

Document #2010366

IRB – Immigration and Refugee Board of Canada

Cameroon: Situation of sexual minorities, including legislation, treatment by authorities and society, state protection and support services (2017-April 2019) [CMR106270.FE]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

According to sources, homosexual acts are illegal in Cameroon, and the Penal Code provides for up to five years in prison for sexual activity with a same-sex partner (Human Rights Watch 17 Jan. 2019; Freedom House 30 Jan. 2019). Sources report that the section of the law penalizing homosexuality was retained during a reform of the Penal Code adopted in 2016 (Humanity First Cameroon 29 Mar. 2019; Civil society Oct. 2017, 11).

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 sexual minorities are subject to arrest (ILGA Mar. 2019, 314; Human Rights Watch 17 Jan. 2019) and prosecution (ILGA Mar. 2019, 314). In correspondence with the Research Directorate, the President of Alcondoms Cameroun, a sexual minority rights NGO [1], stated that [translation] “Cameroon prosecutes people for consensual same-sex conduct more aggressively than almost any country in the world” (Alcondoms Cameroun 4 Apr. 2019). According to a joint report by Cameroonian civil society organizations, submitted to the UN Human Rights Committee in October 2017 during an implementation review of the *International Covenant on Civil and Political Rights*, Cameroon [translation] “is the highest jailer of homosexuals in Africa” (Civil society Oct. 2017, 11).

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 4 Apr. 2019). 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 February 2019 joint report states that there is [translation] “widespread homophobia” in Cameroon (Alternatives Cameroun, et al. [Feb. 2019], 6). According to sources, sexual minorities are victims of violence (Humanity First Cameroon 29 Mar. 2019; Alternatives Cameroun, et al. Feb. 2019, 6; REDHAC 4 Apr. 2019), discrimination (Humanity First Cameroon 29 Mar. 2019; AJO 12 Apr. 2019; REDHAC 4 Apr. 2019), and stigmatization (REDHAC 4 Apr. 2019; AJO 12 Apr. 2019). The October 2017 civil society report adds that members of sexual minorities are also [translation] “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 [translation] “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 [translation] “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, [translation] “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, [translation] “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).

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).

According to Reuters, family members “regularly” torture, rape and murder gay and lesbian relatives (Reuters 1 Oct. 2018). Notably, sources indicate that a young man was murdered by his own brother because of his perceived sexual orientation in 2018 (Reuters 1 Oct. 2018; Alternatives Cameroun, et al. [Feb. 2019], 6; Erasing 76 Crimes 18 Aug. 2018), in Douala (Alternatives Cameroun, et al. [Feb. 2019], 6; Erasing 76 Crimes 18 Aug. 2018).

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,

[i]n 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

[i]n 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:

- Alternatives Cameroun, Avaf [Association pour la valorisation de la femme, Association AVAF] and Humanity First Cameroon (Acodevo, et al. Oct. 2017, 3; Humanity First Cameroon 29 Mar. 2019);
- Camfaids, Affirmative Action, and WIFC [Women in Front Cameroon (WIFC n.d.)], Transamical, Positive Vision and Transigeance (Humanity First Cameroon 29 Mar. 2019);
- Acodevo, Alcondoms Cameroun, Association Amis du Cœur, Association des jeunes solidaires de Garoua, AJO, Cerludhus, Elles Cameroun, Ladies Cooperation and Synergía - Initiatives for Human Rights (Acodevo, et al. Oct. 2017, 3).

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).

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Association des communautés démunies et vulnérables de l'Océan (Acodevo), et al. October 2017. *Torture and Other Cruel, Inhuman and Degrading Treatment of Lesbian, Gay, Bisexual, and Transgender (LGBT) Individuals in Cameroon* (https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CMR/INT_CAT_CSS_CM_29204_E.pdf). [Accessed 4 Apr. 2019]

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Additional Sources Consulted

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; ecoi.net; 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

Alternatives Cameroun, et al. [February 2019]. *L’ignorance... Rapport annuel 2018 des cas de violences et violations faites sur la base de l’orientation sexuelle et de l’identité de genre au Cameroun* (<https://plateforme-elsa.org/wp-content/uploads/2019/02/RAPPORT-DE-VIOLATION-2018-FINAL.pdf>). [Accessed 2 Apr. 2019]

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