



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

¹ Global Commission on HIV and the Law, "Risks, Rights and Health," July 2012

<https://hivlawcommission.org/wp-content/uploads/2017/06/FinalReport-RisksRightsHealth-EN.pdf> (accessed January 24, 2019)

Sara LM Davis, William C Goedel, John Emerson, and Brooke Skartvedt Guven, "Punitive laws, key population size estimates, and Global AIDS Response Progress Reports: an ecological study of 154 countries," *Journal of the International Aids Society* (2017), <https://onlinelibrary.wiley.com/doi/full/10.7448/IAS.20.1.21386> (accessed January 24, 2019).

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.

² Human Rights Watch, World Report 2019 (New York: Human Rights Watch, 2018), Cameroon, <https://www.hrw.org/world-report/2019/country-chapters/cameroon>

³ UNAIDS, “Cameroon Report NCPI,” 2012, <http://www.unaids.org/sites/default/files/country/documents/Cameroon%20NCPI%202012.pdf> (accessed January 22, 2019).

⁴ PEPFAR, “Gender Analysis in Cameroon: Summary of Key Findings and Recommendations for Key Populations,” March 2016, <https://www.fhi360.org/sites/default/files/media/documents/resource-linkages-cameroon-gender-analysis-2016.pdf> (accessed January 24, 2019).

⁵ “HIV treatment coverage among key populations low in Cameroon,” *Avert.org*, March 6, 2015, <https://www.avert.org/news/hiv-treatment-coverage-among-key-populations-low-cameroon> (accessed January 24, 2019).

⁶ Republic of Cameroon, Ministry of Public Health, “2018-2022 National Strategic Plan for HIV/AIDS and STIs,” August 2017.

⁷ *Ibid.*

⁸ Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, A/HRC/14/20, April 27, 2010, <https://www.ohchr.org/Documents/Issues/Water/Contributionsstigma/others/SPhealthII.pdf> (accessed January 24, 2019).

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

⁹ Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions*, July 12, 2016, https://www.hrw.org/sites/default/files/report_pdf/globalgbtanalexamso716web.pdf

¹⁰ According to UNAIDS, "The median HIV prevalence among gay men and other men who have sex with men is 19% in western and central Africa and 13% in eastern and southern Africa." UNAIDS, "The Gap Report," 2014, http://www.unaids.org/sites/default/files/media_asset/UNAIDS_Gap_report_en.pdf (accessed January 4, 2019), pp. 203-206. See graph on p. 204 for statistics on prevalence among MSM in Cameroon, Kenya and Uganda

affected by attacks on education between 2013 and 2017.¹¹ 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.¹²

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.¹³ 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

¹¹ GCPEA, Education Under Attack 2018,

http://www.protectingeducation.org/sites/default/files/documents/eua_2018_full.pdf (accessed January 7, 2019)

¹² Human Rights Watch, *Cameroon - These Killings Can Be Stopped: Government and Separatist Groups Abuses in Cameroon's Anglophone Regions*, July 2018,

https://www.hrw.org/sites/default/files/report_pdf/cameroon0718_web2.pdf

¹³ UNICEF, "Cameroon: North West/South West: Crisis in the Making – Updated as of 08 June 2018," June 8, 2018, on file with Human Rights Watch.

children, and the burning of schools via social media, text messages, and printed notices.¹⁴

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.¹⁵

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;

¹⁴ Human Rights Watch, *Cameroon - These Killings Can Be Stopped*: Government and Separatist Groups Abuses in Cameroon's Anglophone Regions*, July 2018,

https://www.hrw.org/sites/default/files/report_pdf/cameroon0718_web2.pdf

¹⁵ Amnesty International, *Cameroon's Secret Torture Chambers: Human Rights Violations and War Crimes in the Fight Against Boko Haram*, 2017, available at: <https://www.amnesty.nl/content/uploads/2017/07/Cameroon-EN-FINAL-lite.pdf?x65409>.

- 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.