuperscript{35}

\begin{itemize}
\item \textsuperscript{34} Human Rights Watch interview with Yves Yomb, Executive Director of Alternatives Cameroun, Douala, November 1, 2013.
\end{itemize}
Felisha, a transgender woman in Zambia who underwent a forced anal exam, said that the traumatizing experience might influence her health-seeking behavior in the future:

I had gone before to that hospital for illnesses but now I wouldn't go because of that bad doctor. He would be pointing at me, saying ‘This is the person.’

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36 Human Rights Watch interview with Felisha (pseudonym), Lusaka, January 11, 2016.

Cameroon

Cameroon, which punishes “sexual relations with a person of the same sex” with up to five years in prison, is one of a handful of countries that has vigorously applied its anti-homosexuality law—often using forced anal examinations to seek “proof” of same-sex conduct.37

In October 2013, police in Yaoundé arrested two men, Pascal and Brice, after a mob denounced and nearly lynched them for alleged homosexual acts. Police brought them to a female doctor at Mvog Ada Medical Center, who subjected them to anal examinations. Brice told Human Rights Watch:

We had anal exams. She put two fingers inside me. It hurt. There was one policeman in the room [during the exam]. The doctor insulted us. She called us ‘dirty homosexuals,’ ‘dogs,’ and ‘devils.’38

The medical reports, on file with Human Rights Watch, indicate how the doctor inserted two fingers into the anus of each man; they also provide her commentary on the odor of each man’s feces, as if this constituted evidence of homosexual conduct.39 A judge sentenced both men to six months imprisonment, relying in part on the medical reports as “evidence.”

What Brice and Pascal experienced was not unusual.40 Human Rights Watch conducted field research in Cameroon in 2012 and 2013 in partnership with Alternatives-Cameroun, the


38 Human Rights Watch interview with Brice (pseudonym), Yaoundé, November 4, 2013.


40 Human Rights Watch first became aware of the potential use of anal exams in Cameroon in 2005, when gendarmes detained 11 men in a raid on a nightclub. After the men had been in detention for seven months, the Prosecutor’s Office
Association for the Defense of Homosexuals (ADEFHO), the Cameroon Foundation for AIDS (CAMFAIDS), and Avocats Sans Frontières-Suisse (Lawyers without Borders-Switzerland), identifying numerous examples of the use of forced anal exams in different regions.

Freddy, a young man in the southwestern town of Kumba, told us that in December 2011, a male doctor at Kumba General Hospital conducted anal exams on him, two other young men, and a 17-year-old boy on the order of the police, who had arrested the four youths after they were attacked by a homophobic mob. All four were charged with same-sex relations. Ten months after the exams were conducted, their defense attorney told Human Rights Watch he still had not received a copy of the medical reports. The prosecutor eventually dismissed the case for want of evidence.

Florian and Zahid were arrested on March 21, 2013, and held at the 3rd Arrondissement Police Brigade, in Yaoundé. They told Human Rights Watch that police took them to Nkolndongo District Hospital, where a female doctor subjected Zahid to an anal exam, inserting one finger into his anus.

According to Florian, the doctor did not subject him to such an exam, but prepared a report stating that she had. Her medical reports were presented as the sole prosecution evidence in a trial held at Ekounou Tribunal on November 5, 2013, apart from a convoluted


41 CAMFAIDS and Human Rights Watch interview with Freddy (pseudonym), Kumba, Cameroon, October 16, 2016.
44 Human Rights Watch interview with Zahid (pseudonym), Yaoundé, November 4, 2013.
45 Affidavit prepared by Florian (pseudonym) and submitted to the National Medical Council, November 6, 2013, on file with Human Rights Watch.
and contradictory statement from Zahid that prosecutors labeled a “confession.”\textsuperscript{46} Zahid was convicted of same-sex relations and sentenced to one year in prison, while Florian was acquitted.\textsuperscript{47}

Even when the medical professionals conducting anal exams did not assert that the tests produced evidence of penetration, it did not help defendants in Cameroon. Guillaume told Human Rights Watch that a military doctor in Yaoundé subjected him and his co-accused, both age 17, to anal examinations in August 2011. Gendarmes had arrested the two boys along with two adult males after a neighbor accused one of the adults, with whom they lived, of selling pornographic videos. There was no evidence that any of the men or boys were engaged in same-sex conduct.\textsuperscript{48}

Guillaume told CAMFAIDS and Human Rights Watch:

The next morning [after the arrest] they took me and [another detainee] to the hospital to see if we’d been penetrated. A woman put on gloves and put in her hand. She said I had not been penetrated. On my PV [procès verbal; statement], they had at first said that [my friend] fucked me, but because of this exam they then said I fucked [my friend].\textsuperscript{49}

Their lawyers, Alice Nkom and Michel Togué, filed a motion to nullify the case based on due process violations, including the violation of the inviolability of the home and the ill-treatment of the defendants in custody, specifically the use of forced anal examinations, but the court ruled that the anal examinations did not constitute ill-treatment.\textsuperscript{50} In July

\textsuperscript{46} A Human Rights Watch researcher attended the trial.
\textsuperscript{47} The court never released a written ruling. According to the men’s lawyers, Zahid’s (pseudonym) conviction was primarily on the basis of his “confession”; they are unsure whether the medical reports also contributed to the conviction. Human Rights Watch telephone interview with Michel Togué, May 9, 2016.
\textsuperscript{48} CAMFAIDS and Human Rights Watch interview with Guillaume (pseudonym), Edea, Cameroon, October 14, 2012; Alternatives-Cameroun, Association for the Defense of Homosexuals (ADEFHO), Cameroonian Foundation for AIDS (CAMFAIDS), and Human Rights Watch, Guilty by Association, March 2013, http://www.hrw.org/reports/2013/03/21/guilty-association.
\textsuperscript{49} CAMFAIDS and Human Rights Watch interview with Guillaume (pseudonym), Edea, October 14, 2012.
2013, one of the adult males was convicted of same-sex relations and sentenced to two years in prison, while Guillaume received a one-year suspended sentence.\footnote{Cameroon man jailed for homosexual acts,” BBC News, July 23, 2013, http://www.bbc.com/news/world-africa-23422047 (accessed April 7, 2016). Cameroon does not have a juvenile justice system; children are regularly tried as adults and held in adult prisons.}

In another case, Jose and Arnaud, arrested in Yaoundé in October 2010, said that a doctor falsified “positive” medical reports, possibly because she did not want to conduct anal examinations. Gendarmes arrested them with one other man after finding a large supply of condoms in their apartment while searching for a stolen laptop, and took them to a military doctor for anal examinations. The medical reports, which Human Rights Watch viewed, states that one of the men “seemed normal” but that “the digital rectal examination reveals a rectal cavity, which leaves nevertheless a doubt regarding sexorectal activity”; that another had anal lesions and “rectal hollowness, which suggests frequent and longstanding sexorectal activity;” and that a third had “a few fleshy bumps and a hollowness, indeed suggesting sexual activity but of moderate degree.”\footnote{Ministère de la Défense, Gendarmerie Nationale, Direction Centrale de la Coordination, Direction Technique et Logistique, Service Santé Gendarmerie, “Rapport,” Yaoundé, October 4, 2010; on file with ADEFHO, viewed by Human Rights Watch.}

Despite the doctor’s detailed descriptions of the men’s anal cavities, the men told Human Rights Watch that the anal exams never took place. According to Jose,

> She didn’t touch me, she just looked at me. She asked me questions, ‘Why do you do that? You’re destroying yourself.’ Then they took us back to the gendarmerie.\footnote{CAMFAIDS and Human Rights Watch interview with Jose (pseudonym), Douala, October 15, 2012.}

Arnaud, interviewed separately, also said the doctor simply interrogated and chastised him about his alleged sexual practices. When the case was brought to trial, he said, “They introduced false medical exams saying there was proof of homosexuality. We were sentenced to 6 months imprisonment and a 29,000 CFA (US$50) fine.”\footnote{CAMFAIDS and Human Rights Watch interview with Arnaud (pseudonym), Yaoundé, October 13, 2012.}

In the cases we documented in Cameroon, anal examinations appeared to be largely conducted at the whim of police or gendarmes who were conducting preliminary investigations. Unlike in many other countries in which anal examinations were conducted...
on the order of a prosecutor or magistrate, in Cameroon, the police or gendarmes requisitioned the exams directly, in some cases using a form entitled “Enquête Préliminaire: Requisition à Personne Qualifiée.”

In several cases, parents or relatives forced their children to undergo anal examinations. Louis told Human Rights Watch that in 2007, when he was 18, his parents found text messages on his phone that led them to believe he was gay. They took him to his uncle, a police officer, who ordered him to undergo an anal exam and threatened to arrest him if he refused. A doctor examined Louis by inserting fingers into his anus, an experience Louis says he still has nightmares about nearly 10 years later. Louis was not prosecuted; the exam simply served to satisfy his family’s suspicions. He moved out of his parents’ home shortly thereafter.

In the case of at least one man accused of homosexual conduct, the National Commission on Human Rights and Freedoms, a quasi-governmental institution, in 2011 wrote to the Ministry of Justice to formally express opposition to anal exams, but received no response. Since 2013, the number of arrests for consensual same-sex conduct appears to have declined in Cameroon, and lawyers and activists have reported no new cases of forced anal examinations to Human Rights Watch. However, with no ban in place, the risk remains that law enforcement personnel could rely on forced anal examinations in the future—or could continue to do so in cases that simply go unreported.

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55 A copy of the form is on file with Human Rights Watch.
56 Human Rights Watch telephone interview with Louis (pseudonym), June 17, 2016. CAMEF, an organization that works with men who have sex with men in Buea, southwestern Cameroon, also reported two cases to Human Rights Watch in which family members forced individuals to undergo anal exams. In one case, CAMEF reported, the mother and aunt of a 17-year-old boy took him to a doctor for anal testing because they felt he was too effeminate and suspected he was gay. In a second case, in September 2013, the uncle and guardian of a 19-year-old young man, similarly suspecting that his nephew was gay, took him to a hospital in Buea for a forced anal exam. CAMEF said that neither youth was given a choice as to whether they would undergo the exam; doctors willingly conducted the exams on the parent or guardian’s request. CAMEF, “Anal Examination,” unpublished report submitted to Human Rights Watch via email, November 2, 2013.
57 Human Rights Watch meeting with Eva Etongué and members of the National Commission on Human Rights and Freedoms, Yaoundé, November 6, 2013.
58 Human Rights Watch telephone interviews with a representative of Humanity First Cameroon and with Eva Etongué, Secretary General of the National Commission on Human Rights and Freedoms, June 17, 2016, and with Michel Togué, April 2016.
TAB 17
Influence of stigma and homophobia on mental health and on the uptake of HIV/sexually transmissible infection services for Cameroonian men who have sex with men

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Influence of stigma and homophobia on mental health and on the uptake of HIV/sexually transmissible infection services for Cameroonian men who have sex with men


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Abstract. Background: Men who have sex with men (MSM) in Cameroon consistently face significant stigma and discrimination. The urban HIV prevalence in MSM is estimated at 35%. This study investigates the effect of stigma, discrimination and alienation on Cameroonian MSM’s engagement of the HIV treatment cascade. Methods: Qualitative interviews were semi-structured using a guide. Participants in Douala, Ngaoundere, Bamenda, Bertoua and Yaoundé were asked to describe the MSM social and structural context, MSM knowledge of existing HIV-related services in public and MSM-focussed non-governmental organisation (NGO) clinics. Using a codebook, coded text was extracted from 40 transcripts with Microsoft Word Macros. These texts were analysed for recurring themes that were developed into results. Results: There were three main themes that emerged. First, among those MSM participants seeking HIV services, many commonly reported experiences of discrimination and physical violence outside the healthcare setting. Second, a few respondents used services provided by the Ministry of Health and local NGOs. However, most participants observed limited clinical and cultural competency of public clinic staff. Third, MSM declared that lack of social support and healthcare access caused them much stress. Several individuals recounted their alienation greatly discouraged them from seeking HIV prevention, treatment and care services. Conclusions: Community-level and public healthcare-related stigma impacts the mental wellbeing of Cameroonian MSM. Alienation among MSM also represents a common obstacle to the uptake of MSM-oriented HIV/AIDS services. Improving provider cultural and clinical competency among Cameroonian health care workers combined with a broader stigma-reduction intervention for Cameroonian healthcare may increase the uptake of HIV prevention, treatment and care among MSM.

Additional keywords: Cameroon, entrapment, extortion, HIV/STI prevention, homophobia, human rights, gay rights, sexual assault.

Introduction

Men who have sex with men (MSM) face persistent stigma and homophobia in Cameroon and numerous individuals have been detained, charged and imprisoned for violations of the country’s penal code’s article 347bis. This law prohibits sexual relations between people of the same sex. Across Sub-Saharan Africa (SSA), MSM have recently faced increasing verbal and physical attacks. In this context of heightened, enacted stigma, many MSM prefer not to disclose their identity and remain invisible. In many SSA settings, stigma thus poses...
challenges for MSM uptake of HIV and sexually transmissible infections (STIs) prevention and treatment services.\textsuperscript{8,9} Healthcare stigma may manifest itself in lower quality of service, denial of services (e.g., HIV testing, linkage to care) or stigmatising comments made to the individual or in front of the individual to other staff.\textsuperscript{9,10} In addition, this type of stigma may thwart retention in care, or in the case of MSM, treatment to achieve viral suppression with improved health outcomes and minimised chances of onward HIV transmission.\textsuperscript{11,12}

Although the West and Central Africa (WCA)’s HIV epidemic is not as broadly generalised as the one observed in Southern Africa,\textsuperscript{13,14} WCA MSM are disproportionately affected by HIV.\textsuperscript{13,14} Additionally, despite the relatively high prevalence of HIV among MSM in urban areas in Cameroon (35%),\textsuperscript{15} there is inconsistent uptake of the MSM-oriented HIV/STIs prevention and treatment services.\textsuperscript{15} The relationship between stigma, homophobia and HIV services uptake have been previously studied in West Africa.\textsuperscript{16} Many MSM in various African settings are fearful of disclosing their sexual orientation to healthcare workers out of fear of stigma or discrimination.\textsuperscript{8–16} In Senegal and South Africa, the provision and uptake of HIV/STIs services declined during periods of time when homophobia was more prevalent than other periods.\textsuperscript{16–18} Similarly, more effeminate MSM experience and report homophobia and discrimination more often in the health clinic for HIV services.\textsuperscript{19}

Men who have sex with men’s perceived stigma and the stigma in the healthcare setting have been found to affect MSM’s mental health. Gay, bisexual and other MSM individuals who have faced persistent bullying and/or discrimination due to their perceived sexual orientation are more likely to suffer from internalised homonegativity,\textsuperscript{18} depression, self-harm, rejection sensitivity\textsuperscript{c} and social anxiety from the stress of dealing with homophobia.\textsuperscript{20–22} Indeed, other authors have proposed the minority stress model to explain why MSM may not take health services as readily as their non-minority counterparts.\textsuperscript{23,24} Moreover, previous work has detailed the limited use of risk-mitigating behaviours for HIV/AIDS acquisition; for example, using condoms or verifying one’s HIV status on a regular basis due to internalised stigma.\textsuperscript{25} For example, Ross et al. found that internalised homophobia was a strong predictor of unprotected anal sex.\textsuperscript{25}

However, few studies have previously examined stigma, homophobia and mental health in Cameroon. Our qualitative study seeks to investigate the influence of stigma and homophobia on MSM mental health and access to HIV/STI-specific services including the HIV continuum of care.

\textbf{Methods}

\textbf{Recruitment}

Men who have sex with men-friendly, community-based organisation (CBO) staff members identified eligible participants to the researchers in the summer of 2013. Based on a purposive sampling strategy, individuals were invited to participate in an interview at a local study site office, partner organisation office or other private and secure locations, such as offices with doors and/or private homes when no one else was home. The participants came from five sites: (i) Bamenda; (ii) Bertoua; (iii) Nagoundere; (iv) Douala; and (v) Yaoundé.

\textbf{Inclusion criteria and ethical considerations}

To be eligible to participate in the study, potential participants had to be at least 18 years old and able to provide informed consent in French or English. MSM were eligible if they were born male and reported anal sex with another man at least once in the past 12 months. This criterion ensured a common, specific homosexual experience among all the participants.

Participants were compensated for their time based on the cost of return transportation and a meal (USD$8). All interviews and focus groups took place in a language (French, English or Pidgin) of the participant’s choice. Interviews and focus groups were audio recorded, transcribed and translated for analysis. First, the preliminary translations were carried out in Cameroon. Then, these translations were verified by the first author who is Francophone.

The study was approved by the Johns Hopkins School of Public Health Institutional Review Board and the Cameroon National Ethics Committee. Before the start of each interview or focus group, interviewers explained the study and obtained written informed consent. No identifying information was associated with the qualitative data.

\textbf{In-depth interviews and focus groups}

In-depth interviews lasting up to 90 min each were conducted with MSM participants to better understand the social contexts for MSM in Cameroon. In particular, participants were asked to describe the following: (i) the social, organisational and structural context surrounding same-sex practices; (ii) MSM knowledge of existing HIV-related services and services specifically targeted towards MSM; (iii) community experiences with HIV prevention, care and treatment services; (iv) their experiences with stigma and discrimination; and (v) their thoughts regarding how services, interventions and messages could be better tailored to meet the needs of their population. By using these same topics, focus group participants were also asked to discuss some of the themes brought out in the in-depth interviews. Up to three focus groups per population per site, with up to 10 individuals per group, were undertaken. The study had 100 in-depth interviews and 210 focus group participants. Based on a triage system for our specific research questions of interest, we used the highest quality transcripts of which we included 40 in this article.

\textbf{Analysis}

Codes were based on topics of interest and additional themes that emerged from the transcripts. With these codes in mind, the first author developed a codebook. Codes were then applied to a sample of the transcripts by using a semi-automated process aided by Microsoft Word Macros.\textsuperscript{26} This process allowed coded text to be extracted for further analysis. The study

\textsuperscript{c}Internalised homonegativity refers to negative attitudes that gay men may have towards homosexuality in general, and towards their own sexual orientation.

\textsuperscript{3}Rejection sensitivity is a psychological condition characterised by an oversensitivity to rejection.
team read these texts to identify themes. The key themes were developed into the findings presented herein.

The qualitative team, based in Baltimore and Cameroon, provided regular updates to each other as a team in order to share salient themes, and also created and updated a codebook for organising the textual data. We used thematic analysis to identify, analyse and report themes in data. From these analyses and using our research questions, we determined the dominant themes throughout the transcripts. For the present study, we examined and presented stigma and discriminatory risk factors at the community level.

Results
This sample included MSM aged 18–54 years old and individuals of lower income, middle income and higher income groups. The participants spoke several languages including French, English and Pidgin English. In our analysis, we found that many participants referred to the significant stigmatisation and homophobia towards MSM that illustrate the general disapproval of homosexuality in Cameroon. We found these key themes in our interviews: (i) enacted stigma and human rights violations; (ii) healthcare stigma; (iii) building trust within the larger community; and (iv) psychological impacts on MSM.

Enacted stigma and human rights violations
Social stigma plays a key role in reinforcing these negative perceptions of MSM’s role in society; MSM have observed that they feel as though they are on the front lines of a cultural conflict. In the following passages, they recount frustration with the stigmatising, visceral and often aggressive reactions of their heterosexual compatriots and remarked how the general population may need more awareness about MSM identity and issues.

‘Well, most people hate the idea (of homosexuality), especially those who do not understand it. And these people make MSM suffer. Sometimes your family may also kick you out of the house. The church also preaches against it, seeing it as a sin; they don’t even want to hear about it. In society, some people think it is just your way of life, but the majority hate it. Especially those who are not ‘into’ the lifestyle.’ (Mr. J, MSM, Bamenda)

This quote highlights the various spheres of everyday life where MSM are not fully accepted by their peers: religious organisations, family, tribes and the sometimes harmful consequences to which they are subjugated.

Several MSM relayed experiences of homophobic comments and, in some cases, significant physical violence; they were concerned that the prejudice towards homosexuality in society would not change in the short-term. The level of brutality directed towards MSM was described by one participant. This brutality may include threats of extortion, disclosure of their sexual orientation, physical assault and/or sexual abuse:

‘We were in a bar; they (the police) came in…and beat us up in the bus; there were thirty of us and we had to call our families to announce that we were homosexuals. Some of us who could afford it paid them off and others had to do “chores” to be released. So, we are very badly treated by the police in Cameroon. I was nearly raped by an officer who told everyone that I am a homosexual and after he came to me for a [sexual] favour and I refused.’ (Mr. P, MSM, Douala)

Other participants reported that security forces would assume an MSM identity in on-line chat rooms wherein they would attempt to set-up a meeting with the MSM. Only once the MSM appeared for the meeting did the officers reveal their true identity to the MSM and threaten him with detention, arrest, fines and/or disclosure of his sexual orientation.

‘The existence of this law (article 347bis) drives the security forces to abuse their power. They infiltrate the MSM community or create fake online (identities) to attract MSM, then they arrest them, hit them, lock them up and demand large sums of money. These actions drive the MSM community to go underground, which is an obstacle for the various associations (to carry out) their HIV awareness campaigns.’ (Mr. N, MSM, Douala)

These passages reveal how societal-level stigmata affect Cameroonian MSM. While there is a large concern about the effects of article 347bis and its criminalisation of same-sex acts, many participants also cited pervasive homophobia in society. This mentality appears to inhibit the effectiveness of HIV campaigns that are carried out by community-specific CBOs.

Healthcare stigma
A major theme that emerged was perceived and enacted stigma in state-provided healthcare services. In particular, participants observed several barriers in the provision and uptake of HIV/AIDS services related to this stigma. While a few respondents were willing to use public health services, the majority were not convinced that these services were MSM-friendly.

In this vein, several participants noted that providers and other staff made derogatory comments either in relation to the individual’s sexual orientation, his HIV status, or both. Negative perceptions centred around how other staff members reacted or how MSM were perceived while seeking care. Sometimes, participants were summarily refused care:

‘When you go to the hospital and say you’re sick, you are taken in if it’s just malaria. However, when you say “I am gay” that poses a problem. . .they will chase you away, they won’t take you in, they will say “no we do not do that kind of thing, no, no, we don’t work on that.” If you insist, they may threaten to lodge a complaint against you. . .’ (Mr. F, MSM, Nagoundere)

In other cases, MSM found that providers would initially decline to offer care until a supplemental payment was offered. For
example, in this interview, a MSM discussed how Healthcare Workers (HCW) treated him:

‘They’re going to ignore you (as a MSM) and... if you want them to take you in, you are going to have to probably give them the means [money]. If you propose a lot of money, you know that they’re going to take care of you... they don’t care why they’re treating you, they just see the money. Otherwise, [without the payment] if there is another patient whom [the staff] knows is not gay, they will take him in; they will put you off to the side.’ (Mr. C, MSM, Nagoundere)

Some participants observed that healthcare facilities had dedicated, decentralised centres for HIV/AIDS care. In terms of the structural barriers to receiving care, these participants highlighted that they experienced enacted stigma and discrimination upon entering these spaces because staff, visitors and other patients would sometimes assume that they were HIV-infected.

Several participants expressed frustration that an entire wing of one Yaoundé hospital had been set aside for HIV-infected patients. They implied that this designation means that individuals seeking care there are automatically singled out as living with HIV, even if they are not.

Although MSM affirmed that many CBOs, such as Alternatives-Cameroun offer culturally competent care, many MSM expressed a specific concern with the general approach of clinical staff in public clinics. For example, they felt that these services were too centralised and that clinical staff should be trained in other, less urban sites as well. Indeed, participants in rural areas expressed concern that there were few clinicians who provided culturally competent care.

In some cases, MSM recalled inconsistencies in the level of STI/HIV care.

Other participants related their concerns with non-culturally competent and sometimes stigmatising care if the provider believed that the patient was a man who had sex with men:

‘The care is very discriminatory...all that we MSM want is for the healthcare staff to be trained and aware of our situation. We are also human beings and, therefore, have the same rights as heterosexuals, including the right to health...When [HCW] know that you have, for example, anal warts, they deduce right away that you are gay, and they automatically refuse to take care of you.’ (Mr. A, MSM, Douala)

‘Once we saw the health workers [in a public hospital] say to a third party “hey it’s you, the faggots” because the [HIV test] outcome was positive. You see, it is a form of discrimination. This sick person, I do not think this person will be able to return there; he will prefer to die with the disease. If they do not know the Hippocratic oath that they took, they should go back to school because they are there to help people, not judge them.’ (Mr. T, MSM, Douala)

These passages suggest that inconsistently culturally competent (for MSM), discriminatory and non-standardised provision of public health care may deter MSM uptake of follow-up services. MSM-specific NGO services were heralded as providing culturally competent care. For example, these services offered MSM-focussed sexual health information. This type of care was generally only available in specific urban areas, leaving rural MSM to the generally less MSM-friendly public healthcare system. While a few MSM had acceptable healthcare experiences, the majority of interviews suggested that MSM in this study perceived public HIV/STI services to be sometimes unreliable, and not always sufficiently culturally competent in these public clinics.

Building trust within the larger community

Several participants stressed that acceptance of MSM would occur over the long term. However, building trust within the larger community is starting step-by-step. One participant, Mr. A, underlined the value of improving individual contact with strangers. Various MSM-oriented CBO programs may be effective on a small scale; however, larger social programs are necessary to make change in the dominant mentality:

‘The most important thing that will actually change MSM’s situation is the people’s mentality, the mentality of the person in front of you. As long as this mindset does not change, there is nothing else to do, because all the different programs that you are doing now they can try to change [individual] people’s minds, but otherwise the dominant mentality does not change.’ (Mr. A, MSM, Nagoundere)

Several participants suggested that gay-identified individuals serve as community liaisons to promote a more positive image of MSM:

‘All you can do is educate and raise awareness...people who are gay can act as intermediaries with the public because it is a question of trust, and they do not trust [MSM]....we are in an area where it is very closed-minded.’ (Mr. D, MSM, Nagoundere)

Some participants felt that MSM-specific CBO programs, such as those providing HIV services, were not capable of changing Cameroon mentality vis-à-vis acceptance of MSM. Rather, they proposed that MSM effect change by working independently with Cameroonians one-on-one to encourage greater understanding, acceptance and tolerance of MSM in Cameroon.

Psychological impacts on MSM

For some participants, there was a perception that community and healthcare stigmas lead to mental health concerns. Several of the participants reported concerns that MSM, such as themselves, felt alienated as a direct result of their situation. They often witnessed a lack of freedom for MSM to express...
themselves or to demonstrate their homosexual affection in public. A few participants also discussed the issue of feeling forced to leave the country, seek asylum in another location, or, in a limited number of cases, committing suicide.

Furthermore, individuals reported that being a man who has sex with men in Cameroon took a toll on their mental health, given the issues around healthcare access. They also expressed their dismay with the long-term prospects for MSM in the country and their frustration and, in some cases, feelings of alienation and hopelessness with the current situation.

‘It was very difficult for me because we are in a country where this situation [homosexuality] is not accepted, is not legally recognised. Well, I’ve had so much stress because I was asking so many questions: ‘why me?’, ‘why am I like this?’, ‘why do I feel this?’ It is unbearable. I almost killed myself several times. Only afterwards did I realise that I had to accept myself as I am. This is not easy...too much stress.’ (Mr. L, MSM, Bertoua)

The lack of freedom of expression seems to affect Cameroonian MSM’s willingness to live, let alone allow them to worry about STIs. Other participants affirmed that they were treated as inferiors and second-class citizens. Also, they noted that this alienation causes them negative feelings:

‘It is very bad because they are neglected in the society and it makes them look inferior; as a result...they can’t date the kind of people they want to date, they don’t feel free to love the people they love to be with. So society looks at them as a minority and this makes them feel as lower status in society – which is not good.’ (Mr. T, MSM, Bamenda)

As MSM in Cameroon, it appears that many MSM sustain much suffering in their daily lives. This chronic suffering may play a role in preventing gay and MSM individuals from feeling motivated to go to the clinic for uptake of STI/HIV/AIDS services:

‘Already society does not accept...us to be gay. So it’s not really easy for [a MSM] to feel free to go to the hospital to get tested when he was deemed evil! As someone has always said: people will ask the question but why does he live this lifestyle? Why? We’ll ask the questions and he will fear [his sexuality] may be revealed! So it would not be easy for him to have his sexuality disclosed like that.’ (Mr. C, MSM, Nagoundere)

‘The worst of diseases is social, meaning a disease of societal. This society is hostile toward MSM and that’s what brings about all other diseases because if you feel bad in a society such as our own, you’ll certainly cut yourself off [from others]. And, if you’re ill, you will not seek out care in a health center because of the stigma, the opinion of others, rejection, humiliation and, also, the law.’ (Mr. R, MSM, Douala)

These last two passages call attention to the two issues: (i) perception of MSM as non-persons; for example, as ‘evil’; and (ii) the fear of disclosure, rejection and alienation.

This last theme reveals the synergistic effect of community-level and healthcare stigma on MSM. While Cameroonian MSM do not feel free to express themselves as MSM due to legal and social constraints, they also do not feel that they have easy access to HIV/STI health care. In this final theme, MSM expressed general feelings of alienation, rejection and hopelessness in light of their social and health situation in society.

In summary, Cameroonian MSM in this study had numerous concerns that their lack of legal rights disenfranchises them from living healthy free lives. In the transcripts, they perceive that this legal barrier also impacts their health care and, by extension, their easy access to health care. Their mental health also was affected by the stigma they experienced in the larger community and in the healthcare setting. Finally, the strong feelings of alienation and hopelessness reported in our interviews also appear to be a barrier to uptake of HIV/STI care and treatment in clinics, even when these services are available without a financial or logistical barrier.

**Discussion**

**Structural violence and resilience**

Our findings suggest that Cameroonian MSM are regularly coerced to conform to certain sexual, legal and social norms. For example, several highly public cases have brought to the fore that MSM are being held in the Yaoundé Central Prison for violations of article 347bis.1,3 As a consequence, the resulting negative publicity from these cases has led to a higher level of scrutiny, stigma and discrimination against Cameroonian MSM.1,2,7 In addition to the reported human rights violations – physical assault, entrapment and attempted rape – the mere threat of this type of structural violence may cause intense stress for these MSM.5,10,20

As a resiliency measure, MSM reported a desire to build up trust with the greater community by acting as MSM liaisons. This willingness to increase awareness represents a resiliency despite their struggles for acceptance and freedom of expression. Indeed, building trust will also help mitigate stigma and increase trust in Cameroon’s public health systems, such as public clinics.

**Community: healthcare uptake**

In terms of community-level factors, these findings demonstrate the effect of stigma on MSM in the healthcare setting in Cameroon.15,30,31 Most interestingly, Cameroonian MSM report awareness of MSM-related HIV risks and vulnerability. Despite this awareness, MSM were sometimes hesitant, if not discouraged as a consequence of significant perceived and enacted stigma. While seeking out HIV/STI care, they found that stigma and discrimination were commonplace in the public health clinics, especially in areas outside Yaoundé and Douala.13
In this sense, our data reinforce the Foucauldian notion that the healthcare system and its various divisions also act as an agent of structural violence.\textsuperscript{32,33} More importantly, article 347bis, as one part of Cameroonian public policy, creates barriers for public health policy; for example, achieving better public health outcomes from reducing new HIV infections among MSM and better care of HIV-positive MSM. There is a critical need for a state-sponsored stigma-mitigating program to raise awareness and encourage more cultural competency among healthcare workers. Such an intervention would prove effective for Cameroonian MSM, given the data described here. This intervention will help improve greater awareness of MSM-specific HIV risk factors, such as homophobia and alienation, and increase linkages to care.

**Cameroonian MSM wellbeing and mental health**

The lack of familial support or the increased pressure to get married may also contribute to stigma among MSM.\textsuperscript{8,16,34} MSM commonly affirm that they walk a fine line of both being true to their desires (i.e. having sex with men) while not being reprimanded or apprehended by the security forces who enforce article 347bis. Despite the fact that 27\% of MSM in one study were found to have been detained or physically injured in an altercation,\textsuperscript{13} few MSM noted that they would be willing to come forward to lodge a complaint regarding discriminatory acts either in public or in healthcare settings.\textsuperscript{25}

To address these concerns, we propose a mental health-based intervention that would emphasise various empowerment strategies, including MSM-specific focussed solution coping strategies.\textsuperscript{6,16,34} These can include joining a support group, disclosing their sexual identity to confidantes, attending counselling sessions, discussing their personal experiences with others, or keeping busy with hobbies.\textsuperscript{16,34} Indeed, these programs will help alleviate internalised stigma. If this type of stigma is minimised, MSM may be more likely to uptake available HIV/STI services.

There were some limitations to the present study. The sample was collected using a purposive approach. Given the overlapping social networks of this type of sampling, it may over-represent MSM who identify as ‘gay’ and/or non-gender conforming. Also, given Cameroon’s law on homosexuality, some MSM may naturally self-censor their responses to protect their identity or avoid any possible retribution from third parties.

**Conclusions**

Although Cameroonian MSM have friend networks and some familial support, the overall general sentiment felt by MSM is rejection and, in turn, this begets strong feelings of loneliness and defeat.\textsuperscript{35} These feelings are long-lasting and may lead to psychological impacts such as increased stress, post-traumatic stress disorder/injury, depression, anxiety, social alienation, self-harm and suicidal thoughts.\textsuperscript{36–38} Stress and alienation act as enabling factors for HIV acquisition insofar as MSM may practice behaviours that put them at risk for acquiring HIV.\textsuperscript{39} In this way, they find themselves at a crossroads because the subtext seems to be: ‘who will support me if they find out that I am infected with HIV?’ Indeed, the internalised stigma and internalised homophobia that pervades their existence results in much psychological stress and inner turmoil. This stress and alienation influences how they manage their sexual relationships. As evidenced above, MSM uptake of HIV public health services is limited. Even if the government provided additional biomedical approaches to HIV prevention (e.g. pre-exposure prophylaxis), they would need to better engage the MSM community. In short, MSM vulnerability to infection is heightened.\textsuperscript{16,35} In other words, MSM may tend to give up on engagement with HIV prevention strategies and, in some cases, surrender to the real likelihood of STI/HIV infection.\textsuperscript{39}

**Conflicts of interest**

All authors declare that they do not have any potential conflicts of interest in the manuscript.

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**References**

2. Ndzomo JC. Re-visiting homosexuality in Cameroon: effective advocacy on the path from homophobia to dignity and equality. San Francisco: University of San Francisco; 2013.
10. Rispe LC, Metcalf CA, Cloete A, Moorman J, Reddy V. You become afraid to tell them that you are gay: health service utilization by men
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17 Kalichman SC, Simbayi LC. HIV testing attitudes, AIDS stigma, and voluntary HIV counselling and testing in a black township in Cape Town, South Africa. Sex Transm Infect 2003; 79: 442–7. doi:10.1136/ sti.79.6.442
31 Lorente N, Henry E, Fugon L, Yomb Y, Carrieri MP, Eboko F, Spire B. Proximity to HIV is associated with a high rate of HIV testing among men who have sex with men living in Douala, Cameroon. AIDS Care 2012; 24: 1020–7. doi:10.1080/09540121. 2012.668172

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TAB 18
CAMEROON

HOMOPHOBIA AND VIOLENCE AGAINST DEFENDERS OF THE RIGHTS OF LGBTI PERSONS

International Fact-Finding Mission Report

February 2015
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<td>ACAFEJ</td>
<td>Cameroonian Association of Women Lawyers</td>
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<td>ACHPR</td>
<td>African Commission on Human and Peoples’ Rights</td>
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<td>ACODEVO</td>
<td>Association des Couches défavorisées et Vulnérables de l’Océan (Association for impoverished and vulnerable communities of the coastal region)</td>
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<tr>
<td>ADEFHO</td>
<td>Association for the Defence of Homosexuals</td>
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<td>ADEPEV</td>
<td>Action for Development and Fulfilment of Vulnerable People</td>
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<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency syndrome</td>
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<td>AMSHeR</td>
<td>African Men for Sexual and Health Rights</td>
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<td>ARDHIS</td>
<td>Association for the recognition of the rights of the homosexual and trans-sexual people to immigration and stay</td>
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<td>Association of Booklovers Cameroon</td>
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<td>CNDA</td>
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<td>Franc CFA</td>
<td>Franc of the African Financial Community</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>OMCT</td>
<td>World Organisation Against Torture</td>
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<td>PAEMH</td>
<td>Supervision of Sexual Minorities Project</td>
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<td>Human Rights Defenders Network in Central Africa</td>
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<td><em>Radio France internationale</em></td>
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<td>Cameroon Youth Rally</td>
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<td>Adolescents against AIDS</td>
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I. INTRODUCTION

To date, homosexuality is still criminalised in at least 79 countries around the world. The Office of the United Nations High Commissioner for Human Rights said in no uncertain terms that: “the criminalisation of private, consensual sex between adults of the same sex breaches a State’s obligations under international law, including the obligations to protect individual privacy and to guarantee non-discrimination. […] Arresting or detaining individuals on the basis of their sexual orientation or same-sex sexual conduct is likewise prohibited by the guarantee against arbitrary detention.”

As a result of repressive laws, and a lack of legal protection against discrimination based on sexual orientation and gender identity and against homophobic political, press and religious statements, in a great many countries, lesbian, gay, bisexual, transgender and intersexual (LGBTI) persons, are subjected to assaults, threats to their physical integrity, stigmatism and discrimination.

Any person – whether a lawyer, activist, academic, intellectual, religious leader, trade unionist, journalist, community leader, public officer or a member of an NGO or an association – who peacefully protests against violations of the rights of LGBTI persons by referring to international, regional or national human rights standards are also targeted and, depending on the country, their actions are criminalised and their freedom of speech, association and assembly impeded. LGBTI rights defenders fall into the category of the most vulnerable human rights defenders.

In response to this grim situation, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), via their joint programme, the Observatory for the Protection of Human Rights Defenders (the Observatory) organised a fact-finding mission to Cameroon to assess the situation of defenders of the rights of LGBTI persons.

Cameroon is one of the 38 African countries that criminalise homosexuality. It is known for prosecuting, sentencing and incarcerating inordinately large numbers of persons for “consensual sexual relations between persons of the same sex” on the basis of Article 347 bis of the Cameroon Penal Code. FIDH and OMCT member and partner organisations in Cameroon alerted the Observatory several times about cases of violations of the rights of LGBTI rights’ defenders. The worst of violations can be traced to the evening of 15 July 2013, when Eric Ohena Lembembe, journalist and Executive Director of the Cameroonian Foundation for AIDS (CAMFAIDS) working to defend LGBTI rights was found dead in his home in Yaoundé.

The Observatory mission was in Cameroon from 6 to 16 January 2014. It received assistance from the Maison des droits de l’Homme au Cameroun (MDHC), the Human Rights Defenders Network in Central Africa (REDHAC) and the African Men for Sexual and Health Rights (AMSHeR). The Observatory’s delegation was composed of Assane Dioma Ndiaye (Senegal), attorney at law at the Dakar Bar and President of the Ligue sénégalaise des droits humains (LSDH – Senegalese league for human rights), an FIDH member organisation; Berry Didier Nibogora (Burundi), lawyer in charge of the AMSHeR programme Law, Politics, Advocacy and Human Rights, and Catherine Delanoë-Daoud (France), attorney at law at the Paris Bar, regularly consulted by the Association pour la reconnaissance des droits des personnes homosexuelles et transsexuelles à l’immigration et au séjour (ARDHIS – Association for the recognition of the Rights of the homosexual and trans-sexual people to immigration and stay) on defending the interests of LGBTI persons before the Cour nationale du droit d’asile (CNDA – national court for right of asylum) in France. The delegation went to Douala, Limbé and Yaoundé and met representatives of the civil society working in the Kribi region. This report is based on the information collected during the mission and the following months, until November 2014.

Our organisations wish to thank all the persons who contributed to this fact-finding mission, especially the Cameroonian Foundation for AIDS (Campaids) for its support provided in organising the mission.
The fact-finding mission met with:

**Cameroonian authorities**: Ms Hélène Gallega, Director of Human Rights at the Ministry of Justice; Mr Victor Ndoki, Secretary General of National Security, and his closest collaborators

**National Commission for Human Rights and Freedoms (CNDHL)**: Dr. Chemuta Divine Banda, President of the CNDHL and his closest collaborators in charge of the sub-commissions

**Foreign embassies**: Delegation of the European Union; Embassies of France and United States, the British and Canadian High Commissions

**Human rights associations and networks**: Human Rights Defenders Network in Central Africa (REDHAC), Alternatives-Cameroun, ADEFHO Association for the Defence of Homosexuals (Association de défense des homosexuels), SID’ADO Adolescents against AIDS (SID’ADO), Supervision of Sexual Minorities Project (PAEMH), AIDES ACODEV Cameroon; Cameroon Association for Empowerment Outreach Programs (CAMEF); Association des couches défavorisées et vulnérables de l’océan (ACODEVO); Cameroon Foundation for AIDS (CAMFAIDS); ADEPEV Association; Ladies’ Corporation Association; Humanity First; Affirmative Action; Cameroon Network of Human Rights Organisations (RECODH); Cameroon Association of Women Lawyers (ACAFEJ)

**Health/social NGOs**: Cameroon National Association for Family Welfare (CAMNAFAW); Care International Cameroon

**Journalist**: Alex Gustave Azebaze, former President and honorary adviser to the National Union of Journalists of Cameroon

**Human Rights Commission of the Cameroon Bar Association**: Joseph Claude Billigha, lawyer

**Lawyers defending LGBTI activists and persons**: Alice Nkom and Walter Atoh, lawyers

**Churches**: Spokesman for the Bishop of Yaoundé

The purpose of the mission was to analyse the social and legal aspects of protection for human rights defenders in Cameroon, especially LGBTI rights’ defenders, to collect information on violations of the rights of LGBTI rights’ defenders and to examine reactions from the political, administrative and judicial circles.

The delegation referred to the 1998 United Nations Declaration on the protection of Human Rights Defenders and the “operational definition” of human rights defenders commonly used by the Observatory, i.e. “any individual, group and organs of society that, in compliance with the international instruments on the protection of human rights, acts on behalf of individual or groups of persons to the promotion and realisation of the universally recognised human rights and fundamental freedoms, individually or in association with others”. In reprisal for their actions, the human rights of the defenders are often violated through threats, physical violence, enforced disappearances, extra-judicial executions, slander campaigns, illegal surveillance, judicial harassment and arbitrary detention although their actions are legal and legitimate and, furthermore are protected by international human rights law. By virtue of international and regional agreements on the protection of human rights, the States are not only obliged to protect defenders but also to provide them with an enabling environment for promoting their cause and defending the victims.
II. THE WORK ENVIRONMENT OF DEFENDERS OF LGBTI PERSONS' RIGHTS

1. The legal framework

1.1. Cameroon’s international and regional commitments

By ratifying the International Covenant on Civil and Political Rights (ICCPR) in 1984, the Cameroonian authorities pledged to respect and protect the rights to freedom of association, expression and assembly that are also guaranteed in the Universal Declaration of Human Rights. These international instruments include the principle of non-discrimination, the right to privacy, a ban on arbitrary arrests and detentions and the right to a fair trial that defenders, like all other individuals, should be entitled to when exercising their function.

By adhering to these standards, Cameroon recognised the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms, as stipulated in the 1998 UN Declaration on the protection of human rights defenders. Under international law, Cameroon has the obligation to protect the rights of human rights defenders, especially defenders of LGBTI rights, under the specific watch of the United Nations Special Rapporteurs on the situation of human rights defenders and on the rights to freedom of peaceful assembly and of association.

At the regional level, Cameroon is bound by the provisions of the African Charter on Human and Peoples’ Rights, which it ratified in 1989. This Charter obliges the States Party to respect freedoms of association, expression and assembly and the African Commission on Human and Peoples’ Rights, which is the supervisory organ of the Charter, has appointed a Special Rapporteur on Human Rights Defenders in Africa to ensure respect of these rights. In May 2014, the ACHPR adopted a resolution on “Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity” that “calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities.”

In several cases, treaty and special procedures bodies have questioned Cameroon, which is bound by international and regional conventions and standards on human rights, about its respect for the rights of human rights defenders, especially defenders of LGBTI rights.

In 2010, for instance, in its concluding observations, the UN Human Rights Committee expressed concern about the fact that the number of registered NGO was so small in a country the size of Cameroon. In its concluding observations following its examination of Cameroon State Report in 2013, the ACHPR criticised the Government of Cameroon for judicial harassment, attacks on life and other violations of human rights defenders’ rights, especially the defenders working on the issue of sexual orientation. The African Commission’s Special Rapporteur on Human Rights Defenders in Africa also condemned the murder of LGBTI rights defender Eric Ohena Lembembe.

and called for an impartial investigation that would lead to the prosecution of the perpetrators. Further, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; on the rights to freedom of peaceful assembly and of association; on the situation of human rights defenders, and on extrajudicial, summary or arbitrary executions sent a communication to the President of Cameroon in August 2013 informing him about the numerous violations of LGBTI persons defenders’ rights and urging the authorities to react to this information and to respect the provisions of the international law that is binding on the country. Last, during the second cycle of the Universal Periodic Review of Cameroon several recommendations were addressed to the Republic of Cameroon on protection for human rights defenders. The Government accepted the recommendations.

In April 2011, Cameroon set up an inter-ministerial committee to monitor and implement decisions made by the international mechanisms for the promotion and protection of human rights. The committee is chaired by the Secretary General of Services of the Prime Minister’s Office or his representatives. It is hosted by the services of the Prime Minister and reports directly to the President of the Republic. The Committee was particularly tasked to implement the recommendations accepted by Cameroon at the end of the various cycles of the Universal Periodic Review (UPR). The establishment of this committee was a sign of a certain political will to implement the recommendations on human rights, but this report shows that to date, no improvements have been made in the situation of the LGBTI persons’ rights defenders thus showing the limits to the role and the impact of this inter-ministerial monitoring committee.

1.2. The constitutional and legal framework

The Constitution

The Preamble to the Constitution of the Republic of Cameroon confirms the sacred and inalienable character of individual liberties and the State’s attachment to the fundamental rights set out in the Universal Declaration of Human Rights, the United Nations Charter, the African Charter on Human and Peoples’ Rights and all the related international agreements that Cameroon has duly ratified. The Constitution stipulates that in case of conflict with national legislation, the international treaties shall be overriding (Article 45).

The Constitution of Cameroon specifically guarantees non-discrimination and equal rights for all citizens, protection of minorities, freedom and security for all, a ban on arbitrary detention, torture, and inhumane and degrading treatment, the right to life, the right to justice and to freedom of association, assembly and expression.

The provisions of the Constitution, thus, are not only expected to protect the actions of the LGBTI persons’ rights defenders but also ensure decriminalisation of sexual relations between persons of the same sex.

The legislative power

The Cameroonian law criminalising sexual relations between persons of the same sex clearly violates the international provisions on the protection of human rights, and the Constitution of Cameroon. This said and unlike other countries that criminalise homosexuality, Cameroon does not have

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7. See communication by the United Nations rapporteurs. Available online: https://spdb.ohchr.org/hrdb/244th/Public__1UA_Cameroun%2013.08.13%283.2013%29_Pro.pdf
8. See report of the Working Group on the Universal Periodic Review (UPR) on Cameroon and the addendum to the report with regard to the positions taken by Cameroon on recommendations from the second cycle of the UPR. Available online: http://www.ohchr.org/EN/HRBodies/UPR/Pages/CMSession16.aspx
10. Paragraph 2 of the Preamble to the Constitution of Cameroon.
special laws making it a criminal offence for associations to protect the rights of LGBTI persons. In practice however (see Part II 2.2) the freedom of association of defenders of LGBTI persons’ rights is far from free.

The Observatory
CAMEROON: HOMOPHOBIA AND VIOLENCE AGAINST DEFENDERS OF THE RIGHTS OF LGBTI PERSONS

The law criminalising homosexuality: anti-constitutional and contrary to international standards on the protection of human rights

Article 347 bis of the Penal Code metes out a six-month to five-year prison sentence and a fine of between 20,000 and 200,000 CFA francs to “any person who has sexual relations with a person of the same sex”.

• Article 347 bis is invalid since it is contrary to the Constitution of Cameroon, especially to the principle of legality of criminal offences and penalties:
It was inserted into the Cameroonian Penal Code by an order of President Ahmadou Ahidjo on 18 September 1972 (at a time when Cameroon did not have a Parliament to pass laws on issues falling with the jurisdiction of the Legislative Power) and the Cameroonian Parliament never took a stand on the text. But in article 26, the Constitution recognises the exclusive rights of the Legislative Power to define crimes and offences, in compliance with the founding principle of separation of powers common to all democratic countries. Since the Cameroonian Parliament did not vote on Article 347 bis it cannot be used as the basis for questioning, provisional detention, prosecution, or conviction without violating the principle of legality of texts applied in penal matters.

• Article 347 bis is applied in an arbitrary manner and, more specifically, in a manner that contradicts the principle of restrictive interpretation of criminal law:
In theory, the text punishes sexual acts between persons of the same sex and thus requires proof of the sexual act to be reported, the perfect proof being flagrante delicto. But in practice, the police and the justice department use this article to arrest and convict persons solely on the basis of their real or alleged homosexuality, which is deduced from their appearance, their hair style, their attitude, the company they keep and even what they are drinking at the time of their arrest12, while in the vast majority of cases, there is no proof of sexual relation in the file.

• Will Article 347 bis be removed or amended to be more, or less, repressive?
Since 2010, the Cameroonian Ministry of Justice has been trying to revise the 1967 Penal Code. In a draft revision that was published during the validation process in 2011, the section on homosexuality was not changed. Shortly thereafter, the Minister of Justice was replaced, leaving hope that the text would be amended to conform to international law. In 2013, representatives of the Cameroonian judiciary told Human Rights Watch and CAMFAIDS that the text was being revised by a new team at the ministry, but did not mention any deadlines.

The report of the State of Cameroon was examined by the UN Human Rights Committee that said it was extremely worried about the condemnation of sexual relations between consenting adults of the same sex. In its concluding observations, the Committee recommended that the State take steps immediately to decriminalise sexual relations between consenting same-sex adults and align the law comply with the ICCPR. The Committee added that the State should also take the necessary steps to end the prejudice and social stigmatisation connected to homosexuality and to clearly show that no form of harassment, discrimination or violence against persons because of their sexual orientation will be tolerated13.
According to Law no. 90-053 of 19 December 1990, supplemented by Law no. 99-011 of 20 July 1999, associations must register with the prefecture or the sub-prefecture essentially as follows:

1) Deposit the statutes, by-laws, and the minutes of the constitutive assembly and the list of members at the Prefecture. The administrative authority must issue a “receipt of deposit” with a number and a date of deposit and then examine the request;

2) After this first control, and with a period of time not defined by law, the prefecture (if the file appears acceptable) provides the association with a “registration receipt”, showing a date and a number, duly signed by the government authority;

3) After a period of at least three years, the duly declared association can file a request with the Ministry of Territorial Administration to obtain the status of national non-governmental organisation (NGO). Applications for the status of international NGO have to be filed with the Ministry of External Affairs (MIREX).

Organisations with the NGO status benefit from a favourable tax regime but they also have to cope with State interference in their activities, e.g. obligation to provide an accounts statement and an activities report every quarter.

2. Institutional positions

2.1. The political authorities

Despite the variations in their positions and declarations on the question of homosexuality, depending on international pressure, the authorities’ positions stigmatise LGBTI persons and the defenders of LGBTI persons’ rights. According to some interlocutors with whom the mission spoke, the authorities sometimes use the homosexuality issue to hide problems connected to the economic crisis and the corruption that is gnawing away at the country. Attitudes of this type nurture a homophobia that affects the functioning of the administration, the judicial system and the society at large. In 2006, when noise and scandal broke out because three Cameroonian newspapers published a list of 50 homosexual and lesbian public figures, President Paul Biya emphasised the importance on respecting private life.

Nonetheless, during the first cycle of the Universal Periodic Review in 2009 when the situation of human rights in Cameroon was analysed, the State delegation rejected all the recommendations on decriminalising homosexual acts between consenting adults and the elimination of violence and discrimination against homosexual persons on the pretext that the majority of Cameroonians feel that homosexual acts are not consistent with African cultural values and morality.

In its response to the recommendations, the State asserted that the criminalisation of homosexuality is not contrary to the international human rights instruments and that, moreover, “homosexuals are not denied legal rights or services because of their alleged sexual orientation” and shamefully added that homosexual practices are “contrary to both current legislation and what Cameroonian society still considers to be proper moral conduct”. 14

Cameroon found support in refusing protection and enjoyment of human rights to LGBTI persons by referring to the provisions of article 29(2) of the Universal Declaration of Human Rights which allows the States to limit the rights and freedoms of its citizens in order to abide by the just requirements of morality, public order and the general welfare in a democratic society, and to article 29(7) of the African Charter on Human and Peoples’ Rights that requires the individual to preserve and strengthen positive African cultural values in their relations with other
members of the society. These arguments were contradicted and rejected in the jurisprudence of the United Nations Human Rights Committee and by the African Commission on Human and Peoples’ Rights (ACHPR).

At the beginning of 2012, President Paul Biya told certain diplomats that he was not ready to call for the decriminalisation of homosexuality in Cameroon but would make a special effort to impose a moratorium on arrests based on article 347 bis of the Penal Code. Up to now, this commitment has not been met.

In Paris on 17 December 2013, President Biya said that “attitudes can change in one direction or the other but for the time being [homosexual relations], they are an offence” thereby showing that he had changed his attitude. He encouraged “homosexuals and their defenders working for the decriminalisation of homosexual practices in Cameroon not to lose hope”.

In discussions with mission delegates about the President’s reaction to the publication of the list in 2006, some people talked about double standard. Paul Biya recognised the private character of homosexual relations for personalities close to the government while for ordinary citizens, he felt this was an offence that warranted prosecution and arrest.

During the second cycle of the Universal Periodic Review (UPR) in 2013, Cameroon again rejected the recommendations on decriminalising same-sex sexual acts, for the same reason as in 2009 and added that maintaining the criminalisation charges “contributed to protecting the family, which is the basis of community life”.

Going even farther, the State reasserted that homosexuality was “generally considered to be an activity that lacks morality and should be punished” and also refused the recommendation calling for legal recognition of organisations that defend the rights of LGBTI persons and to protect them against all homophobic dangers and acts so that they can successfully carry out their efforts to control HIV/AIDS and sexually transmissible infections (STI).

Whilst asserting the principles of non-intervention in people’s private life and non-discrimination, the State declared that people “who are lawfully arrested and sentenced for homosexual practices, are usually detained when perpetrating said acts on a public road or in a public place (offence of indecency and immorality) or following a complaint or a denunciation that leads to an in-depth investigation”. The human rights defenders who met with the mission delegates did not agree with this version of the story. On the other hand, the State accepted the recommendations on “investigating police violence that took place on persons because of their actual or perceived sexual orientation”.

On 19 July 2013, Issa Tchiroma Bakary, Minister of Communication and Government spokesperson would have made the following statement in response to certain reactions to the murder of Eric Ohena Lembembe: “many activists very openly deal with the question of homosexuality from a favourable, corporatist or even promotional angle within the country. The law enforcement officers and the judicial services leave them alone although even promoting an illegal activity is an offence that warrants punishment in our country.”

On 29 August 2013, the same Government spokesperson, when asked about decriminalisation, told the media that: “between 95% and 99% of the Cameroonians today are believers, they are Catholic, Protestant, animist and Muslim. All of them are against homosexuality because their religions are against homosexuality”, and he added, “It is the duty of the President of the Republic to respect the will of his people and, above all, to ensure that the current provisions of the law are applied. Maybe in 50 years from now things will

19. See complete statement by Issa Tchiroma Bakary, Minister of Communication, on 19 July 2013 in Yaoundé. Available on line [in French]: http://www.cameroon-info.net/stories/0,49230,@@cameroun-deces-de-eric-hubert-lembembe-ohena-la-declaration-de-issa-tchiroma-bak.html
be different”. In another press briefing, on 23 January 2014, he said that the great majority of the Cameroonians strongly rejects homosexuality. They are not ready to accept it, not even to tolerate it. And, he added: “President Paul Biya won’t give in (…) he is a practicing Catholic Christian”.

2.2. The administrative and police authorities

As part of its investigation, the mission delegates talked to representatives of the administration and the police force about their role in the exercise of rights and freedoms by the Cameroonian citizens, more specifically the protection of defenders of LGBTI persons’ rights. The anti-gay legal and political environment seemed to have a negative effect on the discharge of their obligations and contributed to undermining the protection and rights of defenders of LGBTI persons’ rights.

Officers in charge of registering associations

The law (see Part II 1.2) in principle authorises the registration of associations for the protection of LGBTI persons’ rights but the facts are different and openly contradict the Constitution and the international instruments on human rights protection. The Mission learned that after associations defending LGBTI persons’ rights file applications with the prefecture, the agents deliberately avoid issuing a receipt and express “reservations” about the social goals. This type of behaviour forces associations for the protection of LGBTI persons’ rights to deposit another file that is more “acceptable”, in other words, whose social goal is broader, e.g., defence of human rights in general, or is centred on a health issue, e.g., the fight against HIV/AIDS among a vulnerable population. The applicant may also decide to deposit the file in another, more “understanding” prefecture, e.g., if the applicant is labelled “LGBTI” in the Douala Prefecture, s/he can file the application with a sub-prefecture in another region. This won’t prevent the association from being able to work throughout the country, even in Douala. The result of this State officials’ conduct is that, in fine, Cameroon has no organisation that is officially devoted to defending the rights of LGBTI persons.

The police

The police force ensures security and public order; its mission is to prevent the commission of offences against and violations of the citizens’ rights. As such, it has a crucial role to play in protecting human rights defenders, including defenders of LGBTI persons’ rights.

The mission delegates were received in Yaoundé by Mr Victor Ndoki, Spokesperson of the Delegate General for National Security, who was accompanied by three senior officers from the National Security, namely, Mr Jacques Drili Director of the Judicial Police, and Messrs Pierre-Marie Ngouanom and David Ewu Ngeme, and also a university professor, Mr Willson Mwomo Ela.

Mr Ndoki told the mission delegates that the National Security considered respect for human rights a central issue. He also said that in his service, “no misconduct is tolerated” and that each police officer has a copy of the Code of Conduct that has been in force since 19 November 2012 in his/her pocket.

Mr Ndoki gave the mission a copy of the Code entitled “Code of Conduct for National Security Personnel” (Code de déontologie des fonctionnaires de la Sûreté nationale, enacted through Decree no. 2012/546 signed by the President of the Republic, the Supreme Commander of the Police Force).

Article 17 of the Code of Conduct specifies that:

21. On this subject, see article in the newspaper L’Effort Camerounais. Available on line [in French]: http://www.leffortcamerounais.info/2014/02/homosexualite-.html
“National Security agents (...) shall:
- respect the law, ensure that the law is respected, and obey the law;
- defend and protect the fundamental human rights;
- banish tribalism, favoritism, nepotism, discrimination and corruption;
- serve the community according to the law, and not use it or supersede it (...).”

Articles 27, 28 and 30 stipulate:
“Article 27 – (1) The National Security officers shall respect and protect the rights of all persons.
(2) S/he shall respect the right to freedom, individual security, private and family life, the inviolability of the home, the confidentiality of correspondence (...)
Article 28 – In carrying out his/her duties, the National Security agent shall be guided by principles of impartiality and scrupulous respect for fundamental human rights, in particular the right to freedom of thought, conscience, religion, expression, opinion, peaceful assembly, free circulation and respect for the properties of all persons.
Article 30 – In carrying out his/her duties, the National Security officer shall refrain from any discrimination based on sex, race, ethnic origin, language, religion, education, political affiliation, opinion, disability, social position and other reasons prohibited by the Constitution and by international treaties and agreements.”

Last, the Code of Conduct establishes the “ten commandments of the police agent”, the tenth one formally states that: “he shall be the leading defender of human rights and to this end shall respect the person and shall refuse to inflict inhumane or degrading treatment on any person”.

Mr Ndoki insisted in explaining that all violations of the Code of Conduct were systematically sanctioned, without exception. He invited the victims of ill treatment, discrimination or attempts at corruption by police agents to report to the higher authorities and added, “A homosexual is a human being that must be protected like all human beings. Report any cases you know about directly to us!”

But when the mission delegates talked about the aggression and blackmail reported by the LGBTI persons’ rights defenders, their interlocutors avoided the question by insisting categorically that “homosexuals were not subjected to more attacks against themselves and their properties than anyone else”.

Concerning article 347 bis of the Penal Code, they said that, on the one hand, “it is so difficult to prove the offence of homosexuality that it is almost impossible to apply this article” and that the majority of the Cameroonians would be against the removal of this article, because “the Cameroonian people are not ready to accept homosexuality”.

Concerning the assassination of Eric Ohena Lembembe, Mr Ndoki said he learned about it from the radio, “I was going home around 7 or 8 pm when I heard on RFI that a human rights defender had been murdered. I immediately called the Regional Chief Officer and the Director General of the Judicial Police, who is with us here now, and I said that everything had to be done to investigate the case since the victim was a human rights defender. We did what needed to be done, and then the police and the fire brigade went to work. A man had died, but for the police this was nothing unusual since we have a lot of assassinations. We were looking for people who had been in a bar with him. Was this a vendetta? He lived in a room in the Tongolo district because he was not on good terms with this family. The police did everything it was supposed to do in this case. That’s why we were very surprised by the international reactions and the direct attacks against the President.”

In response to precise questions about how the enquiry was carried out, the following answers were given:
- there was “an autopsy and everyone was invited”;
- there are “two forensic reports that are in the files of the examining magistrate”;
- two or three days after the corpse was found, the Director of the Judicial Police took the case away from the regional police to be sure that the investigation would be carried out properly;
- everything was done under the supervision of the Public Prosecutor;
- the police took photos but were not able to take fingerprints. The Director of the Judicial Police added: “When I took over the case, three days after the corpse had been found, we did not take fingerprints because the premises were already too ‘polluted’, it was too late. But we followed up on every clue.”

It would be worthwhile comparing these statements with the statements made by Eric Lembembe’s family and friends (see Part III. 2 below).

In answer to the question about complaints lodged by defence lawyers Alice Nkom, Michel Togué and Maximilienne Ngo Mbe (for threats and burglaries – see Part III 1.1.), the Director of the Judicial Police said that “he didn’t know about those cases”.

To conclude the discussions, the mission was told that “in Africa and especially in Cameroon a profit-seeking market in human rights is being developed. But there is no reason to protect one category of persons or defenders rather than any others”.

2.3. Judicial powers

According to the Cameroonian Constitution, (article 37) Judicial powers shall be exercised by the Supreme Court, Courts of Appeal and Tribunals throughout the national territory. The magistrates shall guarantee respect for individual rights and freedoms and, in exercising their jurisdiction functions, shall be governed only “by the law and their conscience”.

Article 37 also states that the Judicial Power shall be independent of the Executive and Legislative powers and stipulates that the President of the Republic, as Head of State, shall guarantee this independence.

The President of the Republic is the President of the High Council of the Judiciary, whose role is to appoint and discipline the magistrates. The Minister of Justice is the Vice President. The career of the magistrates, thus, is under the control of the Executive branch.

Many people told the mission delegates about the deep corruption within the Cameroonian judiciary, that is sapping confidence in the justice system. From reports received by the mission’s delegates, many magistrates, apparently, – who rank among the highest paid civil servants, – accept bribes and “barter” their decisions.

The mission was told that magistrates handling cases connected to homosexuality do not seem much concerned about the right to a fair trial, nor the value of the evidence when sentencing the accused. This situation further emphasises the pressure on and threats against defenders of the rights of LGBTI persons.

Another problem is the malfunctioning of the legal assistance services, established by the law of 14 April 2009 in order to guarantee access to justice and a lawyer for all citizens. The mission delegates were told that obtaining proof of indigence is a hard battle. The administration only issues certificates of indigence after a social enquiry has been conducted, which involves a visit to the home of the applicant but if the applicant wishes to obtain the certificate within a reasonable time, s/he has to pay the cost of the government agent’s visit. This cumbersome, costly procedure and the time required to process the application for legal assistance makes the system inoperative. Further, the ridiculously low payment that the State makes to lawyers assigned by the legal assistance services, i.e. 5000 CFA (about 7.60€ or $10.) per case and per hearing, does not motivate the lawyers to provide worthy defence services. And when the case involves LGBTI persons, the lawyers who accept to take the case are quickly “earmarked” and are subjected to threats and prosecution (see Part III 2.3.). The result is that only 4 or 5 members of the Cameroon Bar, which is composed of 2500 lawyers, accept to defend persons accused under article 347 bis of the Penal Code.
Furthermore, the Supreme Court of Cameroon has not yet taken a stand on article 347 bis. It has only dealt with two cases:
- Singa Kimie and Ndjome Francky (called the “Jonas and Francky case”), two transgender persons sentenced to 5 years in prison by the criminal court for their feminine appearance. On 7 January 2013, the appeals court quashed the sentence. The Public Prosecutor referred the case to the Supreme Court, but no date has been set for the hearing. The waiting time for hearings before the Supreme Court apparently is about 10 years.
- On 17 December 2012, the Court of Appeals sentenced Roger Mbédé to three years in prison for having sent an affectionate texto to a man. His lawyer seized the Supreme Court but Roger Mbédé, who was released for medical reasons and did not attend the hearing before the Court of Appeals out of fear of being sent back to prison, died on 10 January 2014.

Prosecution based on homosexuality

The mission was told that prosecution for “homosexuality” started in 2005 with the “Case of Yaoundé 11” and that numbers had been growing since 2011, especially in Yaoundé. ADEFHO has recorded the arrest and prosecution of 51 persons suspected of homosexuality between 2005 and 2013. According to the association Alternatives-Cameroun, Cameroon holds the world record in the number of LGBTI persons arrested. 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 person in 2010 and 2011 according to the Ministry of Justice).
At the time of the mission, there were at least 20 persons who apparently were imprisoned on the basis of article 347 bis.

2.4. The National Commission for Human Rights and Freedoms (CNDHL)

The National Commission for Human Rights and Liberties (CNDHL) is nearly the only state institution in Cameroon whose role is to promote and protect human rights. Human rights defenders quite rightly based all their hopes on this commission. Unfortunately it lacks resources and independence from the Executive Power with which it often agrees on the (non) protection of defenders of the human rights of LGBTI persons, despite the potential its has for action thanks to its strong mandate and its flexible structure.

CNDHL and defenders of LGBTI persons’ rights

The National Commission for Human Rights and Freedoms (CNDHL) in Cameroon was created through Law No. 2004/015 of 22 July 2004. It is said to be independent; its mandate includes consultation, observation, evaluation, dialogue, meetings, promotion and protection in the field of human rights and freedoms.

CNDHL is composed of four specialised sub-commission whose aim is to cover all the issues related to human rights. Sub-Commission 3, for instance, which focuses on vulnerable populations, works on the problems of people living with HIV/AIDS and can also work on the issue of the right to healthcare for LGBTI persons and call upon the public authorities to take effective steps to fight discrimination in the public healthcare facilities against men who have sexual relations with other men (MSM).

Similarly, Sub-Commission 4 on special issues can work on protection for human rights defenders who are subjected to threats, intimidation and reprisal because of their efforts to
guarantee access to human rights for everyone, without discrimination, including discrimination based on sexual orientation and gender identity.

The 2012 Annual Report shows that CNDHL activities in support of LGBTI persons and LGBTI persons’ rights defenders were limited or almost non-existent. CNDHL was informed about the anonymous threats against two lawyers, Alice Nkom and Michel Togué, for their activities in defence of LGBTI persons’ rights, and the members of the CNDHL littoral region branch made a field visit, but nothing was done thereafter.

The mission delegates met with the President of CNDHL and sub-commission members, and talked about field visits to the place where violence occurred against LGBTI persons and defenders of LGBTI persons’ rights, especially in the Eric Ohena Lembembe case. The Commission informed the mission that it withdrew from the Lembembe case to allow the judicial services to work freely when the case was transferred to the examining magistrate. Our organisations felt that as part of the CNDHL mandate for consultations, dialogue and alerts, the Commission has the duty to monitor cases that are before the courts and to demand that justice be done in a timely manner and with respect for the principles of a fair and equitable trial.

The mission was given a list of the cases of defenders of LGBTI persons’ rights being handled by the CNDHL upon referral, but the Commission explained that it was difficult to establish contact with presumed homosexuals, members of their families, and LGBTI rights defence associations since they needed to protect their safety and privacy. Here again, this reflects the distrust between the activities and organisations defending LGBTI persons’ rights and the CNDHL whose position on homosexuality is not reassuring.

Actually in its June 2013 report on the state of human rights in Cameroon in 2012, the Commission did not hide its refusal to protect LGBTI people “as long as sexual relations between people of the same sex is considered illegal”24. Furthermore, the Commission asserted that “homosexuals living in Cameroon are not stigmatised nor systemically sanctioned because of their sexual orientation”25. In his response to the press release by Amnesty International following the publication of a report that pointed to the persecution of homosexuals in various neighbourhoods and in the prisons, the President of the Commission explained that “the position of the CNDHL is similar to that of the nation (the government)”26, notwithstanding the independence granted to the Commission by the law that created it.

In the January-March 2013 issue of the Commission’s magazine Born Free, Jacques Doo Bell, a member of the Commission, compares homosexuals to “highway bandits and chicken thieves [who are] systematically lynched by the crowd” and therefore “recommends that they be extremely careful and discreet”27 (CNDHL, Born Free no. 31 pp. 3-4).

Last, through discussions with CNDHL and with Cameroonian government representatives, the mission delegates concluded that a certain confusion was being maintained between demands for the right to same-sex marriage on the one hand and the need to protect the human rights of LGBTI persons to comply with the principles of universal access to rights and non-discrimination for all individuals, including LGBTI persons living in Cameroon, on the other. This confusion is combined with a conspiracy theory that assimilates homosexuality with “freemasonry”, “casting couch”, “western homosexual lobbying”, etc.

26. Report can be heard on the CNDHL home page http://www.cndhl.cm/
27. See CNDHL, Born Free, no. 31, pp. 3-4.
3. Religious, media and diplomatic reactions

The Church

According to most of the mission’s sources, the statements by the representatives of the Catholic Church did not contribute to lessening what they considered as “a manhunt for homosexuals and defenders of LGBTI persons’ rights” that started in 2005. On the contrary, they made the situation worse.

Simon-Victor Tonyé Bakot, Archbishop Emeritus of Yaoundé, made a name for himself through several clearly homophobic statements. During mass on 25 December 2005, he said that “because of their senior positions in our government, homosexuals are responsible for the misery in Cameroon and the unemployment of our graduates” and hinted that to obtain a job or a promotion, men had to agree to having sexual relations with their male superiors.

Bakot’s homophobic statements were repeated by many priests in Catholic churches throughout the country. Following all this preaching, on 10 January 2006 the Imam Cheick Ibrahim Mbombo denounced homosexuality and pædophilia that he felt were “degrading”.

In a discussion with the mission, the spokesman of the bishopric of Yaoundé said, “homosexuality is a defect, although the Church condemns the sin and not the sinner. Persons who commit these acts need help to convert and leave the path of sin”.

The media

In February 2006, after the homily by Simon-Victor Tonyé Bakot, three newspapers published the “Top 50” a list of perceived homosexual Cameroonian personalities (political leaders, business leaders, artists). Even now the Cameroonian papers regularly print articles that assimilate homosexuality to witchcraft, disease, pædophilia and rape, even a sectarian aberration or freemasonry that comes from the western countries.

In August 2012, Sismondi Barlev Bidjocka, a journalist and the self-proclaimed president of the homophobic group called the “Cameroonian Youth Rally” (Rassemblement de la jeunesse camerounaise – RJC) made a claim to fame by starting the “International Day Against Homosexuality”. Sismondi, in June 2012, speaking on Vox Africa television, said: “homosexuality is a crime against humanity” and that he intended to hunt down homosexuals. He only operates in Yaoundé and his last “international day” only attracted about 30 people (including the activists supporting the LGBTI cause, who came as observers).

Everyone who spoke with the mission said how difficult it was for journalists to support the rights of LGBTI persons because of the position of their management and the threats they would receive. Only Stéphane Tchakam, journalist and founding member of Alternatives-Cameroun, and Eric Ohena Lembembe, journalist and co-founder of the Cameroonian Foundation for AIDS (CAMFAIDS) dared speak out in public.

The mission met Alex Gustave Azebaze, journalist and former president and honorary adviser of the National Union of Cameroonian Journalists, – which was created in 2003 and is a member of the International Federation of Journalists (IFJ), – that carried out a study on how journalists treat homosexuality in Cameroon, together with PRODHOP, a human rights defence association created in 1996.

According to him, the Cameroonian media transmit homophobia because of:

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- insufficient training for Cameroonian journalists (although more than half of them have university degrees nowadays, human rights is not a subject that is taught in the journalism schools and there are no lifelong training courses);
- ignorance and the ease with which certain journalists claim they are the product of the “nebulous concept of the so-called African culture” which does not recognise homosexuality;
- their taste and search for sensational events that boost sales.

This is how most of the media transmit and sustain feelings of hate and exclusion towards LGBTI persons and the defenders of their rights instead of serving as a source of tolerance and appeasement.

During his discussions with the mission delegates, Mr Azebaze remembered that any journalist who criticised the “Top 50” list that was published in 2006 was immediately “accused of being a homosexual himself.”

The mission was also told, to be fair, it must be added that most of the old generation of journalists and magistrates were educated in the colonial school “where we were not taught to think for ourselves, but only to obey orders from above”.

As for the radio, which is the most important media in Cameroon since it is available to everyone, Mr Azebaze said that the radio had to be consensual or risk being “closed at any time for broadcasting information considered subversive”.

It must be noted that it was the international media that broke the news on the murder of Eric Ohena Lembembe and that the local media said very little about it. Mr Azebaze said he did not know Lembembe as a journalist but as the communications man of an association. He learned about the murder through the “buzz that came from abroad”, from RFI, France 24 and press releases from international human rights organisations because “here the press did not write much because the Cameroonian media are in an ambivalent position: if the subject irritates the authorities, they will stay away from it”.

**Diplomatic representations**

The mission met with several diplomatic representations accredited to Cameroon; they, more or less actively, are using discreet diplomacy to support improvements in the protection of the rights of LGBTI persons and their defenders in Cameroon. But the scope of their actions, and hence the results they achieve, are limited by their mandate and their personal commitment.

Between 2011 and 2013, the European Union funded the Supervision of Sexual Minorities Project (PAEMH), which included legal and medical assistance for persons detained and/or arrested because of their sexual orientations. Some of these people suffered from HIV/AIDS. PAEMH also included advocacy to the Cameroonian authorities, especially to convince the Supreme Court to take a stand on the legality of article 347 bis, which criminalises homosexuality. Advocacy also focused on universal access to healthcare for homosexuals. The Cameroonian Government openly expressed opposition to EU funding for a project that supported homosexual minority groups.

The mission was also told that the question of the rights of LGBTI persons and their defenders was sometimes central to the political dialogue between European and Cameroonian representatives who meet to discuss cooperation, draw recommendations and follow their implementation. Apparently the implementation and the impact of the recommendations from policy discussions on the protection of LGBTI persons’ rights are very limited.


30. On 13 January 2011 in Yaoundé, the Minister of External Relations, Mr Henri Eyob Ayissi summoned the head of the EU Delegation, Mr Raouil Mateus Paula, to talk about European funding for the PAEMH project. The Minister apparently said: “the Cameroonian people are not yet ready nor willing to back the development of such practices on Cameroonian territory”. See the Observatory’s Press Release on the protection of human rights’ defenders dated 10 February 2011.
Besides the PAEMH (which was brought to a halt) and the political dialogue, the mission did not hear about any other substantial initiatives, except for efforts by certain embassies to provide support for the human rights defenders involved in defending LGBTI persons’ rights who receive threats regularly. The homophobia and the incitement to hate homosexuals that are clearly expressed and/or tolerated by the State and its institutions inhibits the possibilities for action by embassies since they are anxious to maintain good diplomatic relations and avoid criticising their host-State.

This situation is problematic and leaves the defenders of LGBTI persons’ rights in a precarious position, even financially. Most of the organisations defending the rights of LGBTI persons in Cameroon do not have the resources to maintain medical or information centres for persons with HIV/AIDS, provide legal and emergency aid for people who are arrested, investigate violence, etc. Most of these organisations do not have their own offices (even less, “safe” offices) and receive little legal support, etc. There is a great need for capacity building and training for defenders of LGBTI persons’ rights in areas such as documentation, data security, project management, physical safety, management of emergencies, communication, media management, network coordination, etc. Many of the defenders are working free-of-charge and yet frequently receive threats, and in some cases are ostracised by their communities and families.
III. VIOLATIONS OF THE RIGHTS OF LGBTI RIGHTS DEFENDERS

Although article 347 bis of the Cameroonian Penal Code was adopted in 1972, the mission was told that prosecution based on this article only started in 2005, more specifically on 21 May 2005 with the arrest of 32 people in a bar in Yaoundé. This led to the “case of Yaoundé 11” since 11 of them were sentenced to prison. Then came the 2005 Christmas homily by Simon-Victor Tonyé Bakot, Archbishop Emeritus of Yaoundé and the publication of the list of “50 personalities” in February 2006. Homophobic talk spread among the public, with confusion. Homosexuality was assimilated to practices such as ‘casting couch’ practices, rituals related to witchcraft or freemasonry or even paedophilia.

At this stage, the LGBTI community and several human rights defenders decided to join together and create associations (never officially dedicated to the LGBTI cause, See II 2.2. above) making themselves more visible, but also more exposed to risks.

Civil society representatives told the mission that threats to persons identified in the LGBTI group and to their defenders (activists, associations and lawyers) have increased sharply since 2010.

The fact that some defenders received financial support from abroad nurtured the fantasy that homosexuality was “a deviant behaviour imported by the whites”. This was repeated by some of the people who met with the mission, and said that this was in order to discredit these associations which are criticised for being supported by the “international gay lobby” and whose real motivation is said to be purely financial access to fast, easy money.

In this tense environment where the “LGBTI issue” is politically manipulated the LGBTI persons’ rights defenders are often hampered in their work, blackmailed and persecuted, sometimes followed by arbitrary detention and even a violent death, but the Cameroonian authorities do not seem to understand the importance of this scourge nor do they seem intent on fighting it.

In general, we noted that the inaction of the police and the judicial authorities encourages persecution. Even worse, in some cases the police or the magistrates initiate or help with the persecution of people because of their real or presumed homosexuality and the defenders of these people.

1. Obstructed right to freedom of association, threats, burglaries, blackmail, arbitrary arrests and detentions, and impunity

In all the examples below, the authorities responsible for public order and citizen safety were informed, and complaints were legally filed but no thorough investigations have been carried out and no protection has been afforded to guarantee the safety of the targeted people and associations.

1.1. Associations for the defence of LGBTI persons’ rights

Alternatives Cameroun (Douala), founded in 2006 by Dr Steave Nemande and designer Parfait Behen, is the oldest Cameroonian association for the defence of sexual minorities. The association is registered as an NGO, an “association for the defence of human rights” (registration receipt dated 27 October 2006 indicates this social goal). In 2008, the association was able to open a healthcare centre (“Access Centre”) thanks to support from two donors, but for the last years has been waiting for authorisation from the Ministry of Health to have it recognised as an authorised care centre.
For the last several years Alternatives-Cameroun has applied a strategy based on visibility and openness in an effort to create an easier atmosphere and “de-demonise” homosexuality. The entrance to the offices passes through a newsstand/snack bar that leads to the street and is open to everyone. Every year the association organises public events, including a youth day on 11 February, Saint Valentine’s Day on 14 February and a free screening day in December.

On 27 June 2013, fire broke out in the offices, ostensibly the work of arsons. The fire-fighters came quickly enough to limit the damage to one office and reported the fire to the neighbourhood police station. The police came and the association filed a complaint but up to now, nothing has been done about it.

On 28 December 2013, one of the members of Alternatives-Cameroun was swindled. A senior representative of the association went to the police station to file a complaint against the blackmailer but nothing has been done since that time. Barrister Alice Nkom wrote to the Police Commissioner in January 2014 but has not received any response.

Victims of swindlers

“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”.

Testimony by a member of the LGBTI community met in Yaoundé on 10 January 2014.

Adonis Tiedjou of AIDS ACODEV (Douala) deposited an application file with the Wouri Prefecture in 2008 in order to create an association that he called “Acodes Cameroun Sex Workers”. After two refusals, in 2010 he applied to the Edea Prefecture with a new name and a new social purpose, and obtained a receipt in 2011. The association moved to Douala and filed its updated statutes with the Douala Sub-Prefecture. After several years of working without an official office, on 1 May 2013 the association opened the “Centre Empower” in Douala. It has been official recognised by the Ministry of Health and all the local and government authorities.

Since November 2013 Adonis Tiedjou and the Administrative Director have been receiving threatening messages on their cell phones. In December 2013, thieves stole Adonis’ computer, camera and various documents from his office. The Association filed a complaint with the Police Station but nothing has happened since. On 23 December 2013, one week after the meeting held at the AIDS ACODEV office for the International Day to End Violence against Sex Workers, two people attacked Adonis Tiedjou in the street, in front of the Centre and threatened him with a knife. They slashed his bag and then fled, after passers-by started yelling.

ADEPEV, the Action for Development and Fulfilment of Vulnerable People, with headquarters in Yaoundé, was created by a group of committed people in 2009 after the death of several people who were identified as homosexuals. It is run by Marc Lambert Lamba, a prominent figure in the Cameroonian LGBTI movement. He is especially involved with people in prison (and at the time of the mission was monitoring the situation of 18 people incarcerated in Yaoundé) during both their detention period and after they are released. ADEPEV has created a telephone hotline to report “swindlers-blackmailer”; close to a hundred cases have been reported since 2012.

Marc Lambert Lamba, with the help of Amnesty International put great effort into defending Roger Mbédé. On 7 January 2014, three days before Mbédé’s death, Mbédé’s family detained Marc Lambert Lamba for half a day and demanded that the judicial file, the university docu-
ments and all the picture of Roger be brought back to the village so that “we can at last break the curse of shame”.

After Eric Ohena Lembembe’s death, Marc Lambert Lamba also helped Lembembe’s friends and obtained the assistance of barrister Michel Togué, to defend them during the police interrogation and the detention in police custody as “witnesses to the murder” (see III-2 below).

**Affirmative Action**, whose head office is in Yaoundé, was created in 2008 and received a registration receipt in 2010. Its main mission is to decrease HIV in vulnerable populations such as the physically disabled, street children, etc. The Executive Director is Serge Yotta. Affirmative Action has three action programmes: 1/ sexual health (MSM proctology consultation, social support and discussion groups for LGBTI persons, distribution of condoms), 2/ human rights (document violations, help LGBTI persons ostracised from their family or just leaving prison: a “refuge chamber” is being built in the new premises, and 3/ work on the gender issue (all identities that “do not conform to the norm”).

The association’s activist are often insulted (“dirty tchélés [faggots], you’re going to have to leave this area”), even by text message on their cell phones. They answer by saying, “the prevalence rate in Yaoundé is 44% so too bad for the insults. We need to fight!”

**CAMFAIDS – Cameroonian Foundation for Aids** was created by Dominique Menoga and the journalist Eric Ohena Lembembe, in Yaoundé in 2009 but only became legal in 2012, with the social goal being “respect for human rights, especially the right to information, health and education for the most vulnerable people”. More specifically CAMFAIDS’ work aims at making society more tolerant and accepting of LGBTI people and getting homosexuality decriminalised in Cameroon. CAMFAIDS is a very active association that is finding it difficult to recover from the assassination of its Executive Director, Eric Ohena Lembembe in July 2013 followed by the arrest of several of its members who were suspected of complicity in the murder (see Part III-2 below). The former President of the association, Dominique Menoga, had to leave the country for security reasons. Nevertheless, CAMFAIDS is developing more activities and is providing legal, psychological and material assistance to LGBTI persons who are in unsafe situations, police custody and detention.

**Humanity First** was created in Yaoundé in January 2010 to reduce the HIV/AIDS pandemic. It obtained its registration receipt in September 2010. “At that time the message was ‘hetero-centred’; we decided that we had to help ourselves. But we knew that we couldn’t talk about LGBTI persons or sexual minorities, so we filed as an association to fight HIV/AIDS within vulnerable populations.”

The activists received threats. A neighbour warned them that young people from the area were “preparing to throw them out using clubs”. One of the leaders of the association told the mission delegates: “We act wisely. If we stick our necks out, it has to be worthwhile. For instance, last year France 24 interviewed me and the interview was repeated all day long!” I got phone calls all day long, especially from friends who asked me why I was defending homosexuals and said, “What are you getting into? In any case you’ve always been a bit weird!” I said, “All this is counter-productive. Radio interviews are okay, being interviewed by RFI didn’t cause any problems, but it’s dangerous to be on television.”

**CAMEF** works in Limbé and Buea. In 2011, Bill Simbo submitted an application to the Limbé Prefecture to create an association called “ESPOIR PLUS” whose purpose was to protect LGBTI people. Since he did not receive an answer from the Prefecture, he submitted another application in 2013 under a different name and with a broader social goal: “protection of vulnerable persons”. He received his registration receipt in one month.

The CAMEF activists regularly receive threats by mail and by text message. On 20 December 2013 the association’s offices in Limbé were ransacked and their equipment was stolen. Bill Simbo went to the police station to file a complaint, but the police refused to accept the complaint and said, “encouraging homosexuality is bad.”
CAMEF, whose offices are located in a small anonymous house on a hillside away from the city of Limbé, would like to move its headquarters to the centre of the city where the activists and the visitors will feel safer and where the association plans to create a care centre.

CAMEF is also active in the university town of Buea but it does not yet have its own offices there. Its activists meet in a student’s room and, for the time being, prefer not “standing out too much as defenders of LGBTI persons’ rights” since they have all been persecuted because of their homosexuality during the last two years.

ACODEVO (Association for impoverished and vulnerable communities of the coastal region) was created in December 2011 in Kribi with the assistance of its “big brother” ACODEV in Douala. 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.

In 2013 after an “anti-gay” parade organised by the city with the bishop of Kribi, ACODEVO stopped all its activities for two months. The activists are gradually resuming activities thanks to the contacts and good relations that the members of the association have maintained with the representatives of public administration and the priests in the Catholic Church.

1.2. General associations for the defence of human rights

The rights of members of general human rights associations are often violated, as can be seen by the number of urgent appeals launched by the Observatory during the last few years.

So few associations work on the problem of LGBTI rights that activists of human rights organisations which include LGBTI issues amongst their activities can be targeted for threats and rights violations.

That is the case for the Human Rights Defenders Network in Central Africa (Réseau des défenseurs des droits humains en Afrique centrale – REDHAC), which was created in 2007 in Kigali, Rwanda with headquarters first in Bukavu (DRC) and then, as of July 2010, in Douala. Ms Maximilienne Ngo Mbe is the REDHAC Executive Director. The network obtained its registration receipt in 2011 with its social goal shown as “defence of human rights defenders”. The words “without discrimination” were added later.

According to Ms Ngo Mbe, “all defenders are subjected to persecutions and reprisal for their actions. Defenders known to defend the rights of sexual minorities are targeted more severely than the others”. In 2009, REDHAC, together with Alternatives-Cameroun and Amnesty International, organised a forum on the topic of sexual minorities. Since that meeting, Ms Ngo Mbe is seen as a “defender of LGBTI persons” and has received increasingly serious threats. She has received death threats on her cell phone, and the human rights of several members of her family have been violated. Her niece, who lives with her, was kidnapped in 2012 by armed men in uniform, sexually abused and tortured. Then, on 5 April 2012, unidentified assailants tried to kidnap Ms Ngo Mbe’s son at school. On 1 June 2013, the REDHAC headquarters in Douala was robbed. Ms Ngo Mbe filed a complaint at the police station on 2 June 2013. She met with Mr Ndoki, Secretary General of National Security, and personally gave him the file on the threats to her and her family and the medical file confirming the sexual abuse of her niece. He promised to do everything possible to find the culprits. Despite her many reminders, nothing has been done.

about Ms Ngo Mbe’s complaint. Because of those events, she had to resign herself to sending her children away; they are now studying abroad. During the night of 12-13 June 2014, REDHAC was burglarised again. No action has been taken following the complaints that were filed, and acknowledged by certificates of deposit.

1.3. The lawyers

To date, the Cameroon Bar association counts about 2,500 members. The mission was told that the members of the Bar have the same ignorance of and attitude towards homosexuality as the man in the street in Cameroon. Widespread, institutionalised homophobia has such a strong effect on the opinions and positions of the Cameroonian lawyers that the 4 or 5 of them who agree to defend LGBTI persons before the courts are stigmatised by their colleagues and the society.

The mission met with barrister Joseph Claude Billigha, a member and treasurer of the Bar Council and former president of the Human Rights and Freedoms Commission of the Cameroonian Bar Council, who explained that “the Cameroonian society is homophobic” and that colleagues who work on legal cases connected to homosexuality “are conduits for funding” who “take advantage of an opportunity to receive funds from abroad”.

He went on to say that if western countries, like France, condone sexual freedom, they should also accept polygamy. Mr Billigha also explained that:

- “in former times, Cameroonian homosexuals were looked upon as the white man’s woman, who accepted money from the whites, and it was said that the white man penetrated them from behind and took away their chances” but “now the habits of the whites have been taken over by the blacks” and “the white people want to force us to accept that”;

- people who say they are LGBTIs do that for mercantile, financial reasons or “sleep their way up the ladder” (“promotion canapé”) or else to be accepted by the freemasonry.

This kind of talk explains the problem of providing effective legal aid for sexual minorities, which is almost non-accessible for the people who usually need it. There are only four Cameroonian lawyers who have been identified as lawyers who accept “homosexuality cases” and are committed to defending people who are prosecuted in sexual orientation cases, namely, Mrs Alice Nkom in Douala, Mr Michel Togué and Mr Ndogo in Yaoundé, Mr Walter Atoh in Kumba.

These lawyers, defenders of LGBTI persons’ rights, are often threatened and since 2012 have been systematically harassed. Some lawyers have created associations to strengthen their capacity for action.

ADEFHO, Association for the Defence of Homosexuals (Association de défense des homosexuel-le-s) was created in Douala in 2008 by barrister Alice Nkom. It has not been able to obtain a registration receipt, but,
according to Ms Nkom, silence on the part of the authorities means that the application has been accepted. The lack of a receipt does not prevent the association from existing, but limits its capacity to act. Alice Nkom also created an association called COFENHO (no registration receipt either) and SID’ADO which has obtained a registration receipt.

On 27 March 2012, the seminar on the rights of sexual minorities organised by ADEFHO and SID’ADO in Yaoundé was interrupted, the participants were attacked, and one of the organisers was questioned by the police.

Pro-Bono Group (Kumba) is an association of lawyers created by barrister Walter Atoh M. Tchemi in 2009. He obtained a registration receipt from the Kumba Prefecture after making several amendments to the statutes. Mr Atoh told the mission about several attempts to intimidate him, even by a judge in a public hearing, and anonymous phone threats like (in 'pidgin' English: “You are defending someone who destroys the anus of our sons, God will punish you”). Since 2012 barristers Alice Nkom and Michel Togué have received a series of anonymous threats on their cell phones and through emails because of their work on homosexuality cases. A text message to Mr Togué threatened his school-aged children. Another sent the following warning: “There is no room in this country for faggots and their defenders” and a third warning told him that if he didn’t stop “defending his homo ideas” he might find himself “at the bedside on one of his dying children”. The sender attached a picture of Mr Togué’s children leaving school.

An email sent to Alice Nkom said: “if you don’t stop, just wait and see…” and warned her, “it will be bloody”. The message also contained threats against her children. And in another threatening message to her clients, the sender announced: “we just need to find the house... we already run the district”.

During the night of 16-17 June 2013, burglars entered Mr Togué’s office in Yaoundé and stole confidential legal files and a laptop computer, flash drives and the lawyer’s passport. They left a large sum of money that was in a drawer although the drawer was open, thereby indicating that this was not an ordinary crime. Mr Togué decided to stay in Cameroon to carry on with his work.

Barrister Togué filed a complaint with the Yaoundé police and barrister Nkom has lodged a complaint with the Public Prosecutor of the Republic in Yaoundé and Douala: no reaction.

2. The murder of Eric Ohena Lembembe: a symbolic case with legal proceedings at a standstill

On 15 July 2013 Eric Ohena Lembembe was found dead in his home. He was a journalist devoted to protecting the rights of LGBTI persons and the Executive Director of the Cameroonian Foundation for AIDS – CAMFAIDS.

Lembembe was beaten to death. His aggressor(s) apparently broke his neck and his feet and burned his face, hands and feet.

Besides his work at CAMFAIDS, he was the editor-in-chief of the newspaper La Tribune du citoyen, he worked for the newspaper Le Jour and for the press service of ASSOCIAL, Association des amoureux du livre (booklovers’ association). He was one of the writers of the blog “Erasing 76 crimes” that speaks out against discrimination and violence based on sexual orientation and real or imputed gender identity/expression and violence against defenders of the rights of LGBTI persons. He also worked with several organisations such as Alternatives-Cameroun and ADEFHO. Further, he contributed to the drafting and distribution of a report published by Human Rights Watch in 2013 that, inter alia, submitted recommendations to the UN Human Rights Council for the Universal Periodic Review (UPR) on Cameroon in May 2013. He was a co-author for the book From Wrongs to Gay Rights.
The murder of Eric Ohena Lembembe was condemned by the United States, the European Union, France and many local and international organisations. Representatives of the EU delegation, the Ambassador of the United States and the High Commissioner of Great Britain attended his funeral.

The news was retransmitted by several media, mainly international, e.g., France 24, Radio France Internationale (RFI), BBC, The Guardian, Huffington Post, and Libération. The Cameroonian Minister of Communication reacted by holding a press conference at which he refused to comment on, or condemn, the murder and asked the media people not to talk about it anymore.

During the investigation, the police apparently did not take photos at the scene of the crime and most of the investigation focused on the sexual orientation of Eric and his colleagues. Some of his friends were even put in prison for several days, which was completely illegal. They were not held as witnesses or put under police custody and their homes were searched without a warrant. Some of Eric’s colleagues protested about the theft of CAMFAIDS confidential documents with information that would make it possible to identify LGBTI persons the association was helping.

According to Marc Lambert Lamba (ADEPEV) and Adonis Tiedjou (AIDS ACODEV), Eric died “a few days after an investigative assignment in Bamenda” about soldiers in a barrack. “He had taken over from Stéphane Tchakam; everyone knew him. He did not hide what he was doing”, “he had received threats on Facebook but he didn’t know where they came from and he did not take them seriously”.

Eric’s mother met with the mission delegates on 11 January 2014 and told them: “I only heard about my son’s death on Monday 15 July 2013. On Tuesday I went to the police station and said I wanted to see my son’s corpse, but I was told that I could not see it because the body had already rotted. Barristers Alice (Nkom) and Saskia (Saskia Ditisheim – President of Lawyers Without Borders-Switzerland) arrived, and we went to the morgue, but they wouldn’t show me the body. The media were talking about Eric’s death and the judicial police called to say to go and get the corpse, but at the 6th district police stations I was told that the body was under seal for the justice department and that I should come back to remove the corpse on August 3rd. That was the day that I saw the coffin, but it was sealed and I never was able to see the body. No one in the family saw Eric’s body, nor did any of his friends. I did not bring it back to the village. He’s buried here in Yaoundé. After the funeral I asked for the autopsy report. The doctor said that I should turn to God and that they hadn’t seen anything. But when I went with my daughter and Michel (Michel Engama - CAMFAIDS) to see the Divisional Commissioner, he said he would call when the autopsy would take place. But nobody called me; they just called me about removing the body. When the police interrogated me, they asked me about how he was born, what life was like with my son and if there had been any problems, and if he was a journalist. On 17 October 2013 I was summoned by the examining magistrate to be charged and interrogat-
ed about aggravated theft. I was ordered to appear on 23 October. When I arrived in the judge’s chamber, I asked him why, after having lost my son, I was being accused of aggravated theft. I said I wanted to be told what I was accused of stealing. The judge said that it was a typing error, and finally asked me to have the death certificate legalised. I did that the next morning and returned to give the certificate to the judge.

We went there every day that week (24, 25, 26 and 27 July) but the judge never received us. Every day, people acted as if they couldn’t see us. When we insisted, we were told that the judge saw imprisoned people first. Then, at 5 pm, the electricity was turned off and at 8 pm we were told that it was impossible to receive us without the electricity being on. I left the document with the judge’s secretary. She said that we would be called in again. Since that time I haven’t heard anything from the judge.”

On Friday 19 July, Saskia Ditisheim filed a complaint and had Michel Togué intervene.

Alice Nkom: “The police did not take any finger prints or photos at the scene of the crime. The police transmitted a file to the examining judge but let’s not have any illusions: the case will be dismissed.”

Alex Gustave Azebaze: “I didn’t know Eric as a journalist, for me he was just speaking as a member of an association. After his death, there were some articles in the Cameroonian press but the “buzz” came from outside (RFI, France 24, and press releases from international human rights’ NGOs). The Cameroonian media are in an ambivalent situation: if the subject irks the authorities, the media won’t dare say anything. The situation was the same when Stéphane Tchakam, a talented journalist, died. His death was treated with indifference after he “came out”.

Maximilienne Ngo Mbe (REDHAC): “Eric wrote for an online paper. He and Stéphane Tchakam, a journalist who worked for the private daily Le Jour and died in 2012, were the only two who had enough courage to write about the rights of LGBTI persons. Who could have committed this crime? In any case, it couldn’t be the Cameroonian government (because it does not fit in with the methods they have been using since 2007). But we have the feeling that the Cameroonian justice department does not feel like finding the guilty ones.”

Adonis Tiedjou (AIDS ACODEV): “Eric had taken over from Stéphane Tchakam, but he worked mostly on the Internet, on the ‘Erasing 76 crimes’ blog. Everyone knew him. He was very open in his work. What bothers me is that Eric died three days after we came back from Bamenda. It’s obvious that the police made a mess of the investigation because when they want to, they manage to find culprits in less than three days. But why should they bother themselves with “the problems of the faggots”? It was the same thing after the tragedy of the young man who was thrown out of the window in the Hilton Hotel. For the young man whose father was a billionaire, it was the father who wanted to cover up the story!”

Marc Lambert Lamba (ADEFHO and ADEPEV): “Eric was the editor-in-chief of the Tribune du citoyen, a monthly journal published by ASSOAL, a Cameroonian association. The police left, taking some of Eric’s friends (Michel and Cédric, members of CAMFAIDS) with them and kept them in police custody for three days as suspects! I called Michel Togué, the lawyer, and he got them out. But a few days later, the police arrested these same people again, and also arrested Eric’s little brother Anicet, his sister Alice and his mother.

The DAPJ sent the file to the DPJ which passed it on to the examining judge, Pascal Maniangguabe (alias “the judge of Kosovo”), but he hasn’t done anything for several months.

The lead lawyer in the case is Michel Togué.

I’m afraid that Eric’s brother, Anicet is being manipulated by others. He recently lashed out at Eric’s gay friends and apparently got into Eric’s personal computer after Eric was dead (while the police said that the computer had disappeared). This is very alarming because the computer has personal data, like photos and Eric’s address book.

Several complaints have been lodged against Anicet, but the police commissioner does not want to arrest him. He claims that Eric’s murder was just a crime of passion among gays who kill each other. Two or three weeks before his death, Eric participated in an investigation of soldiers in barracks
in Bamenda. He received threatening messages on his Facebook account but didn’t know who had sent them and ignored them.”

Stéphane Koche: “It was a tremendous shock. We didn’t see it coming because Eric was not as much in the limelight as people like Alice Nkom and Michel Togué, for instance. We were all scared stiff during the following weeks and months. This couldn’t be a crime of passion because Eric’s mutilated body clearly expressed the culprit’s homophobia. The investigation is slipshod because the Cameroonian police is extremely efficient [when it wants to be]. It has the best intelligence service. When it wants to, it can find a criminal in three days!”

Affirmative Action: “Murdering Eric was the act of an anti-gay. We think that the authorities are hiding something, otherwise they would have found the criminal. After Eric died, we said that we wanted to stop everything because we were too scared. As defenders we feel very unprotected, and we don’t have the resources to protect ourselves because our situation, like everyone else’s, is precarious. We are constantly looking for some quick funding. Maybe Eric wouldn’t have been killed if he had had more money, if he had been able to live in a safer district. Furthermore, the police doesn’t do anything to protect us. During the vigil, for instance, Eric’s little brother, Anicet, asked one of the beneficiaries of our association, Fabien, for his address. Fabien was too trusting and gave it to him. A few weeks later, in December 2013, Anicet and some of his friends armed with machetes and a weapon went to Fabien’s home and threatened him: ‘Just wait and see, the same thing that happened to Eric is going to happen to you.’ Fabien lodged a complaint but up to now, nothing has happened.”

Michel (CAMFAIDS): “We (Cédric and Michel) are the ones who phoned the police on Monday July 15th. The police opened the door which was locked from the outside, and found Eric’s body laying across the bed. The police called the fire brigade; they wrapped the corpse in a sheet and told everyone to leave. It smelled so bad that we couldn’t spend more than a minute in the bedroom. The police arrested the witnesses, and Eric’s mother and sister. We were asked what Eric did. What did he do in your association? Did he have a girlfriend? We gave all the hints we could think of but the investigators didn’t listen to us. They kept us in custody for three days, then the lawyer (Michel Togué) got us out. The investigators didn’t even see Eric corpse. In Eric’s bedroom, on Monday, we saw that his two computers and his little TV set were gone, but everything else was still there, perfectly tidy as usual.

Eric was a very pleasant fellow who, as far as I knew, didn’t have any enemies. A month there before he resumed his job as editor-in-chief of ASSOAL where everyone thought highly of him. He wrote a lot, especially on the site of ‘Erasing 76 crimes’. He had written on a series of recent homophobic events (arson in the Douala office of Alternatives-Cameroun, burglary at Michel Togué’s, threats against Alice Nkom) and the night before he died, he wrote an article on crooks who were swindling homosexuals. He was preparing to write an article on how the police harass gays.”

Not only are the complaints filed by the organisation and the individual victims left unanswered but more importantly, the irregularities and the lack of thoroughness in the legal proceedings in the Eric Ohena Lembembe case prove the indifference of the national judiciary in cases of violence against homosexuals. The investigation was originally assigned to the police station of the 1st district of Yaoundé, but then was turned over to the National Security Central Administration, before finally being entrusted to an investigating judge who, more than six months after the murder (the time of the mission), had only summoned Eric’s mother, sister and brother. The procedure and the methods were botched, to say the least.

The mission delegates were able to consult two of the of the procedural acts. Some parts require explanations. (1) The certificate on the cause of the death: the doctor just drew a line next to “cause of death” as if there was nothing to mention, despite the visible burns on Eric’s body, as described by the first people who discovered the body. (2) The summons to provide testimony, which the investigating judge used to call in Eric’s mother, sister and brother not as plaintiffs or witnesses, despite the wording of the convocation, but, “to be charged and interrogated for aggravated theft of which they are accused”.

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More than a year and a half after the murder of Eric Ohena Lembembe, the judicial investigation is at a standstill. The attitude of the courts in this case and in other referrals that have led nowhere summarise the passive role of the courts and tribunals in protecting defenders of LGBTI persons’ rights. The inertia of the Cameroonian authorities in this case is especially worrisome since it could make the perpetrators of crimes and persecution of LGBTI persons think they can get off scot-free. This will add to stigma and discrimination against LGBTI persons and the defenders of their rights.
IV. CONCLUSIONS AND RECOMMENDATIONS

The criminalisation of homosexuality, and the homophobia exacerbated by statements by representatives of the political and religious authorities, and also by the media create legal and physical insecurity for the defenders of LGBTI persons’ rights.

Although their actions are protected by international, regional and national law, they are threatened, insulted, harassed and are subjected to violence that can even lead to assassination.

The administration, the police and the judiciary make their precarious situation worse by refusing to register LGBTI persons’ rights associations, acting as accomplices in arbitrary arrests and ignoring complaints against the perpetrators of violations of the rights of the defenders of LGBTI persons’ rights.

Procedural irregularities and the superficiality of the investigation in the Eric Ohena Lembembe murder case stoked international indignation and illustrated the extremely precarious situation of the defenders of LGBTI persons’ rights in Cameroon.

The African Commission on Human and Peoples’ Rights (ACHPR), the body charged with the protection of the rights guaranteed in the African Charter on Human and Peoples’ Rights expressed concern about the situation of LGBTI persons and their defenders in Africa. The Cameroonian authorities must respect its recommendations by ensuring the safety and the rights of all Cameroonian citizens, without discrimination.

In order to reinforce the protection of human rights defenders, our organisations recommend:

To the Cameroonian authorities to:

• Respect the rights guaranteed by the international and regional instruments for the protection of human rights, ratified by Cameroon, in particular as concerns non-discrimination, freedom of association, the right to physical integrity, the ban on arbitrary arrest and detention, and the right of victims to a fair and equitable trial;

• Implement the recommendations of the international and regional instruments for the protection of human rights, in particular the 2013 concluding observations of the African Commission on Human and Peoples’ Rights (ACHPR) following the examination of the State report of Cameroon and resolution no. 275 of 2014 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, and also the recommendations of the United Nations Human Rights Council prepared during the 2009 and 2013 cycles of the Universal Periodic Review (UPR) and the concluding observations of the United Nations Human Rights Committee in 2010 following the examination of the Cameroon State report;

• Respect the provisions of the 1998 United Nations Declaration on Human Rights Defenders, in particular:

  - Articles 1 and 2 that stipulate that: “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”;

  - Article 12, para. 2 and 3 of the Declaration that stipulates that: “The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.
• Invite the special rapporteurs of the United Nations and the ACHPR on human rights defenders and on the rights to freedom of peaceful assembly and of association;
• Repeal article 347 bis of the Penal Code which criminalises homosexuality;
• Hold public discourse on homosexuality based on non-discrimination, non-violence and freedom of association and expression;
• Respect the law on NGOs, without discrimination towards associations that defend the rights of LGBTI persons;
• Ensure equal access to justice and carry out thorough, reliable investigations on all cases of violence, aggression, swindling and other violations of the rights of human rights defenders;
• Ensure that the investigation on the assassination of Eric Ohena Lembembe is carried out under optimal conditions, and that the persons responsible for the assassination are judged and convicted and that the family and lawyers are kept informed of progress made;
• Set up a truly effective and efficient legal aid system, especially to serve vulnerable populations such as LGBTI persons;
• Support initiatives and programmes of civil society organisations aiming at promoting human rights for all and fighting prejudice and all forms of discrimination.

To the Cameroon Bar to:

• Provide support for lawyers who are threatened and assaulted in Cameroon because of their work in defending LGBTI persons and for defenders of LGBTI persons’ rights;
• Enter into partnership with foreign bar associations to assist with the implementation of legal aid measures and particularly the defence of LGBTI persons and defenders of their rights.

To the religious authorities and the media in Cameroon to:

• Keep public discourse on homosexuality based on non-discrimination, non-violence and freedom of association and expression.

To the civil society organisations to:

• Start initiatives designed to improve interaction between general human rights NGOs and the LGBTI NGOs to strengthen overall protection of all human rights and especially the rights of LGBTI persons and their defenders.

To the States, development partners and donors to:

• Denounce all discriminatory legislation and practices and call for them to be repealed;
• Condemn violations of the rights of LGBTI persons’ rights defenders;
• Evaluate the needs of activists and dedicated organisations in Cameroon in terms of actions and security and provide technical and financial support to meet these needs;
• With regard to the European Union and its member States, implement the EU Guidelines on Human Rights Defenders and guidelines on the protection of defenders of LGBTI persons’ rights;
• Support initiatives and programmes of civil society organisations aiming at promoting human rights for all and fighting prejudice and all forms of discrimination.

To the African Commission on Human and Peoples’ Rights (ACHPR) to:

• Encourage decriminalisation of homosexuality and the protection of the rights of defenders of LGBTI persons’ rights, and grant observer status to associations for the defence of LGBTI persons’ rights.

To the United Nations bodies for the protection of human rights to:

• Continue to encourage Cameroon to decriminalise homosexuality and protect the rights of defenders of LGBTI persons’ rights.
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The Human Rights Defenders Network in Central Africa (REDHAC) is composed of national coalitions, human rights associations and NGOs, and other human rights defenders such as lawyers, journalists, etc., in compliance with the 1998 United Nations Declaration on Human Rights Defenders, the 2003 Kigali Declaration and the 1999 Grand Bay (Mauritius) Declaration and Plan of action.

REDHAC was created in 2007 to improve the status of defenders, train and support them, create solidarity amongst them and defend their rights under all circumstances in Central Africa. The REDHAC mission is to advocate and ensure that concrete actions (such as press releases, declarations, lobbying, etc.) are directed to the member States of Central Africa and the regional and international mechanisms for the purpose of obtaining recognition of the defenders’ daily work. This is essential for the establishment of democracy and respect for human rights in Central Africa.

The goals of REDHAC are:
• Capacity-building for defenders and for their work in the field by providing various types of support;
• Ensuring, by all possible means, the protection and safety of human rights defenders;
• Advocate to decision-makers and partners for recognition of the status of human rights defenders.

The network is operational in eight countries in Central Africa, namely, Cameroon, Central African Republic (CAR), Chad, Republic of Congo, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, and Sao Tomé and Principe.

REDHAC holds observer status at the African Commission for Human and Peoples’ Rights (ACHPR) and is a member of the steering committee of the Forum of NGOs that meets prior to the ordinary sessions of the ACHPR. It is a member of the Board of the Pan-African Network of Human Rights Defenders and a member of the Coalition for an Effective African Court on Human and Peoples’ Rights.

REDHAC has close to 250 members in Central Africa and five full-time employees.

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The African Men for Sexual Health and Rights (AMSHeR) was created in 2009 as a regional coalition comprised of 18 MSM/LGBT-led member organisations in 15 African countries that represent the whole continent. Its mission is to provide a response to the:

- Disproportionate effect of the HIV epidemic on the MSM;
- Human rights violations of these persons across the continent; and
- Insufficient attention given in policies and services to the issues faced by MSM/LGBTI at the global, regional and local levels.

Despite well-established evidence of the increased vulnerability of MSM’s to HIV infection in Africa, the government responses and policies throughout Africa to fight this situation are among the world’s least effective. To cope with this situation, AMSHeR has adopted four strategies:

- Advocate for the protection of LGBTI people from human rights violations, in particular through the implementation of protective legal and policy frameworks;
- Strengthen the capacity of national agencies and individuals working to improve policy, legislation and programming related to MSM sexual & reproductive health;
- Identify, advocate and increase access for greater resources, including technical and financial, and for better access to HIV prevention, treatment and care services;
- Facilitate the creation and dissemination of a database for a better human rights-based response to HIV in MSM communities.

AMSHeR carries out its mission by advocating, sharing information, building up synergies and exchanging advocacy tools and strategies within other human rights movements, including movements that fight discrimination on the basis of sexual orientation, gender, gender identity and HIV/AIDS status primarily in Africa but also around the world. AMSHeR is working to fulfil its mission to build “a community of MSM who are healthy and independent, with human rights for all”.

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Establishing the facts

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis. FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH’s alert and advocacy campaigns.

Supporting civil society

Training and exchanges

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

Mobilising the international community

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

Informing and reporting

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

17 passage de la Main-d’Or - 75011 Paris - France
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OMCT

Created in 1985, the World Organisation Against Torture (OMCT) is the main international coalition of non-governmental organisations (NGOs) fighting against torture, summary executions, enforced disappearances, arbitrary detentions and all other cruel, inhuman and degrading treatment or punishment. The strength of OMCT lies in its SOS-Torture Network composed of 311 NGOs from around the world.

Assisting and supporting victims

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions.

OMCT pays particular attention to certain categories of victims, such as women and children.

Preventing torture and fighting against impunity

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture.

OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

Protecting human rights defenders

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

Accompanying and strengthening organisations in the field

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture.

OMCT presence in Tunisia and Libya is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland
Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

• a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
• the observation of judicial proceedings, and whenever necessary, direct legal assistance;
• international missions of investigation and solidarity;
• a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
• the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
• sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
• sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory’s activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the “operational definition” of human rights defenders adopted by FIDH and OMCT: “Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments”.

To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org
FIDH  Tel: + 33 1 43 55 25 18  Fax: + 33 1 43 55 18 80
OMCT  Tel: + 41 22 809 49 39  Fax: + 41 22 809 49 29
TAB 19
Cameroon: Four gay men arrested, beaten in Kekem

Police in the western region of Cameroon arrested four men on Tuesday who were beaten until they acknowledged that they were gay.

From the African Human Rights Media Network
Kekem, Cameroon, is north of Douala toward the Nigerian border. (Map courtesy of Google Maps)

By Courtney Stans

It was around 9 p.m. last Tuesday when Charles, 27, went to a secluded spot behind a school building for a rendezvous proposed online by Garusse and Jordan, two men he didn't know.

Instead of the enjoyable encounter Charles hoped for, the men beat him up.

Bruised, he returned to his family home and explained what had happened. Instead of comforting him, family members beat him up again. They forced him to tell them which of his friends were gay.

Charles mentioned three friends — Franck, Joël and Lynkoln, age 19.
On Friday, June 12, police turned them over to the prosecutor at Bafang District Court. Joël was released, thanks on the intervention of his older brother, a lawyer. The other three were placed in pre-trial detention at the prison in Bafang.

They were scheduled for a hearing today (June 15) on charges of indecency and engaging in homosexual behavior.

Under Article 347-1 of the Cameroonian penal code, the practice of homosexuality is punishable by up to five years in prison, but that law does not make sexual orientation a crime without intimate sexual relations.

In the Kekem case, police produced no evidence of homosexual activity. As a result, LGBTI rights activists consider the arrests illegal.

The LGBTI-friendly groups Working for Our Well-being and Defenders Without Borders (Defenseurs Sans Frontierees) have stepped in to help with the defense of the three defendants.

The three also appealed for help from a psychologist and a doctor.

The author of this article, Courtney Stans, is a Cameroonian journalist who writes under a pseudonym. Contact her at info@76crimes.com.
Cameroon: Four gay men arrested, beaten in Kekem – Rights Africa – Equal Rights, One Voice!

[Read more](https://rightsafrica.com/2020/06/15/cameroon-four-gay-men-arrested-beaten-in-kekem/)

Egyptian LGBTQ+ activist Sara Hegazy dies by suicide

Ghana: 47% of LGBT teens engage in self-harm
Cameroon: Four gay men arrested, beaten in Kekem – Rights Africa – Equal Rights, One Voice!

FROM: NOSTRINGSG

- Nigerian musician tells why queer Nigerians can relate to him
  June 22, 2020

- Homophobic Nigerian plans anti-gay, anti-lesbian protest in Akwa Ibom State
  June 21, 2020

- Documentary reveals struggles of queer Nigerians abroad
  June 18, 2020

FROM: KUCHU TIMES

- A Letter from the Executive Director on World Refugee Day
  June 20, 2020

- HIGH COURT RULES IN FAVOR OF #COSF19, AWARDS EACH UGX 5M IN DAMAGES
  June 20, 2020
TAB 20
UNAIDS calls on governments to stop arbitrary and discriminatory arrests of LGBTI people and to protect their human rights
GENEVA, 15 May 2020— Ahead of the International Day against Homophobia, Transphobia and Biphobia (IDAHOT), on 17 May, UNAIDS is calling on governments to immediately stop arbitrary and discriminatory arrests of lesbian, gay, bisexual, transgender and intersex (LGBTI) people based on their sexual orientation or gender identity and to enact laws to protect their human rights.

Since the start of the COVID-19 pandemic, there have been news reports of murders of transgender people in Puerto Rico, arrests of LGBTI people in Egypt, the United Republic of Tanzania and Uganda and increasing violence and abuse in Cameroon and the Republic of Korea.

“Arbitrary and discriminatory arrests and harassment of LGBTI people must stop,” said Winnie Byanyima, UNAIDS Executive Director. “The COVID-19 crisis has exposed and
exacerbated the inequality, violence and abuse that LGBTI people face every day. We need to break the silence against these draconian laws, which only serve to further marginalize people,” she added.

As of December 2019, more than 70 countries criminalize same-sex sexual behaviour. Under the Universal Declaration of Human Rights and the 2030 Agenda for Sustainable Development, governments have a moral and legal obligation to remove those laws and to enact laws that protect people from discrimination.

A few weeks ago, UNAIDS and MPact released a 12-point plan to uphold the human rights of LGBTI people and ensure their inclusion in COVID-19 response strategies.

Globally, gay men and other men who have sex with men are 27 times more likely to be living with HIV than the general population. It is estimated that gay men and other men who have sex with men accounted for 18% of new HIV infections worldwide in 2017. Meanwhile, transgender women are 12 times more likely to acquire HIV than all adults of reproductive age. It is estimated that 0.1–1.1% of the global population is transgender and that 16.5% of transgender women are living with HIV.

IDAHOT, a worldwide celebration of sexual and gender diversity, has chosen the theme “Breaking the silence” for 2020 to commemorate the World Health Organization’s decision in 1990 to declassify homosexuality as a mental disorder.

The day represents a major global annual landmark to draw the attention of decision-makers, the media, the public, corporations, opinion leaders and local authorities to the alarming situation faced by people with diverse sexual orientations, gender identities or expressions and sexual characteristics.

“We need solidarity to save lives and we need to help build healthy communities and societies so they can respond to HIV, COVID-19 and the next pandemic,” Ms Byanyima added.

**UNAIDS**

The Joint United Nations Programme on HIV/AIDS (UNAIDS) leads and inspires the world to achieve its shared vision of zero new HIV infections, zero discrimination and zero AIDS-related deaths. UNAIDS unites the efforts of 11 UN organizations—UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank—and works closely with global and national partners towards ending the AIDS epidemic by 2030 as part of the Sustainable Development Goals. Learn more at unaid.org and connect with us on Facebook Twitter Instagram and YouTube
TAB 21
YAOUNDE (Thomson Reuters Foundation) - Cameroonian athlete Thierry Essamba still trains every day, even though he has little hope of reviving a career cut off when he was ousted from the national squad in a scandal over homosexuality.

The 38-year-old hurdling champion was training for the 2014 Commonwealth Games when a senior sports official told a crowd of journalists and fellow athletes that he was gay - a career-ending slur in a country where homosexual acts are illegal.

“I felt as if my body was being torn apart from the inside,” Essamba told the Thomson Reuters Foundation as he sat on the bleachers after finishing his daily solitary training in a dilapidated stadium in Yaounde.

“That day I saw all the people in the stadium who used to look up to me with admiration, with respect. Now they regarded me with contempt.”

Same-sex relationships are taboo across much of Africa, which has some of the world’s most prohibitive laws against homosexuality.

But few countries are as assiduous in applying them as Cameroon, whose penal code punishes “sexual relations between persons of the same sex” with up to five years in prison.

Between 2010 and 2014, at least 50 people were convicted for crimes ranging from cross-dressing to a man texting “I love you” to another man, according to CAMFAIDS, an LGBT+ advocacy group.

Essamba said he was suspended from the national squad after the public accusation, which was broadcast on national television, leaving him fearful for his life.

The Cameroonian Athletics Federation did not respond to requests for comment about Essamba, whose case the U.S. State Department cited in its 2014 human rights report on the African country.

He is not the only top athlete to have suffered from such claims in a country where sports officials openly express homophobic views.

Berthe Ngoume, who runs a support group for female footballers in Yaounde, said she knew of at least three women who were forced to leave the national team and banned from international competitions over rumours they were gay.
“One player who was ousted from the national team emigrated to the U.S. Another ended up killing herself with drugs,” said Ngoume.

KICKED OUT

Stenie was made to leave her football club in 2018 after her coach heard rumours from a relative that she was in a gay relationship.

“I was accused of having a relationship with another woman like me, which is strictly forbidden in female teams,” said the 19-year-old, who asked that her real name be concealed because she feared for her safety.

Unwilling to give up her dream of being a professional footballer, Stenie continued to attend training sessions, but was never again asked to compete.

When she tried out for two other football clubs, she found the rumours had followed her.

“I was already known as a disruptive element,” said Stenie. “No one could accept me.”

Like Essamba, she worried about her safety after the allegations emerged.

Being a lesbian is considered an “abomination” in Cameroon, Stenie said, and witch-doctors are sometimes called upon to perform so-called corrective rape as a “cure”.

Bechem Peter Tanyi, who coaches the Cameroonian women’s football team, summed up the official attitude to homosexuality when he said Stenie’s idol, the openly gay U.S. footballer Megan Rapinoe, could not have had a career in Cameroon.

“We don’t accept lesbians in the Cameroon national female team,” Tanyi told the Thomson Reuters Foundation.

“A girl who is playing football in Cameroon is not supposed to be a lesbian. She is supposed to play as a normal creature of God.”

SUICIDAL

Both Stenie and Essamba have suffered well beyond the loss of their dream careers, and both say they have been suicidal.

When Essamba’s family heard the media reports about him, they kicked him out. Unemployed, shunned by relatives and ridiculed by his peers, the one-time star said he tried to take his own life more than once.
He has received some support from the Swiss division of Lawyers Without Borders, a charity, which has taken up his case with the global athletics governing body the International Association of Athletics Federations (IAAF).

The division’s president, Saskia Ditisheim, accused Cameroon’s athletics federation of “trampling on universal values of tolerance that we all thought were no longer up for discussion”.

Ditisheim also criticized the IAAF for accepting an assertion from the Cameroon athletics federation that it had not suspended Essamba.

“The denials of the IAAF leave question marks and are unacceptable,” she said.

The IAAF said in an email to the Thomson Reuters Foundation that it had not received any evidence that Essamba had been suspended, but that if any came to light it would be investigated.

This year Ditisheim’s organization helped Essamba travel to Geneva for an athletics meeting organized by a local club.

For the most part though Essamba, who now works in a hotel, aspires to helping others who face similar difficulties.

“With my experience I would be able to give them all the necessary support, morally, physically. (I want) this discrimination to stop,” he said.

“It’s something that I wouldn’t wish on any other human being on the planet.”

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TAB 22
Yaounde (Cameroon) (AFP)

The club is secret. You have to know someone who will guide you to the address -- off a busy street in Cameroon's capital, down a dingy alley to a door with the unwelcoming message in chalk: "No entry."

Inside is a rectangular room, dark and humid. The flickering light of a video screen illuminates faces of young men sitting on benches -- members of a video club catering exclusively for gay men, a haven in a society where it is perilous to be same-sex attracted.

"We opened this place in 2016 to give young people somewhere where they can just breathe for a while," says Jean-Pierre, 51, the founder of the club, who prefers not to give his full name.

"In the afternoon, we show documentaries about the gay community, with comedy series in the evening and later in the night, films of a sexual nature," he explains.

Maxime, 30, and his companion come several times a week. "It's vital to be able to find our own kind, to talk with people who are like you, who understand you."

When his family rejected him, Maxime found refuge at Jean-Pierre's club. "I lived in this room for nine months, I had no place else to go," he says.

On another bench, a young man is sleeping peacefully, a sheet drawn over his body and part of his face.

A few feet away, two men openly flirt. "This is also a place for those who have no home, where they can meet," Maxime says.
- Beatings and detentions -

In Cameroon, having sexual relations with another man is a crime punishable with up to five years in prison.

Convictions are rare, but illegality makes gays easy prey for racketeers and homophobes.

Despite its secrecy, the refuge has become known to policemen of malicious intent.

The premises have been raided at least four times this year, Jean-Pierre says, adding that he had recently been held for two weeks at a police station, where he said he was tortured.

"They told me, 'confess you're the queers' godfather, you homo,' and beat me on the soles of the feet with the flat of a machete blade," he says.

Criminals claiming to be plain-clothes police sometimes show up to extort gays, Jean-Pierre says. Between films, he will often instruct the audience "what to do in case of arrest, to know their rights."

One night Maxime endured a terrifying experience. "They burst in here, put us in their truck, stripped us of all our things -- money, cellphones and clothes as well -- then they threw us out naked on the far side of town," he recalls, his eyes looking at a spot on the wall.

In 2018, 1,134 cases of violence and violations of the rights of LGBTI people were recorded in the central African country, according to a report by two non-governmental organisations, Humanity First and Alternatives Cameroun.

- Sex advice and HIV tests -

The club also exists to help gays aware of the risk of HIV, which flourishes wherever there is stigma.

The prevalence of HIV among adults in Cameroon in 2016 was 4.3 percent, according to a study supported by US Agency for International Development (USAID).

But the rate soars among high-risk groups such as gays, rising to 45.1 percent in Yaounde, according to its figures for 2016.

In a corner of the video club, three young men are sitting on a battered sofa, looking tense and waiting for their names to be called. One of them gets up to go through a narrow door into an antechamber, where he is greeted by two men in white coats.

Roughly once a week, teams from Humanity First visit the premises to undertake HIV tests, provide advice and condoms.
"Most of them don't go to health centres for fear of being stigmatised, so we go to them," said Jean-Paul Enama, the head of Humanity First.

In the video club, "the rate of HIV prevalence is very high. The aim is to get those who need it into treatment and to prevent the virus from spreading," Enama said.

Jean-Pierre said the fight against AIDS was embedded in his soul -- he had seen several dear friends die from the disease. Every day, dozens of men come to the video club to get condoms -- safely, no questions asked.

The little club is cruelly short of funds and battles intimidation and arbitrary arrests, but Jean-Pierre vowed to do all he could to keep it open.

"I dare not imagine what would become of them if I was forced to close," he said.

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TAB 23
An attack by anti-gay youths shut down a gay advocacy organization and forced the cancellation of Saturday’s planned gay Pride celebration and anti-AIDS gathering in Kribi in south coastal Cameroon.

The office of the Ocodevo LGBTI rights group was ransacked and burned on Jan. 4. (Photo courtesy of Acodevo)

From the African Human Rights Media Network

**By Steeves Winner**

Saturday, Jan. 5, was supposed to be the first annual “Night of the Mermaids” in Kribi, an event that would combine AIDS education and gay pride celebrations, including beach activities in the afternoon, a Pride Night, and selection of Mr. and Miss Ocean.
It was organized by the Cameroonian Association for the Defense of Vulnerable People (Acodevo), based in the Mboa Manga neighborhood of Kribi.

But on Jan. 4, as Acodevo members were preparing for the festivities in the organization’s office, four youths from the neighborhood arrived and began making trouble.

They said they were upset that the event was planned during a period of mourning for the traditional chief of the Batanga people, Marcel Mahouve III, who died in a traffic accident on Jan. 2.

They began vandalizing the Acodevo office, overturned a projector, drew knives and threatened to kill Acodevo members. They trashed the office and set part of it on fire.

The office served as a temporary home for two of Acodevo’s HIV-positive peer educators who had been evicted by their families. One of them was injured in the attack. The second fled.

An activist who was on the scene stated:

“Around 9:30 p.m. the Night of the Mermaids was shut down by guys from the Mboa Manga neighborhood who arrived at the ceremony venue as guests and then overturned the video projector. They began threatening us with knives and insulting everyone, saying, “You bunch of faggots. We will annihilate all of you. We don’t want any satanic practices in this neighborhood.”

Acodevo has been working in the Mboa Manga section of Kribi for about six years. It is a member of the Unity Platform, a nationwide human rights watchdog operation supported by two dozen Cameroonian member organizations.

Because of pressure from neighborhood residents, Acodevo’s landlord announced that she will not renew the organization’s lease.

An activist working with the Unity Platform noted that Acodevo is the watchdog’s only representative in southern Cameroon.
“We must mobilize to help this association so it can keep helping us respond to human rights violations,” he said.

A meeting of Unity Platform members is proposed for today (Jan. 9) to decide how to help Acodevo.

The ransacked office of Acodevo. (Photo courtesy of Acodevo)
After the attack, smoke filled the Acodevo office. (Photo courtesy of Acodevo)

Kribi’s location on the coast of Cameroon. (Map courtesy of DW.com)
Steeves Winner, the author of this article, is an activist for LGBTI rights in Cameroon who writes under a pseudonym. Contact him at steeves.w@yahoo.com
TAB 24
After being seriously wounded by homophobic attackers wielding clubs, rocks and machetes, Pierre wants to leave Cameroon. But so far he has been blocked.

From the African Human Rights Media Network

By Jean Pierre Minet

A year and a quarter had passed. Pierre (a pseudonym) could rest briefly on the porch of his aunt’s house. There he described what happened on the horrible night of August 8, 2017, a night that turned his life inside out.

At that time, 31-year-old Pierre had fallen for 21-year-old Jacques (also a pseudonym), a student who was helping his former nanny manage a streetside table where she sold soap, cigarettes and other items.

These events occurred in the Yaoundé area, but specific locations have been removed from this article for security reasons.

After many exchanges via social networks, the two men agreed to meet there on that Tuesday night. After Jacques was done tending the table, they went to a snack bar and spent the evening there. At the end of the evening, after several beers, they went to the house where Jacques was living.

Pierre, feeling a little drunk, asked Jacques if he could take a shower. That’s when things went wrong. The mistress of the house, an aunt of Jacques who did not know Pierre, surprised him alone in the shower. She started screaming, “Thief! Thief!,” alarming Pierre in the hospital
everyone in the house and waking the neighbors. It was about three o’clock in the morning.

Pierre quickly dressed and ran out of the house, but he was intercepted by angry neighbors. They surrounded him and began beating him with clubs and rocks. Some sliced at him with machetes.

Fearing that he was about to die, Pierre called out to Jacques, pleading with him to declare that they were together.

As soon as Jacques admitted it, his family took him away. Pierre’s beating intensified and continued until five o’clock.

At that point, police intervened after receiving an anonymous call from a spectator. Police officers extracted both Pierre and Jacques from danger. They were arrested on charges of homosexuality.

Two local LGBT rights groups were quickly alerted. The advocacy groups Lady’s Cooperation and Camfaids sent representatives to the police station, where they found Pierre and Jacques. Under interrogation, both men acknowledged their homosexuality.

Both were charged with violating Cameroon’s law against homosexual activity. Pierre was also charged with statutory rape because police believed that Jacques was under age 18.

Pierre remained in the police cell for five days without medical attention for injuries to his legs that were caused by the clubs and machetes. His flesh became infected and started to rot.

Pierre was released after five days after paying 45,000 CFA francs (about U.S. $80). Jacques was released a few days later after paying 50,000 CFA francs (about U.S. $87).

Pierre was hospitalized for a month for treatment of his festering wounds. Doctors scraped the skin of his leg to prevent more severe infection or sepsis. He underwent several reconstructive surgeries on his face, legs and back.

[Readers who want more details can choose to see an unpleasant picture showing injuries to Pierre’s leg and an unpleasant series of nine photos from the hospital documenting the condition of the leg.]

Jacques did not need medical care because he had been protected by his family.

Pierre’s employer fired him after being informed of the charges against him.
Lady’s Cooperation found temporary housing for Pierre in a remote village because Pierre continued to receive death threats from the family of Jacques. Because he had left the Yaoundé area, he missed a mandatory interview at the police station and now is wanted by police.

Pierre wants to leave Cameroon. He applied for a visa at the French embassy but was rejected. His supporters lack money to get him out of the country.

Today he cannot move safely in Cameroon because he could be stopped for an identity check and rearrested. He has difficulty finding a job because his previous employer fired him for homosexuality.

If you want to help Pierre, contact Lady’s Cooperation by email at awoh_a@yahoo.fr or by phone at (country code 237) 696434381 / 677505792.

Under Article 347-1 of Cameroon’s Penal Code, homosexual activity is punishable by imprisonment for six months to five years and a fine of 20,000 to 200,000 CFA francs (about U.S. $35 to $350). At present, at least three young men are serving time for homosexuality in northern Cameroon. Many others have been subjected to arbitrary arrests and then released after paying a bribe.

*About the author: Jean Pierre Minet, in France, is a human rights activist working on behalf of vulnerable populations and people with disabilities.*
TAB 25
YAOUNDE (Thomson Reuters Foundation) - During a dreary Sunday morning church service, 14-year-old Viviane - tired of wrestling with her sexual attraction to girls - resigned herself to an unhappy conclusion: she was bewitched.

At school and at church in Cameroon’s capital, Yaounde, she had long been told that liking someone of the same sex was not only a sin, but could also be a sign that a sinister spell had been cast on you.

“I didn’t see girls like everyone else - I thought it was a bad spirit that had invaded me,” she told the Thomson Reuters Foundation with a rueful laugh by phone from France, where she sought asylum last year with her girlfriend’s help.

“So I started praying to make it go away.”

But her prayers failed. Four years later, Viviane was chained to the wall and violently raped by a man who her family forced her to marry after discovering that she was a lesbian.

From South Africa to India and Ecuador, gay people are subjected to ‘corrective rape’ by their families, strangers and vigilantes who believe that homosexuality is a mental illness that needs to be ‘cured’.

Sometimes it is done under the cover of darkness or when the pounding of rain on tin roofs muffles the screams, gay Cameroonians told the Thomson Reuters Foundation.
Other times, it is arranged by family members who regularly take the law into their own hands, torturing, raping and murdering gay and lesbian relatives that they are convinced are witches or have been cursed.

Belief in witchcraft is widespread in Cameroon. Even though it is illegal to practice black magic, authorities do little to stop families consulting sorcerers who perform ritual sacrifices to ‘cure’ their relatives of homosexuality.

Same-sex relationships are taboo across Africa, which has some of the world’s most prohibitive laws against homosexuality. Gay people are routinely blackmailed, assaulted and or raped, with criminal punishments ranging from imprisonment to death.

A 2017 report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) found 33 African countries out of a total of 54 nations criminalize same-sex relations.

Homosexual acts attract a five-year jail term in Cameroon, with at least 50 people convicted for crimes ranging from cross-dressing to a man texting “I love you” to another man between 2010 and 2014, according to CAMFAIDS, an LGBT+ advocacy group.

“The (anti-LGBT+) violence is getting worse,” said Michel Engama, head of CAMFAIDS, whose predecessor, Eric Ohena Lembembe was found dead in 2013, with his neck broken and his face burned with an iron, according to Human Rights Watch.

Almost 600 homophobic attacks and violations were reported in Cameroon last year, according to Humanity First Cameroon, an LGBT+ umbrella organization, with one in five lesbians and one in 10 gay men reporting that they had been raped.

Campaigners say the true scale of the problem is likely to be much worse as most attacks go unreported.
CLEANSING

Viviane’s family beat and lashed her after they discovered explicit text messages she had sent to her girlfriend.

Her aunt and brothers then took her to their village where the local witch doctor forced her to drink concoctions made of chicken blood and inserted hot pepper up her anus, justifying it as a “cleansing” ritual.

Finding a husband who was a church pastor was a chance to clear the family name, she explained. The fact that he had two wives and was more than 30 years older was not a consideration.

“There was no discussion about it,” she said, adding that her family received the dowry from the pastor even before they informed her of the arrangement.

“To them, I was like a necklace they sold.”

Though rape is a crime in Cameroon, there was no question that such a charge could ever be leveled at her husband, Viviane said.

“A pastor in Cameroon is like a god. God can’t rape. And if you accuse him of rape, you’re the devil,” she said.

While Viviane felt her best option was to flee Cameroon, Frederique spoke out after she was gang raped in 2016 by a taxi driver after leaving an LGBT+ workshop in Yaounde.

The driver stopped to pick up another man and took her to a deserted part of town, where they both raped her, taunting her with accusations of being a lesbian and a witch.
“They kept shouting that I deserved this punishment, that they were correcting me,” said the 33-year-old, who has told her story to hundreds of girls in sexual health awareness and LGBT+ workshops in Cameroon.

“If I had reported it, I would’ve been seen not as a victim but rather as someone who deserved what had happened.”

She believes that her decision to speak out saved her life.

“I had a friend who had also been raped, and she felt completely alone, isolated, depressed. She had almost killed herself,” Frederique said, pausing to fight back her tears.

“I thought of doing the same ... But I was also so angry. I didn’t want other girls to go through this, for them to be a victim like me. I wanted to denounce the perpetrators so that it stops.”

It is not easy, she said. Lesbians in Cameroon live with secrecy and caution every day, communicating via code names and frequently changing the public places where they gather.

“We continue to fight on, even though we’re doubly discriminated – first as women, secondly as lesbians,” she said.

But Engama of CAMFAIDS knows that such precautions cannot guarantee safety, highlighting how 20-year-old Kenfack Tobi Aubin Parfait was beaten to death last month by his older brother who believed he was gay.

“It’s a real war waged against us,” said Engama, who regularly receives death threats.

“But we will keep fighting until they are tired ... No one will give us freedom. We have to take it.”
Editing by Katy Migiro. Please credit Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women’s rights, trafficking, property rights, and climate change. Visit www.trust.org

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TAB 26
Lesbians beaten for being ‘witches and who deserve to die’ in Cameroon

gaystarnews.com/article/lesbians-beaten-for-being-witches-and-who-deserve-to-die-in-cameroon/

Shannon Power  21 Jun 2018

Two LGBTI leaders in Cameroon are barricaded in their homes and too afraid to leave after a homophobic attack.

Renée and Soltera are the leader of Women in Front Cameroon (WIFC) which advocates for women’s and queer rights in the African country.

According to a media statement the women their landlord’s son allegedly attacked them. He had tried to evict them because of their sexuality. After they refused to leave the property, he allegedly beat them with a wooden panel.

‘For more than a year, Renée and Soltera have been facing insults, intimidation and death threats from the son of their deceased landlord, who wants to evict them from their home on the grounds of their sexual orientation,’ the statement read.
‘When they refused to leave, he savagely assaulted them at home and beat them with a thick board. He ignorantly declared that, as lesbians, they must die because they are witches.’

The women suffered severe bruising, a broken arm and broken hand.

**A second attack**

But that wasn’t the end of their ordeal, three days later their attacker returned with a group of people wielding knives and iron bars.

‘The attacker returned at night three days later with accomplices who were armed with knives and iron bars. Their goal was to “finish off the witches”,’ WIFC said.

‘They chased Renée and Soltera through the neighborhood. Had it not been for the intervention of a few neighbors, they would surely have been stabbed or even killed.’

Police managed to arrest the main culprit and one of his accomplices.

But because the other attackers remain at large, the women are ‘barricaded in their home’ in fear of their lives.

**When will the violence end?**

WIFC and some if its members helped pay for the medical care.

But the women will still need money to pay for relocation, ongoing medical and psychological support, legal fees and transportation.

‘Will violence stop in this world? Why can a person who judge others and to inflict punishment on them?’ WIFC wrote on Facebook.

‘Why is there so much cruelty, why is there so much intolerance, why so much hate?’

Cameroon outlaws gay sex under Article 347-1 of the Penal Code. People convicted of homosexuality face jail terms of up to five years. The ban extends to lesbians, who routinely face persecution and discrimination.

More from Gay Star News

25 men arrested for being gay ‘brutalized’ by police in Cameroon

Men arrested on suspicion of being gay avoid anal exams in Cameroon

Cameroon police surround gay bar with trucks and arrest every person inside
TAB 27
25 men arrested for being gay ‘brutalized’ by police in Cameroon

A group of men arrested on suspicion of homosexuality in Cameroon say police allegedly ‘brutalized’ them while in custody.

Police raided a well known gay bar and cinema in the capital, Yaoundé in the early hours of Friday (11 May) where they arrested the 25 men.

Along with homosexuality, police arrested the men for failing to carry national ID cards and drug possession.

Cameroon outlaws gay sex under Article 347-1 of the Penal Code. People convicted of homosexuality face jail terms of up to five years.

Police released two of the men shortly after their detention. The remaining 23 remained in police custody until Sunday.
According to Rights Africa the police were undercover pretending to be normal patrons. They tried to force open the door after management told them the bar had closed for the night.

‘We informed them that the tavern was already closed, but they forced the door open. Then they took us [to jail] without any reason,’ one of the arrested men said.

‘Brutalized’

As soon as the arrests became known LGBTI lawyers, activists and human rights advocates descended on the Central Police Station to try and free the men.

Police Commander Parfait Nana told media that he did not have a problem with anyone’s sexuality, but he had a job to do.

‘Among the 25 people held in custody, two who were witnesses at the scenes were released after a hearing. The remaining 23 will be interrogated; conclusions will be reached at the close of the investigations’ he said.

‘Personally, I do not judge anyone and do not condemn anyone on the basis of their sexual orientation. However, Cameroon has laws to enforce.’

Parents worried about their children also went to the police station where officers there told them that their children ‘deserve their fate’.

Those arrested complained they did not get food or water during their detention.

‘We were interrogated several times. Despite threats by the police, we kept our cool. We were brutalized and then we were released,’ said one of the men arrested.

The men’s arrests comes just a week after five LGBTI activists from a HIV organization were released from police custody and managed to avoid anal exams to determine their homosexuality.
TAB 28
I Was Beaten In Cameroon For Being Gay, Now I'm In The U.S. And I'm Still Scared

Cédric Tchante, Contributor Cédric Tchante is an LGBT activist who was participated in the documentary Born This Way. He grew up in Cameroon, and now lives and works in San Francisco, CA after receiving asylum.

Anchiy via Getty Images

I'm having a hard time understanding why there is such animosity in the U.S. now towards certain immigrants. The way I understand American history, this is a country made of immigrants. You have always welcomed people like me, but now there is fear that immigrants are no longer wanted.

I wrote for the Huffington Post almost a year ago and many asked me to share more. They thought that I might be able to remind people why the U.S. is the greatest country in the world and what it means to me and others like me.

I started my new life in the United States in 2013. I got to come here because I met the producers of Born This Way in 2011. Shaun Kadlec and Deb Tullmann are documentary filmmakers from California and had learned about the horrible lives so many of us in the Cameroon LGBT community endured.
They visited Alternatives Cameroon in Douala, where I worked as the coordinator of HIV/AIDS education and prevention, hoping to learn about gay life in my country. Because we helped people with HIV, we were recognized by the government as a treatment center, but we had to be very discreet in our work on gay rights.

Gay people in Cameroon can be bullied, beaten, jailed for up to five years and even killed. You are considered a prostitute. You are against religion. You are the devil. But obviously this isn’t true. I realized I was gay as a teenager. I was born gay. I didn’t choose it. I don’t understand how people can’t recognize that.

I realized that the documentary was an important platform to hopefully change how we were viewed. I agreed that Deb and Shaun could follow my life. I knew there could be consequences but I had seen too much hate towards those like me and wanted to help.

I grew up in Edea and had a fairly happy childhood as the youngest of six. There was some tension between my father and me because I preferred to be in the kitchen learning from my mother instead of devoting myself to football like my big brothers. But because I was the youngest, I was the little prince.

I hated high school. I was popular, pretended to be heterosexual and had girlfriends. College was much better. I loved it. I was out of my little town, had my own studio and was more open with my sexuality. My friends knew. I told my family. But because my mom is so loyal to the Catholic Church, we just don’t talk about it. I was happy, strong and free.

I joined Alternatives Cameroon was when my first gay best friend died from HIV in 2008. Pierre was the best, the kind of guy you meet once and you instantly like him. His father threw him out of the house when he came out and he eventually died in my arms without being able to say goodbye to his mother or sister who he loved so much.

I had to do something and decided to get deeply involved in the struggle for rights of the LGBT community. Filming *Born this Way* brought much worse taunts and attacks than I suffered as a younger boy. My friend Eric, who was also an activist, was killed because he was gay. I was also beaten and the gang who killed Eric also threatened me. They left a note under my door: “Dirty fag. You are dead.”

I was forced to change apartments and ultimately Shaun and Deb realized the threat was real and called the U.S. Embassy, who agreed to help. While I was staying at a hotel near the embassy in Yaoundé, the threats against my family and me got even worse. The U.S. moved me to Benin where I spent three weeks before I was put on a plane to San Francisco. I was scared to death but happy to be alive.

I received my asylum in January 2014 and my green card two years later. I’m 31 now and work in marketing at *Climb Real Estate* in San Francisco. It is a great place and I am surrounded by all types of younger people who truly reflect the San Francisco population.
So many different cultures blend into one company. I have been told Millennials, your younger generation, are very accepting. It seems to be true. No one cares that I am an immigrant or gay.

But unfortunately these days when I leave work, I have to admit I am scared. I don’t want to be deported. My friends tell me not to worry, but I can’t help it.

I hear about the desire to get rid of immigrants. I hear about Executive Orders and the courts. I also have seen the LGBT community in San Francisco get nervous because some are questioning our rights.

It doesn’t make sense to me. This is America. It is an amazing place. People like me have always felt welcomed and given a chance to succeed. I know some immigrants don’t have their paperwork, but these are people who saw the U.S. as their only chance. They have made a life for themselves. America is the greatest place in the world. It gives hope for people like me. I don’t want other LGBT immigrants to be turned away.

I can’t imagine what my life would have become if I wasn’t given the opportunity to come to the U.S. What if I was told at the last second that I couldn’t get on the plane to come here? I might have been killed.

Maybe if I share my story, those who are nervous about those who are different will understand. I hope so.

I’ll keep writing.
TAB 29
Gay rights groups brave abuse, violence to fight HIV in Cameroon

YAOUNDE (Thomson Reuters Foundation) - Sitting in a circle with several other young men in a charity's offices in Cameroon's capital, Fleur listens intently to the speaker talk about gay sex before slowly raising his hand.

“Can we catch AIDS by swallowing sperm?” he asks, prompting laughter from his peers at the group discussion held by Alcondoms, an organization promoting the rights and health of lesbian, gay, bisexual and transgender (LGBT) people.

Yet HIV and homosexuality are no laughing matter for men like Fleur in a country where being gay is illegal and LGBT activists face rising hostility and violence.

Cameroon has the second highest HIV prevalence rate in West and Central Africa, after Nigeria, and men who have sex with men are hit the hardest, says the U.N. AIDS program (UNAIDS).

While one in 25 people in Cameroon are living with HIV, almost a quarter of men who have sex with men in Yaounde have the virus which causes AIDS.

The prevalence of HIV among this group in Douala, the economic capital, is even higher with two in five men who have sex with men (MSM) infected, according to the state’s national AIDS control committee.
The committee says it has developed various strategies in recent years to reduce the number of new infections, such as making antiretroviral treatment free and setting up support programs for patients.

But the fear of discrimination and threat of five years in prison are driving MSM and LGBT people away from hospitals and state programs, according to civil society groups who say they fill the gap by providing condoms, counseling and healthcare.

However, their work in improving access to healthcare for these marginalized communities has also had an unforeseen and adverse impact, according to gay rights activist Lambert Lamba.

“People feel that taking MSM into account in health policy is a way to legalize homosexual behavior,” he told the Thomson Reuters Foundation in Yaounde. “This has resulted in more and more attacks on gay people and human rights defenders.”

CLIMATE OF FEAR

Animosity is growing between a largely conservative society and a younger generation less concerned by homosexuality in a country which prosecutes people for being gay more aggressively than almost any other nation in the world, LGBT activists say.

At least 50 people were convicted of homosexuality between 2010 and 2014 - for acts ranging from cross-dressing and wearing make-up to a man texting ‘I love you’ to another man - according to data collected by The Cameroonian Foundation for AIDS.

While there have only been a handful of convictions since 2014 - a drop activists attribute to their work, intervention by LGBT-friendly lawyers and the advocacy of Western diplomats - discrimination towards MSM and LGBT people remains rife.
Evrard, who attended the group discussion along with Fleur, said he would never return to a state hospital when ill.

“When I went once with my partner, the disapproving look of the medical staff, the murmurs and the mocking laughter discouraged me,” he said.” I will never relive this experience.”

Police last month arrested 12 men for homosexuality because they were in possession of condoms and lubricants, while the offices of several LGBT groups have been vandalized and burgled in recent years, said legal charity Human Dignity Trust.

In a killing that rocked campaign groups in Cameroon in July 2013, gay rights activist Eric Ohena Lembembe was found dead in his home in Yaounde. His neck was broken, his feet smashed and his face burned with an iron, according to Human Rights Watch.

**LIBERATED**

Aware of these challenges, the national AIDS control committee relies on local civil society groups to reach out to people at particular risk of HIV with services including voluntary testing and medical consultations.

“I am a MSM and a sex worker myself,” said Patrick Fotso, head of Alcondoms, which educates 50 people a month about HIV. “It's therefore easy for me and the members of my association to get in touch with our peers and send them prevention messages.”

Larger organizations administer antiretroviral drugs, and say they are working to ensure all HIV-positive people on their books are on the treatment.

Distributing condoms to halt the spread of HIV is another key, and cost-effective, strategy.

More than one million condoms were distributed in Cameroon last year, compared with fewer than 100,000 in 2008, said Jean-Bosco Elat, coordinator of the national AIDS committee.
While the state and civil society groups strive to improve health services, individuals like Fleur still have to contend with the constant menace of abuse, discrimination and violence.

Recalling his experiences at hospitals - where nurses said God would punish him for being gay - and how people stare at him because he wiggles his hips when he walks, Fleur said being able to discuss sex in a safe space with his peers had liberated him.

“I can get answers to my questions and easily take care of my health,” he said. “I feel happy and comfortable to be here.”

Reporting By Anne Mireille Nzouankeu, Editing by Kieran Guilbert and Katie Nguyen. Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women’s rights, trafficking, corruption and climate change. Visit news.trust.org

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Cameroon’s Gay Rights Movement Is Fighting Taboos and Winning Visibility

Robbie Corey-Boulet | Thursday, Aug. 18, 2016

YAOUNDE, Cameroon—In June, gay rights activists in Cameroon were dealt a disheartening setback. While revising the Central African country’s penal code, parliament voted to retain a notorious anti-gay provision dating back to 1972. Under the law, known as Article 347 bis, which has enabled the prosecution of dozens of Cameroonians in recent years (https://www.hrw.org/news/2013/03/21/cameroon-rights-abuses-homosexuality-prosecutions), same-sex sexual acts between consenting adults are punishable with fines of more than $300 dollars and prison terms of up to five years.

Though some lawmakers privately question whether policing alternative sexualities should be a government priority, none was willing to take this position publicly. The only objection to renewing Article 347 came from those who wanted the maximum prison term doubled. Public debate over the penal code also laid bare anti-gay sentiment among ordinary Cameroonians. An HIV/AIDS prevention and treatment organization, Alternatives-Cameroon, that advocates for the human rights of sexual minorities reported that photos of multiple staffers were widely shared on social media (https://76crimes.com/2016/07/07/anti-gay-cameroonian-target-lgbt-rights-activists/), accompanied by homophobic slurs and threats.

Cameroon’s most prominent gay rights groups began their work about a decade ago, in the aftermath of a May 2005 raid on an underground gay bar in Yaounde, the capital. The raid led to the incarceration of 11 men — nine of whom were held for over a year — and brought global attention to the harsh treatment of sexual minorities in the country for the first time. In the movement’s early days, activists were almost singularly focused on responding to cases brought under Article 347 and fighting to get the law changed.

If that were still true today, the approval of the new penal code would suggest that 10 years of work had yielded little progress. However, the gay rights movement in Cameroon quickly evolved to encompass objectives other than decriminalization. Activists realized, first of all, that individuals imprisoned under Article 347 were in dire need of support upon their release, especially those who had been ostracized by family and friends. LGBT organizations also began partnering with donor governments and groups looking to prevent and treat HIV/AIDS, an area that would become their specialty. Today, public health initiatives are at
the heart of many Cameroonian LGBT organizations’ activities. More recently, the willingness of countries including the United States to actively promote the human rights of LGBT people overseas has created still more funding opportunities.

“There were years when we were afraid to even hold a meeting. Now, we can hold a march.”

The multi-layered nature of LGBT activists’ work in Cameroon means their influence can’t be measured solely in terms of law reform, says Marc Lambert Lamba, who was among the men arrested in the May 2005 raid. Even during periods when arrests have been rampant, Lamba says, the combined efforts of activists have gradually chipped away at a longstanding taboo, making it possible to debate whether sexual minorities deserve basic rights extended to other citizens. “There were years when we were afraid to even hold a meeting,” he adds. “Now, we can hold a march.”

This heightened visibility was evident a few weeks after lawmakers voted on the penal code. In mid-July, LGBT groups planned a weeklong slate of activities to coincide with the three-year anniversary of the death of Eric Ohena Lembembe, a gay rights activist who was tortured in Yaounde in what is believed to have been a homophobic attack. The activities included a workshop for human rights defenders, roundtable discussions and a visit to Lembembe’s grave. On July 13, activists marched under police protection through Yaounde’s downtown, some wearing shirts declaring “rights are innate” and “rights are universal.” Diplomats and representatives of local women’s and children’s rights groups also turned out to show their support, demonstrating the LGBT movement’s ability to forge alliances with influential voices in civil society and beyond.

It is not just Cameroonian LGBT activists who have looked beyond the courts in their fight for equality. Although arrests, prosecutions and the introduction of new anti-gay bills tend to attract the most media attention, LGBT activists throughout West and Central Africa have endeavored to address a broader range of their constituents’ needs—from economic empowerment for lesbians to emergency funding for homeless queer youth and health care access for gender-nonconforming persons.

That said, legal setbacks like the vote to renew Article 347 remain concerning because of their potential to jeopardize all aspects of this work, especially in a country like Cameroon where authorities have made clear their willingness to use the courts as a weapon against sexual minorities. Jo Mandeng, a staffer at Alternatives-Cameroon, was one of several activists to speculate that the lawmakers’ vote could precipitate a crackdown while emboldening homophobic civilians and security officers to engage in blackmail, beatings and other abuses. “We are not discouraged, but we are afraid that one day a car can pull up outside the office and take all of us,” she says.
There is also a chance that the legal environment for gay Cameroonians could become even more hostile. A Yaounde court is currently hearing the first known case brought under a cybercrime law that bans using electronic communications to make sexual propositions to someone of the same sex. If the suspect, a 25-year-old man, is sentenced and convicted, the precedent could endanger the many LGBT Cameroonians who use Facebook and dating apps to seek out potential partners.

Despite these challenges, activists are proud of their movement’s advances and remain hopeful that, whatever happens on the legal front, their activities will continue. “The work doesn’t stop,” Lamba says, reflecting on the penal code vote. “To the contrary, we are going to redouble our efforts.”

Robbie Corey-Boulet is a freelance journalist based in Abidjan, Cote d’Ivoire.

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Cédric Tchante, Contributor

Cédric Tchante is an LGBT activist who was participated in the documentary Born This Way. He grew up in Cameroon, and now lives and works in San Francisco, CA after receiving asylum.

African LGBT Activist Escapes Death Threats

04/21/2016 02:39 pm ET | Updated Apr 22, 2017

I am always saying to my new American friends, “I know it is tough being gay in the US, but be grateful that you can’t be put in jail for five years simply because a neighbor told the police you are a homosexual.”

I was born in Cameroon in 1985, into a society that believes it is perfectly fine to bully, beat, jail, and kill LGBT people. As you can imagine, coming to realize that one is gay in his teens under these circumstances is terrifying.

I have a wonderful family, but religion is pervasive and a part of everything we do. I learned early on to hate myself and knew that I could never tell my mother and father. I endured the taunting at school. I tried to hold my head high and stood up for myself when I could. I was learning how to be an activist, without even knowing it.

I eventually found work at Alternatives Cameroon, an HIV/AIDS underground activist group. Doing this kind of work in a homophobic society is extremely dangerous. Eventually, local youth found out and my personal experience with assault and beatings began. One night, on my way home, a group of boys surrounded me on the street. They began beating me with clubs and one boy had a knife. I was saved by my ability to take the blows without flinching and by the intervention of a residence guard who miraculously showed up and asked the boys to stop beating me because I was already almost dead.

I dragged myself home and realized that I would have to leave before I was killed. I was also starting to believe that I was, indeed, a terrible person as I turned their insults into truths about my humanity.

Not long after, a fellow gay activist and friend named Eric was burned with hot irons for hours before he finally, mercifully, died. I was terrified. It was then that the boys who had beaten me found my phone number and the death threats started to flow. They called me a
African LGBT Activist Escapes Death Threats

I was death. When I got home, I saw that they had written “Dirty faggot we know where you live” on my front door in animal blood. I had more frightening messages on my phone every day and received notes saying that I deserved the same punishment as Eric. Then, they started calling and threatening my family. I knew that this had to stop. I was tired of being treated like an animal.

I took off with what I could carry. The best thing I packed was nothing material. I took a vision of my mother smiling at me and holding me in her arms. I carried images of my friends helping me to have the courage to carry on in life.

It was like navigating an obstacle course as I left my country, harassed by threatening text messages. I had been the subject of a documentary called “Born This Way,” and my notoriety was following me.

I knew I had to get to Benin—the Embassy of the US in Cameroon told me that was best. On the way, I stayed in a hotel room for three weeks without leaving for fear of the people chasing me. I got to Benin and hid for another month as I waited for my visa. Benin is also homophobic so it would have been risky to go outside. Thanks to the US embassies in Cameroon and Benin, I eventually got my visa to the US.

My arrival in San Francisco was a mixture of great emotions: joy, relief, sadness and fear of the unknown all amplified by the beauty of the city, its buildings, neighborhoods, and atmosphere. It is a breathtaking place. Through mutual friends, I was introduced to Erik, who offered me his guest bedroom in Sausalito for as long as I wanted. I couldn’t believe it. He picked me up from the airport and introduced me to my new American family (his mother Marian and sister Laurie) and some instant friends like Amanda and Jenny. I am still amazed at the hospitality and generosity of these incredible people.

I will never forget the first time I walked through The Castro in San Francisco. I wept as I saw the huge rainbow flag, but more importantly, I saw how happy people were when they were allowed to love another person openly and publicly. They were proud and happy and all I could think was that I wanted my LGBT friends in Cameroon to experience the same thing.

It has been fantastic, but there are a few challenges. The English language is a crazy one! I learned some English in Cameroon, but not enough. Having a thick French accent might sound sexy, but it is an impediment to finding work.
a man with a heart of gold and he gave me a job. I started by helping with open houses and am now working in the marketing department. I feel safe and welcomed at Climb, where diversity is celebrated. I hope other people follow Chris’ lead and offer jobs to refugees who need a starting point.

The hardest part has been knowing that I might never see my family again. I miss my mother terribly. Luckily, the widespread use of technology across Africa means that I can communicate with them often. Ten years ago, this would not have been possible.

Today, I continue to help my former colleagues in Cameroon. I advise them on important matters and help write reports that aim to assist those still suffering the indignities heaped on them just for being gay.

Despite the sadness that is always present, I plan to live a long and happy life so that I can play a role in changing the environment for LGBT people not only in Cameroon, but anywhere we are persecuted for being born different from others.

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TAB 32
Meet the Cameroon gay man who was tortured so badly he can’t have sex

A 22-year-old was sitting at a bar in Cameroon when he was arrested. The police weren’t looking for him, he had done nothing wrong, they were looking for any gay man they could torture.

When this young man, who we will call J, was taken into detention, he was beaten up so badly he could barely breathe.

They burned him with cigarettes all over his body. At one point the policemen tied a cord around his penis and led him around. He was treated like he was an ‘evil demon’ that needed to be punished. They didn’t care if he survived or not.

J endured for five long days.

‘It isn’t easy to forget when you’ve been tortured,’ he tells Gay Star News, now in his 30s and living in the UK. For nearly five years he has been battling to stay in the UK and not be sent back.

And while he has not completely been unshackled from the traumas he faced, J is hoping to use his story to show anyone can one day be free from torture.

As a kid, J had a normal childhood like anybody else living in a small village in Cameroon. He got on well with his parents, and there was a strong community.
He was a well-adjusted, confident and ambitious teen – someone who other kids looked up to. But at the age of 15, when he realized the thoughts he had inside his head were for other men, life became difficult.

‘In Cameroon you cannot be found out because otherwise you will be found guilty by mob rule,’ J told GSN, through a translator.

‘It’s completely unacceptable. People will violate you or beat you. You will be rejected.’

The feelings grew, and his friendship with a neighbor boy grew into something more. They kissed, but he was chased off by the boy’s mother.

While this was mostly disregarded, it raised suspicion. J was spending a lot of time having meals in the households of men in the village, rather than with his own family. It was considered abnormal.

And then, when he got to 19 and he refused to take a wife, it got worse. He was considered weird, an outcast, a ‘pederast’ (a word used in Cameroon as a homophobic slur).

J went to the country’s largest city, Douala, hoping he would find others like himself who were considered ‘abnormal’.

He discovered the underground scene, where many gay people knew it was safer to be invisible. No one used a real name. You never knew if the guy you were talking to was who they said they were. They could be a cop. They could be a blackmailer. They could want to hurt you.

Everyone was a suspect. Everyone was alone.

So it was during that time, one evening, when J needed a drink. He went to a nearby bar, ordered and sat down.

When the police raided the bar, looking for ‘pederasts’, fingers were pointed at him.

‘I wasn’t even sure I was going to survive,’ J said, looking away in our conversation. When asked to explain more about what happened, he couldn’t. ‘It is just too sad.’

Years later, J developed a relationship with an older, wealthy man who was married. But the wife became jealous and suspected J, so threatened him to have him arrested.

Terrified of being detained once again, he found his way to the UK in 2010. Safe from torture, perhaps, but not safe from his memories.

J’s memory has been left confused after what happened. Events from his past come to him like hazy dreams, difficult to find, ‘chopped up’ in his head.

‘I don’t know how I found myself in England,’ J said. ‘There have been people who have rescued me, but I still don’t know where I am going.’

While he has met friends, he cannot date. ‘Language is number one. Poverty, I have no money. Most of all, fear. And also, I have lost feeling.’

Every erection stirs painful memories for J. He doesn’t think of his genitals the same way he used to, because it brings back being led around by the balls with a piece of rough rope.

J knows his life is getting better, after having received legal and emotional support and treatment at Freedom From Torture, the only UK organisation helping to rehabilitate survivors of this torment.
of being tortured or even killed.

He believes the Cameroonian government can change the situation, bringing in laws and enforcing them to ensure no other LGBTI person meets a similar fate. He hopes to encourage others to send letters to officials and make a change.

‘They must know we cannot change who we are,’ J said. ‘I’m asking gay Cameroonians to be strong. I am with them. You have to fight, to carry on, for the sake of freedom.’

*This article was written in partnership with Freedom From Torture (http://www.freedomfromtorture.org/). Visit their website (http://www.freedomfromtorture.org/) to learn more about their work treating and rehabilitating torture survivors.*
TAB 33
Who killed Roger Mbede?

america.aljazeera.com/articles/2015/3/26/who-killed-roger-mbede-gay-rights-cameroon.html
In this July 2012 photo, Roger Jean-Claude Mbede stands in the home of a friend where he had sought refuge in Yaounde, Cameroon. Mbede, a gay man who was jailed for sending an
amorous text message to another man, and who was later declared a prisoner of conscience by Amnesty International, died on Jan. 10, 2014.
Anne Mireille Nzouankeu / AP

YAOUNDÉ, Cameroon — On the night of July 16, 2012, Roger Mbede walked out of the central prison in Cameroon’s capital city, having served 16 months of a three-year term for violating the country’s anti-gay law. Though Mbede, then 33, had entered prison a nobody, he was emerging an icon, a man whose story had come to exemplify the challenges facing sexual minorities in Cameroon and throughout sub-Saharan Africa.

The previous year, Mbede had been arrested and convicted under a penal-code provision imposing prison terms of up to five years for same-sex sexual acts. This in itself was not unusual. Cameroonian officials have carried out waves of arrests targeting sexual minorities for the last decade. According to Human Rights Watch, the country prosecutes more people for homosexuality than any other in sub-Saharan Africa, often on limited or fabricated evidence.

But the specific claims against Mbede were flimsy even by Cameroonian standards. Instead of being accused of having sex with another man, he was arrested on the basis of three amorous text messages he sent to a government official. One of these messages confessed “an attraction to men,” while another declared, “I’ve fallen in love with you.”

In the years leading up to Mbede’s arrest, activists had struggled to attract much attention to the lack of gay rights in Cameroon. It soon became clear that Mbede’s case provided an opportunity to make up for lost time. Amnesty International named him a prisoner of conscience, and the organization’s Write for Rights campaign generated up to 500 letters of support a day from all over the world, according to one of his lawyers, Alice Nkom. Human Rights Watch and All Out, a New York-based advocacy group, also took up the cause.

I pledge to continue to follow his story and do what I can to secure his safety.

David Cicilline

Congressman from Rhode Island

The international pressure likely contributed to the decision to grant Mbede provisional release while his case was appealed. But he soon realized that any attempt to resume his normal life would be complicated by his newfound notoriety.

Mbede remained the face of gay rights in Cameroon even after he was let out. On the ground, however, in his home village of Ngoumou, he was impoverished and ailing, desperate even for basics such as money for food.
On Dec. 12, 2013, David Cicilline, the Democratic congressman from Rhode Island, delivered a statement about Mbede in the United States House of Representatives to mark Human Rights Day. “I pledge to continue to follow his story and do what I can to secure his safety,” he said.

Mbede would die a scant month later, his final weeks shrouded in mystery. The news came as a shock to those who had worked on his case. According to the reports, Mbede was held in his village by his family, who were intentionally depriving him of medical treatment. Speaking to The Associated Press, Nkom said, “His family said he was a curse for them and that we should let him die.”

Cameroonian officials have never properly investigated this claim, and the evidence to support it is thin. But the decision by global campaigners mourning Mbede to focus on the family’s role in his death obscured a less dramatic yet still disturbing story — one of an international activist community that placed a high value on the symbolic utility of Mbede’s case but did very little to help him cope with the price of exposure. While Mbede was clearly a casualty of a hateful, homophobic law, a less obvious truth is that activists probably could have, but failed, to save him.

**Shouts and insults**
Michel Togué, one of the lawyers for the defense, smiles at the Yaounde court which on July 23, 2013, sentenced a man to two years in prison and handed down a suspended one-year jail sentence to an underage youth for homosexuality
Reinnier Kaze / AFP / Getty Images

Born in Yaoundé in 1979, Mbede never knew his father, and his mother died when he was young. He was raised by an aunt and uncle who had nine children of their own but nonetheless welcomed Mbede into their home on the outskirts of the capital.

In an interview taped after his release, Mbede said he first realized he was attracted to men when he was around 10. He said he recognized at an early age that homosexuality was widely abhorred and that this prompted him to “fight a battle, a tough battle.” Yet those who knew him, including foreign campaigners and members of the local gay community, say his role as an activist was entirely accidental. No one in the country’s 10 or so active lesbian, gay, bisexual and transgender organizations seems to have met him prior to his arrest, which was the first time he’d encountered any trouble related to his sexual orientation.

The official who eventually denounced Mbede to the police worked at the office of Cameroon’s president, and Mbede met him while applying for a job there. After a brief interview, Mbede sent the man a text message: “I feel a desire to sleep with men and I am attracted by your beauty.” After two subsequent messages from Mbede, the official arranged a meeting, then tipped off the police. Two plainclothes officers arrested Mbede not long after he showed up.

Mbede appeared before judicial officials one week after his arrest. “Everyone in the courtroom started to cry out and insult me — even the judge,” he later told Human Rights Watch. He had no lawyer at his trial the following day. “They didn’t ask me questions,” he said. “When I stood up to go to the bar, it was just shouts and insults.”

The case might never have attracted any publicity had it not been for Michel Togué, the only other local lawyer besides Nkom who regularly defends Cameroonians charged under the anti-gay law. Togué happened to be at the court the day Mbede was sentenced. Before Mbede was transferred from the court to the prison, Togué approached him and asked if he wanted to appeal. Mbede said yes, and Togué filed the next day. (Nkom joined Mbede’s team later.)

It is with eyes filled with tears and a heart completely saddened that I write you this letter. Please go cancel the appeal. I don’t want to suffer any more from constant persecution from my enemies.

Roger Mbede
writing to his lawyer from prison
Yaoundé’s central prison is by all accounts a rough place, and Mbede fared especially poorly. Inmates familiar with his story refused to share a cell with him, and he was often expelled to the courtyard, exposed to the sun and rain, said Lambert Lamba, a Cameroonian activist who became close with Mbede. Some called him “pédé,” a derogatory slang word derived from “pedophile” or “pederast,” and “diaper wearer,” a slur hurled at gay men based on the belief that anal sex renders them incontinent. Guards did little to protect him from violence, Lamba said. At the time of his release, Mbede had a scar on his brow where, he said, he had been hit with a wooden bench.

Mbede’s correspondence from prison suggests he wasn’t eager to embrace a struggle larger than his own. A letter to Nkom written in February 2012, nearly a year after his arrest, indicates he wanted only to keep his head down until his prison term was over. “It is with eyes filled with tears and a heart completely saddened that I write you this letter,” he began, lamenting that the system seemed stacked against him. “Please go cancel the appeal. I don’t want to suffer any more from constant persecution from my enemies.”

Upon his release, Mbede’s health was his first priority. He underwent badly needed surgery for a testicular hernia, but the procedure was not entirely successful, according to friends and activists. He also tested positive for HIV. It was unclear where he contracted it, and he never got on a treatment plan.

Mbede had been working toward a master’s degree at a local Catholic university, but resuming his studies also proved difficult. The university had become a hostile environment. One friend recalled that someone posted a sign on Mbede’s door that read “Dirty Pédé,” and Amnesty reported that he was later assaulted by four unknown men just off campus.

Fearing for his safety, Mbede moved in with Lamba for three months and then returned to his village. The relocation indicates that he was still figuring out what kind of life he wanted. Though he was primarily attracted to men, he sometimes slept with women and, about 10 years ago, fathered a son. When he returned to the village, he was accompanied by a woman who identified as a lesbian but, in need of a place to stay, had agreed to pose as Mbede’s girlfriend. Mbede told his family he was no longer gay. The woman, who asked not to be named, would become pregnant with Mbede’s second child inside of six months.

'A bit of negligence'

In December 2012, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, a global federation pushing for sexual-minority rights, held its world conference in Stockholm, Sweden. By this point, most activists were aware of Mbede’s case and concerned for his welfare. Conference organizers decided to invite Mbede as a “special
guest,” knowing he would then seek asylum, according to French activist Thomas Fouquet Lapar. The idea was hatched late, however, and it was not possible to process Mbede’s visa application in time, Lapar said.

On Dec. 17, the day after the conference came to a close, an appeals court upheld Mbede’s verdict. Mbede went into hiding, and his ambiguous legal status complicated subsequent efforts to get him out of Cameroon.

Jean-Eric Nkurikiye, a former Amnesty campaigner who worked on Mbede’s case, believes Mbede’s conviction made it illegal for him to leave, meaning the organization was in no position to help. But Togué, the appeals lawyer, said Cameroonian authorities would have needed to issue a specific order barring Mbede from traveling if they didn’t want him going anywhere. There is no evidence they did so.

In late 2012, a regional organization, the Central Africa Human Rights Defenders Network, drew up budgets for two possible escape plans for Mbede, both of which involved overland travel to Chad to avoid altercations with airport authorities, who were more likely than border officers to stop Mbede. From Chad, he would fly either to Europe or the United States. However, Patience Freida, who works on LGBT issues for the organization, said it lost contact with Mbede while the budgets were being approved. “There was a bit of negligence in this case,” she said. Because members had no news of Mbede, she added, “We said to ourselves, ‘He must be out of danger.’”
In fact, Mbede believed his situation was becoming more precarious. In a January 2013 email to an activist at All Out, he reported having received a letter the previous week — it was apparently “slipped under his door” — that included a threat: “Be very careful and don’t be stupid. You risk losing your life, while those who are encouraging you will remain living.”

Around this time, Lapar, the French activist, turned to Dignity for All, a program run by a consortium of rights organizations that provides emergency assistance to activists and human-rights defenders endangered because of their work on LGBT issues. The program was created in September 2012 and receives significant funding from the U.S. State Department. Generally speaking, while the fund was designed for activists, exceptions for people like Mbede are possible, said senior program officer Mindy Michels. Lapar said Dignity eventually approved Mbede’s case and agreed to provide him with about $5,000, more than enough to pay for his travel, though the money was not disbursed until August 2013.

The plan then was for Mbede to travel to France. Dignity does not provide help with the
visa process, however, and the French embassy in Yaoundé dragged its feet. Lapar, who is based in France, said he found little help on the ground in Cameroon as he tried to get Mbede’s papers in order. Local organizations had few resources and little influence, and international groups failed to coordinate their efforts, wasting valuable time.

To Lapar, this inability to mobilize at a time when Mbede was perhaps most in need of assistance reflects poorly on the priorities of global activists. “People can say a lot of things — ‘Oh, we’re so indignant about the sentence that he faced’ — but when it’s just about picking up a phone and calling an ambassador of a country to say we need this guy to be out, no one does it,” he said. “And it’s so easy.”

**Final days**

There are competing versions of how Mbede’s final weeks unfolded. In the most widely accepted account, Mbede’s family removed him from the hospital and held him in the village against his will, waiting for him to die. The source of this information is Lamba, who went to the village in early January, days before Mbede’s death, for a visit that quickly turned chaotic.

Soon after Lamba arrived, dozens of people gathered around as members of Mbede’s family questioned Lamba about their relationship as well as the extensive interest in their relative’s case. Lamba felt threatened. Two of Mbede’s cousins had machetes, he said, adding that they kept him there “for nearly 10 hours.”

At no point was Lamba permitted to see Mbede. Lamba said he left the village convinced the family had decided to let Mbede die. Several days after Mbede’s death, Lamba told The Associated Press that, during the course of his visit, family members “said they were going to remove the homosexuality which is in him” — a claim that is central for those who say Mbede’s death was the direct result of his family’s homophobia.

Today, though, Lamba says that because of the general confusion of the scene, he doesn’t remember anyone saying these things in so many words. “Nobody said that explicitly,” he recalled. While his broad claims may be accurate, his version of events appears far from the definitive account activists portray it as being.
Alice Nkom, a Cameroonian lawyer who was on Roger Mbede's legal team, gestures during an interview in Berlin on March 14, 2014, where she was to receive a human rights prize from Amnesty International.

Johannes Eisele / AFP / Getty Images

Noel, a cousin with whom Mbede was particularly close, provides a different version of what happened. He said he understands why Lamba may have been intimidated during the confrontation. But he said Mbede’s relatives and neighbors were simply trying to understand what was wrong with him to see if there was any way to help. Noel denied his family wanted Mbede dead. To the contrary, he said, they simply couldn’t afford to pay for Mbede’s medical care.

The woman who was posing as Mbede’s girlfriend might have been able to provide an account of Mbede’s final days. However, she had left the village several weeks before, just four days after delivering their daughter. She said she was trying to find a place where Mbede could recover from his illness, since he seemed to be faring poorly at home.

What she does recall, though, undercuts Noel’s claim that Mbede faced no threat in the village. She said she remembers getting a call from Noel a few days before Mbede’s death, warning her to stay away. She said Noel told her there were certain members of his family who thought Mbede was cursed and might harm him. This woman said she is not surprised Noel neglected to disclose this information himself, citing his apparent wish to protect his family’s reputation.
Given how much time has passed, and the absence of an official investigation, it may prove impossible to ever determine which story — Lamba’s or Noel’s — is closer to the truth.
A painting in memory of Roger Mbede hangs in the office of a Cameroonian LGBT organization.
Mbede was buried hastily in his family’s village, in a makeshift coffin cobbled together with wooden planks. Noel suggested waiting to see if some of Mbede’s international contacts would send money for a proper service, but the family concluded this was unlikely, given what was being said about them, and they were reluctant to pay to continue keeping his body in the morgue. They decided to just get on with it.

Activists honored him in different ways. All Out organized a “virtual vigil”: a petition calling on world leaders to do away with anti-gay laws. In Cameroon, one LGBT organization has paintings of Mbede hanging in its office. Another named a conference room after him.

These gestures mean little to his relatives and friends, however, one of whom lamented that Mbede was buried “like a dog.” The lack of help on the part of Mbede’s international contacts in honoring someone who attracted so much attention while he was alive is an enduring mystery for the family, Noel said. “The entire world knew my brother. Ambassadors, everyone,” he said. “If they didn’t do anything for his death, well, that really disappointed me.”

Noel said Mbede’s aunt, especially, wonders how someone who became so well-known had, apparently, been forgotten so quickly. “She asks until today, ‘With all the relations he had, with all of his friends, what kind of friends are they?’”
TAB 34
LGBT activists in Cameroon face threats and violence

Issued on: Modified:

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Text by: Charlotte OBERTI
In Cameroon, where a homosexual act can get you six months to five years in prison, people defending members of the gay community are now being targeted as well.

Advertising

A report by the international human rights group Fédération internationale des ligues des droits de l'homme (FIDH) released on Wednesday shows that the lesbian, gay, bisexual and transgender (LGBT) community’s allies and defenders face grave dangers in the West African country.

LGBT activists say they are in danger of arbitrary arrests, having their homes burned, burglaries and “violent deaths”. They also say that they cannot rely on the police for protection.

**Entrapped and imprisoned**

Intimidation is one of the primary methods used to target activists, who are regularly threatened by anonymous messages via SMS or Facebook.

Michel Togué, a lawyer who has defended members of the LGBT community, says that even his children have been threatened. One message he received said that if he didn’t stop “defending homo ideas” he might find himself “at the bedside of his dying children”. This was sent with an image of his children, photographed walking home from school.

A member of the ACODEVO association, which seeks to repeal anti-gay laws and defend “poor and vulnerable communities”, was the victim of an entrapment scheme in 2013. After receiving an SMS from a man and setting up a meeting, he was condemned to one year in prison for planning a “tentative homosexual act”.

2/5
Sometimes, it is more than just threats. The director of the human rights advocacy group REDHAC, Maximilienne Ngo Mbe, received death threats while her niece, who lives with her, was sexually assaulted and tortured by a group of armed men. Previously, unidentified assailants had also tried to kidnap Ngo Mbe’s son from his school.

At first it was primarily activists who were threatened and assaulted. Now, more and more lawyers are being targeted. Out of 2,500 practicing lawyers in Cameroon, only four or five are willing to defend homosexuals. And those who do are often stigmatised by their peers, the FIDH report said.

'The mama of queers'

But despite the noxious atmosphere, activists like Alice Nkom, a lawyer and the founder of the Association de Defense des Homosexuel-les (Association for the defense of gay men and women), continue to fight for LGBT rights.

“I am under constant security,” Nkom, 70, told FRANCE 24. She said that she no longer risks walking in the street, but doesn’t plan to leave her country.

“I made arrangements,” she said. "I have a security contract with a company, because the state doesn’t ensure my safety."

Her complaints to the police are never followed up. But despite the threats, Nkom, a grandmother, said that she is not intimidated.

“If I was afraid, I would have stopped,” she said. “I got myself in this battle knowing the risks...I defend the indefensible.”

One of Nkom’s most notable clients was one of Cameroon's leading gay rights activists, Roger Jean-Claude Mbédé, who was condemned to three years in prison for homosexuality before dying sequestered in his home.

“Recently on a television show, they accused me of being the 'mama of queers'. They said I was sent by the West to pillage Africa,” said Nkom, laughing.

The first black woman to succeed at passing the bar exam in Cameroon, Nkom openly denounces the hypocrisy of her government. “In my career of 47 years, I've defended many criminals, but I was never threatened for that,” she said.

International help

Nkom says she hasn’t lost hope and she is confident that she will “win the battle”, with the help of the international community. “If I did not have outside help, they would have already killed me,” she said. In 2013, Nkom won the German branch of Amnesty International’s human rights prize.
She will continue with the support of her family and said that she hopes to see future generations continue the work.

“Everyone in my family is behind me. The new generation is sensible to these questions. My grandson wants to one day take over for me, and he has begun taking aikido lessons so he can defend himself,” she said.

Other activists speak of the importance of “outside help”. The report by FIDH highlights international media that transmit information that local media cannot. Cameroonian journalist Alex Gustave Azebaze says he learned of the murder of philosophy student Eric Ohena Lembebe, who was found with a broken neck and feet after sending a "love text" to another man, from “buzz from the outside” – that is, from RFI (Radio France Internationale), FRANCE 24 and international humanitarian organisations.

In July of 2013, Issa Tchiroma Bakary, the minister of communication in Cameroon, said the following in response to Lembebe’s death:

“First of all, there is no state plot, nor social plot in Cameroon, which is directed against homosexuals... These acts can be committed against either heterosexual or homosexual individuals. It is firstly a safety issue, which is naturally the responsibility of the state to solve.”

However, many say that the government does not work to protect members of the LGBT community but rather to intimidate them.

And, Azebaze says, the press is often hesitant to write about such a sensitive subject. “Here the press has written few articles, because they are in an ambivalent position. If the subject irritates those in power, they don’t dare intervene.”

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