



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

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	3
II. BACKGROUND, CONSTITUTIONAL AND LEGAL FRAMEWORK.....	6
III. CRIMINALIZATION OF SEXUAL ACTS, AND SEXUAL PROPOSITIONS THROUGH ELECTRONIC COMMUNICATIONS BETWEEN CONSENTING ADULTS OF THE SAME SEX.....	8
IV. GENERALIZED CONTEXT OF VIOLENCE AGAINST LGBT PEOPLE IN CAMEROON	11
A. KILLINGS, AND ATTACKS AGAINST LGBT PEOPLE	11
B. SEXUAL VIOLENCE AND SO-CALLED “CORRECTIVE” RAPE	11
C. HUMAN RIGHTS DEFENDERS	11
V. TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT AND ARBITRARY DETENTIONS OF LGBT PEOPLE IN CAMEROON, INCLUDING “WEEKEND ARRESTS” WITH THE PURPOSES OF EXTORTION	14
1. <i>Arbitrary arrests (including “weekend arrests”), torture and police abuse against LGBT people</i>	<i>14</i>
2. <i>Torture and forced anal examinations</i>	<i>15</i>
3. <i>Extortion and blackmail by State agents and private individuals</i>	<i>17</i>
V. RECOMMENDED QUESTIONS.....	18
VI. SUGGESTED RECOMMENDATIONS.....	18

I. EXECUTIVE SUMMARY

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

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

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,”¹³ 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.”¹⁴

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.

¹³ CAT/C/CMR/5. 3 November 2016, para. 167.

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

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.”¹⁵

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

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

acquiescence of a public official or other person acting in an official capacity.”¹⁶ 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.”¹⁷ Further Article 4 establishes that “each State Party shall ensure that all acts of torture are offences under its criminal law.”¹⁸ Torture is a crime under Cameroon’s criminal code (article 132 bis).¹⁹

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.²⁰ 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.”²¹

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.”²²

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

¹⁶ UN Convention against Torture U.N. Doc. A/39/46, 10 December 1984, Article 1.

¹⁷ UN Convention against Torture U.N. Doc. A/39/46, 10 December 1984, Article 2.

¹⁸ UN Convention against Torture U.N. Doc. A/39/46, 10 December 1984, Article 4.

¹⁹ République du Cameroun, Liste de questions relatives a l’Examen du Quatrieme Rapport Periodique du Cameroun, Réponses du Gouvernement au Comité contre la Torture, CAT/C/CMR/4, March 2010 (in French), available at : http://www2.ohchr.org/english/bodies/cat/docs/AdvanceVersions/CAT-C-CMR-Q4-Add1_fr.pdf.

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,²³ 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.”²⁴

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

²³ See, for example: CEDAW, Concluding observations on the combined fourth and fifth periodic reports of Cameroon, U.N. Doc. CEDAW/C/CMR/4-5 (Feb. 28, 2014), para. 37. Human Rights Committee, Joint Declaration of Special Rapporteurs on Freedom of expression; Freedom of peaceful assembly and of association; Health; Human rights defenders, CMR 1/2012, U.N. Doc. A/HRC/21/49 (Sept. 7, 2012). African Commission on Human and People’s Rights, Concluding Observations on the 3rd Periodic Report of the Republic of Cameroon, 15th Extraordinary Session, 7 to 14 March 2014, Banjul, The Gambia, para. V. xxxvi. CAT, List of issues prior to submission of the fifth periodic report of Cameroon, U.N. Doc. CAT/C/CMR/QPR/5 (June 11, 2015), para 29. In the context of the Universal Periodic Review (UPR) before the UN Human Rights Council, several countries have made recommendations to Cameroon to decriminalize same-sex consensual acts, which have been noted by Cameroon. UPR, 4th UPR Session, Report adopted 12 October 2009, A/HRC/11/21 (1st cycle). UPR, 16th UPR Session, Report adopted 20 September 2013, A/HRC/24/15 (2nd cycle), recommendations 131.32 to 131.38, and 131.108.

²⁴ Human Rights Committee, *State Party Report: Cameroon*, U.N. Doc. CCPR/C/CMR/5 (29 Dec. 2016), para. 45.

the jurisdiction of the Legislative Power),²⁵ contravening the principle of separation of powers.²⁶ 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.²⁷ 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.²⁸

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.²⁹

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.”³⁰

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

²⁵ The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMSHeR, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015, p. 8.

²⁶ The Guardian, “Cameroonian lawyer urges world to join her in fight against anti-gay legislation,” (Alice Nkom), March 2015, available at: <https://www.theguardian.com/global-development/2015/mar/10/cameroon-lawyer-campaign-against-anti-gay-legislation>.

²⁷ 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).

²⁸ With the passing of Law N° 2016/007 on 12 July 2016, modifying the Penal Code Article 347 *bis* became Article 347(1) with the same legal provisions.

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

³¹ UN Office of the High Commissioner for Human Rights, *Born Free and Equal: Sexual Orientation and Gender identity in International Human Rights Law*, page 15, HR/PUB/12/06/2012, p. 33.

³² United Nations High Commissioner for Human Rights, *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity*, U.N. Doc. A/HRC/19/41 (Nov. 17, 2011), para. 12.

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.

³⁶ The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMSHeR, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015.

³⁷ The Observatory for the Protection of Human Rights Defenders (a joint programme by International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), AMSHeR, et al., Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI Persons, International Fact-Finding Mission Report, February 2015.

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 2014,³⁹ 9 cases in 2015⁴⁰ and 20 cases in 2016).⁴¹ Also, civil society organizations documented two cases of attempted homicide, and two unexplained homicides in 2015.⁴² 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.⁴³

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."⁴⁴ 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."⁴⁵

Local organizations reported 4 cases of "corrective" rape in 2014, and 7 cases in 2016.⁴⁶ 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.⁴⁷

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 Togu , a lawyer in Cameroon has received death threats for defending lesbians and gays. It is reported that he has

³⁹ Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*.

⁴⁰ Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Nouveau Visage de la Haine*.

⁴¹ 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.

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

⁴³ Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Nouveau Visage de la Haine*, p. 17.

⁴⁴ Keren Lehavot and Tracy L. Simpson, *Incorporating Lesbian and Bisexual Women into Women Veterans' Health Priorities*, June 27, 2013.

⁴⁵ Pillay, Navi "The shocking reality of homophobic rape" in *The Asian Age*, June 20, 2011.

⁴⁶ 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.

⁴⁷ 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.

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 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."⁵⁵

On June 27, 2013, the offices of Alternative Cameroun (Douala) were set on fire, and some of its

⁴⁸ "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>.

⁴⁹ CAT/C/CMR/QPR/5, 11 June 2015, para. 29.

⁵⁰ International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), *Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI persons, International Fact-Finding Mission Report* (2015), p. 21. Available at https://www.fidh.org/IMG/pdf/report_cameroun_lgbti_eng_final.pdf

⁵¹ "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>.

⁵² Human Rights Watch, *Cameroon: LGBTI Rights Activist Found Dead, Tortured. Authorities Should Investigate Death, Condemn Violence*. July 16, 2013. Available at <https://www.hrw.org/news/2013/07/16/cameroon-lgbti-rights-activist-found-dead-tortured>

⁵³ CAT/C/CMR/5. 3 November 2016.

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

⁵⁵ Aids Acodev, Alternative Cameroun, Association des amis du cœur, Camnafaw, Evolve and Sid'ado, Alternative Report from Organisations of the Civil Society on the Human Rights Situation in Cameroon presented to the ACmHPR, 54th Ordinary Session, Banjul, The Gambia, October, 22 to November 5, 2013.

members have been swindled.⁵⁶ 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.⁵⁷

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.”⁵⁸

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,”⁵⁹ 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”.⁶⁰

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

⁵⁶ Id. at p. 20. Testimony by a member of the LGBT community in Yaoundé on 10 January 2014: “Swindlers pretend they are members of the LGBTI community and telephone to set up a meeting wherever and whenever you want. When you get there, they demand a certain amount of money otherwise they report you to the police. They have accomplices in various police stations. So if you agree to go to the police station they just have to reveal your alleged identity (“he’s a faggot!”) for the police to arrest you and put you in prison to examine your case. They often question people close to you and make a forcible anal examination to ‘prove’ your homosexual relations; this also means paying a ransom to get released and to get the case closed”.

⁵⁷ Id. at p. 22.

⁵⁸ UN, CAT/C/CMR/CO/4, Consideration of reports submitted by States parties under article 19 of the Convention: Cameroon, 19 May 2010, para. 18.

⁵⁹ CAT/C/CMR/5. 3 November 2016, para. 167.

⁶⁰ 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.

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

The Government of Cameroon has not adopted measures to effectively prevent torture and ill treatment by law enforcement. 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 conducts, is arbitrarily enforced in Cameroon. Cameroon argues that “homosexuality remains an offence consisting of a material act of “sexual relations with a person of the same sex.”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.

⁶¹ See for example: Mgr Samuel Kleda, cité dans l'article du Camerpost : *Cameroun – Conférence épiscopale nationale : Les évêques prescrivent la « zéro tolérance » contre l'homosexualité*. 12 janvier 2016. Disponible en ligne depuis le lien <http://www.camerpost.com/camerounconference-episcopale-nationale-du-cameroun-les-eveques-prescrivent-la-zero-tolerance-contre-lhomosexualite/>. Hassan Nsangou ""homosexuality can even be assimilated to sexual terrorism," cité dans l'article de AllAfrica : *Cameroon: L'Islam dit non à l'homosexualité !*. 25 juin 2013. Disponible en ligne depuis le lien <http://fr.allafrica.com/stories/201306260493.html>

⁶² Humanity First Cameroon, *Rapport Annuel 2013 des Violation des Droits Humains dans la Ville de Yaoundé*, p. 9.

⁶³ Human Rights Committee, *State Party Report: Cameroon*, U.N. Doc. CCPR/C/CMR/5 (29 Dec. 2016), para. 46.

⁶⁴ International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), *Cameroon: Homophobia and Violence against Defenders of the Rights of LGBTI persons, International Fact-Finding Mission Report* (2015). Available at https://www.fidh.org/IMG/pdf/report_cameroun_lgbti_eng_final.pdf

Civil society organizations based in Cameroun have documented 21 cases in 2014 in Yaoundé⁶⁵ 7 cases in 2015,⁶⁶ and 33 cases in 2016⁶⁷ 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.⁶⁸ 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.⁶⁹ 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.⁷⁰

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.⁷¹

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.

⁶⁵ Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*.

⁶⁶ Humanity First Cameroon, *Rapport Annuel 2015 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Nouveau Visage de la Haine*.

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.

⁶⁹ Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L'Homme : La Dictature du 346 bis*, p. 4.

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 2013.⁷² 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.’”⁷³ They were sentenced by a judge to six months in prison, relying partially on the medical reports following the anal exams as “evidence.”⁷⁴

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.⁷⁵ One of the men accused received a two-year sentence for same-sex relations.⁷⁶

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 “Enquête Préliminaire: Requisition à Personne Qualifiée.”⁷⁷

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.⁷⁸ 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

⁷² “Human Rights Watch conducted field research in Cameroon in 2012 and 2013 in partnership with Alternatives-Cameroun, the Association for the Defense of Homosexuals (ADEFHO), the Cameroon Foundation for AIDS (CAMFAIDS), and Avocats Sans Frontiers-Suisse (Lawyers without Borders-Switzerland), identifying numerous examples of the use of forced anal exams in different regions.” HRW, “Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions,” 2016, (hereinafter “HRW, Report on forced anal examinations, 2016”) available at: <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>.

⁷³ HRW, Report on forced anal examinations, 2016, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

⁷⁴ HRW, Report on forced anal examinations, 2016, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

⁷⁵ Tribunal de Grande Instance du Mfoundi, « Ordonnance de Non-Lieu Partiel et de Renvoi Devant le Tribunal de Grande Instance du Mfoundi à Yaoundé », July 20, 2012, on file with ADEFHO, viewed by Human Rights Watch, cited in HRW, Report on forced anal examinations, 2016, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

⁷⁶ BBC, « Cameroon man jailed for homosexual acts », 23 July 2013, available at: <http://www.bbc.com/news/world-africa-23422047>, cited in HRW report on forced anal examinations, 2016, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

⁷⁷ HRW, Report on forced anal examinations, 2016, Chapter II : Forced Anal Testing : a country by country view. Cameroon.

⁷⁸ Humanity First Cameroon, *Rapport Annuel 2014 de Humanity First Cameroon sur les Violation des Droits de L’Homme : La Dictature du 346 bis*, p. 8.

beaten every day for a month by the officers.⁷⁹ People under custody are also humiliated by being forced to show their genitals so police officers could take photographs of them.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.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 2014,⁸² 6 cases in 2015,⁸³ and 67 cases in 2016.⁸⁴

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 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.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

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.

⁸⁰ Alternative Report from Organizations of the Civil Society on the Human Rights Situation in Cameroon Presented to the African Commission on Human and People’s Rights, 54th Ordinary Session, Banjul, The Gambia, October 22 to November 5, 2013, p. 16.

⁸¹ Ryan Richard Thoreson, *Blackmail and Extortion of LGBT People in Sub-Saharan Africa in Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa* 4-19, at 10 (Ryan Richard Thoreson and Sam Cook, Eds., International Gay and Lesbian Human Rights Commission, 2011), <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/484-1.pdf>.

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

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*.

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.

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.

⁸⁶ 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.

- 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.