

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	232
Land:	Cameroun
Kilde:	ACCORD
Titel:	ACCORD (Austrian Centre for Country of Origin & Asylum Research and Documentation). Query response on Cameroon: General situation of homosexual persons, criminalisation of homosexuality
Udgivet:	13. oktober 2021
Optaget på baggrundsmaterialet:	6. maj 2022

ACCORD – Austrian Centre for Country of Origin and Asylum Research and Documentation

Query response on Cameroon: General situation of homosexual persons, criminalisation of homosexuality [a-11727]

13 October 2021

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Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference in the document or upon request.

Criminalisation of homosexuality

In its report dated December 2020, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) notes the following in regard to the criminalisation of consensual same-sex relations:

“Cameroon's first Penal Code, enacted in 1965, did not criminalise consensual same-sex sexual acts. An Ordinance issued in September of 1972 by President Ahmadou Ahidjo introduced Article 347 bis (now 347-1). This amendment took place a few months after the advent of the unitary State under the new Constitution, when the National Assembly had not yet been elected. Under Section 347-1 of the Penal Code (2016), anyone who 'has sexual relations with a person of the same sex' may face a penalty of 6 months to 5 years in prison and/or a fine.” (ILGA, December 2020, p. 114)

“Article 83 of the Law on Cybersecurity and Cybercrime (Law No. 2010/12) (2010) criminalises with up to two years of imprisonment and a fine any electronic communication between individuals of the same sex for the purpose of a sexual proposition. Penalties are doubled when communication is actually followed by sexual intercourse. In addition, Section 264 of the Penal Code (2016) criminalises the public utterance of any 'immoral speech' and the drawing of the public's attention to any 'occasion of immorality'. In light of the criminalisation of same-sex intimacy, a legal scholar has suggested that a publicly uttered speech advocating 'unnatural sexual indulgence' would be considered 'immoral'.” (ILGA, December 2020, p. 146)

The US-based non-governmental organization Freedom House also refers to the penal code and a cybercrime law in its Freedom in the World report covering the year 2020:

“Do laws, policies, and practices guarantee equal treatment of various segments of the population? [...] Discrimination against the LGBT+ community is rife, and violence against LGBT+ people is common. The penal code forbids same-sex relations; those convicted face prison sentences as long as five years. A cybercrime law punishes those who solicit same-sex relations online with two-year prison sentences. People are frequently prosecuted with no evidence of sexual activity, but rather on suspicions that they are gay.” (Freedom House, 3 March 2021, F4)

In its 2019 concluding observations on the fourth periodic report of Cameroon, the UN Committee on Economic, Social and Cultural Rights (CESCR) expresses concerns regarding the criminalisation of consensual same-sex relationships:

“23. The Committee notes with concern that consensual same-sex relationships are criminalized by article 347-1 of the Criminal Code and that lesbian, gay, bisexual, transgender and intersex persons are discriminated against in terms of the enjoyment of their economic, social and cultural rights, particularly in the case of their right to health (art. 2).” (CESCR, 25 March 2019, pp. 4-5)

The international non-governmental organisation Human Rights Watch (HRW) writes the following on criminalisation and treatment of lesbian, gay, bisexual or transgender (LGBT) people in its annual report covering the year 2020:

“Cameroon’s penal code punishes ‘sexual relations between persons of the same sex’ with up to five years in prison. Police and gendarmes continued to arrest and harass people they believe to be lesbian, gay, bisexual or transgender (LGBT).” (HRW, 13 January 2021)

In May 2021 the BBC reports that two transgender women were sentenced to the maximum term of five years in prison on charges of homosexuality:

“Two transgender women in Cameroon have been sentenced to five years in jail for contravening homosexuality laws. Their lawyers say they were found guilty of ‘attempting homosexuality’ as well as outraging public decency and problems with their ID cards. One of them is trans celebrity Shakira, a YouTuber who highlights the problems Cameroon’s banned LGBT community faces. She and her friend Patricia have been in detention since February after their arrest at a restaurant. Cameroon is among 31 African countries that criminalises gay sex. ‘It’s a hammer blow. It’s the maximum term outlined in the law. The message is clear: homosexuals don’t have a place in Cameroon,’ one of their lawyers, Alice Nkom, who heads the Association for the Defence of Rights of Homosexuals, told the AFP news agency. [...]

The court in the city of Douala also fined Shakira and Patricia 200,000 CFA francs (\$370; £260) each. If the two are unable to raise the money to pay the penalties, they will face another 12 months in prison on top of their five-year sentence, the BBC’s Killian Ngala reports from the capital, Yaoundé.

In 2016 Cameroon strengthened its anti-homosexuality laws, changing the penal code to explicitly outlaw same-sex sexual relations, our reporter says. There is animosity towards gay and transgender people in Cameroon and they can often be beaten up in public, he says.” (BBC, 12 May 2021)

The above-mentioned penal code of Cameroon can be accessed in English as well as in French via the following links:

- Penal Code Cameroon (Law No. 2016/007 of July 12, 2016, relating to the Penal Code), 12 July 2016a
<https://wipo.lex.wipo.int/en/text/491141>
- Penal Code Cameroon (Loi N° 2016/007 du 12 Juillet 2016 portant Code Pénal), 12 July 2016b
<https://www.camerlex.com/cameroun-code-penal/>

The above-referenced Law on Cybersecurity and Cybercrime can be accessed in French via the following link:

- Law on Cybersecurity and Cybercrime (Loi N° 2010/012 du 21 Decembre 2010 relative a la cybersecurite et la cybercriminalite au Cameroun), 21 December 2010
http://www.art.cm/sites/default/files/documents/loi_2010-012_cybersecurite_cybercriminalite.pdf

General situation of homosexual persons

The German non-profit think tank Bertelsmann Stiftung notes the following regarding the situation of homosexual persons in its BTI report published in April 2020 (reporting period: 1 February 2017 to 31 January 2019):

“It should also be noted that socially conservative values influenced the government’s attitude toward the LGBTI community, but these attitudes are deeply rooted in traditional values regardless of monotheist faiths. Same-sex sexual activity is illegal in Cameroon, with a penalty of up to five years in prison.” (Bertelsmann Stiftung, 29 April 2020, pp. 8-9)

“There is also evidence of significant discrimination and unequal access to justice. Since 2011, the LGBTI community has experienced a series of trials of homosexuals (which is criminalized in Cameroon). According to a 2013 Human Rights Watch report, Cameroon prosecutes homosexuality more aggressively than any country in the world.” (Bertelsmann Stiftung, 29 April 2020, p. 14)

“LGBTI rights are not protected in Cameroon, and members of that community face severe discrimination. Same-sex sexual activity is illegal, and each year, members of the LGBTI community are jailed, harassed, or publicly exposed” (Bertelsmann Stiftung, 29 April 2020, p. 25)

The already mentioned ILGA report from December 2020 provides a summary of incidents against LGBT persons from 2016 until June 2020 and describes the difficulties faced by organisations that seek to support them:

“Between 2016 and 2018 there were nearly 1,800 reports of arrests, extortion, and violence against individuals based on their sexual orientations by authorities in Cameroon. Police reportedly also practice forced anal examinations on those suspected of having had same-sex sexual conduct. In August 2019, donors and activists joined forces to achieve the early release of a gay man who was serving a three-year sentence for homosexuality. After being charged with homosexuality in June 2020, three men were fined and a fourth was fined and sentenced to one year in prison. Donors and activists once again worked to assist in raising funds to pay the fees.” (ILGA, December 2020, p. 114)

“Law Regulating Non-Governmental Organisations (Law No. 99/014) (1999), requires NGOs to pursue aims that are in the ‘public interest’. Groups report that they face obstacles in the process of obtaining legal recognition and some groups have had to exclude any reference to LGBT people to become legally registered. Also, throughout 2019, CSOs [Civil Society Organisations] known to provide support to LGBTI people reportedly faced violent attacks, vandalism and police interrogation for ‘promoting homosexuality.’” (ILGA, December 2020, p. 166)

The US Department of State (USDOS), which is the US federal executive department mainly responsible for international affairs and foreign policy issues, notes the following about the situation of LGBT people:

“Consensual same-sex sexual activity between adults is illegal and punishable by a prison sentence lasting between six months and five years and a token fine. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights organizations such as the Cameroonian Foundation for AIDS, Humanity First Cameroon, Alternatives Cameroon, the National Observatory of the Rights of LGBTI Persons and Their Defenders, and others, continued to report arbitrary arrests of LGBTI persons. Data collected through the UNITY platform, a group of 34 local organizations dedicated to the LGBTI population, indicated an increase in arbitrary arrests of LGBTI individuals in the first half of the year. Many of the arrests occurred in Bafoussam on May 17 when police arrested—and later released—53 LGBTI individuals celebrating the International Day against Homophobia, Transphobia, and Biphobia at a time when COVID-19-related restrictions prohibited large gatherings. LGBTI individuals also continued to face significant stigma, violence, and discrimination from their families, communities, and the government.

The constitution provides for equal rights for all citizens, but the law does not explicitly prohibit discrimination against LGBTI persons in housing, employment, nationality, and access to government services such as health care. Security forces sometimes harassed persons on the basis of their real or perceived sexual orientation or gender identity, including individuals found with condoms and lubricants. Fear of exposure affected individuals’ willingness to access HIV/AIDS services, and a number of HIV-positive men who had sex with men reported also partnering with women, in part to conceal their sexual orientation. Anecdotal reports suggested some discrimination occurred in places of employment with respect to sexual orientation. [...]

LGBTI organizations could not officially register as such and so sought registration either as general human rights organizations or as health-focused organizations. Many LGBTI organizations found that operating health programs, particularly HIV programs, shielded them from potential harassment or shutdown rather than promoting advocacy for LGBTI persons as their primary mission.” (USDOS, 30 March 2021, Section 6)

The above-mentioned arrest of 53 people in Bafoussam in May 2020 is described in more detail in a HRW article published in April 2021:

“Bafoussam, West Region, May 2020

On May 16, 2020, police arrested 53 people, the majority of whom were LGBT, including at least 6 teenagers ages 15 to 17, in a hotel in Bafoussam during a gathering organized by the HIV association, Colibri. They were charged with ‘homosexuality,’ pimping, and complicity in pimping, and were held at the judicial police station. Ten were released on May 17, and the

rest on May 21. Two of those arrested and the lawyer who represented them said that the police beat, humiliated, and threatened many of those arrested, held all of them in a tiny cell, and deprived some of the HIV treatment they needed. One of the men arrested said:

‘They [police officers] stormed the hotel; they took everyone by force. They forced some of us to undress. They beat a trans woman in front of me, they slapped her twice in the face and ordered her to take off her clothes in front of everyone. They also seized medicine, including antiretrovirals, thermometers, and HIV tests. Then they brought us to the police station and threw us in a very small cell where we could barely breathe. Men, women, children, everyone in the same cell. Police also deprived those who were HIV positive of their life-saving treatment and refused to let any medicine into the cell. It was tough. One year on, they are yet to give us back what they took, like medicine and HIV kits. Also, I am yet to recover from the trauma this incident has caused me.’

One of those arrested, a transgender woman, said that on May 18, police forced her to undergo an HIV test and anal examination at the regional hospital in Bafoussam without her consent. She said 5 other LGBT people, including 3 of the teenagers, experienced the same treatment. [...] Human Rights Watch reviewed medical records indicating that the anal examinations and HIV tests were carried out by a doctor at the orders of the regional commissioner of the judicial police. The records confirm that the six people were subjected to digital penetration, a form of sexual assault when conducted by force without consent.” (HRW, 14 April 2021)

The same HRW article from April 2021 further notes the following on the treatment of LGBT people:

“Based on Human Rights Watch’s monitoring and discussions with Cameroonian nongovernmental organizations, the recent accounts of abuse documented here seem to be part of an overall uptick in police action against lesbian, gay, bisexual and transgender (LGBT) people in Cameroon. [...]

On February 24, police officers raided the office of Colibri, an organization that provides HIV prevention and treatment services, in Bafoussam, West Region, and arrested 13 people on homosexuality charges, including 7 Colibri staff. The police released all 13 people on February 26 and 27. Three of those arrested said that police beat at least three Colibri staff members at the police station and that the police threatened and verbally assaulted all those arrested. They also said that the police interrogated them without the presence of a lawyer and forced them to sign statements they were not allowed to read. [...]

On February 14, gendarmes arrested 12 youth, including a 17-year-old boy, in a restaurant in Bertoua on homosexuality-related charges. Human Rights Watch spoke to a 21-year-old woman, who was among those arrested, who said that gendarmes beat, threatened, and verbally assaulted her and the others at the gendarmerie station: They ordered us to lay on the ground on our stomachs with our legs bent. A gendarme would put a foot on your back so that you could not move, while another gendarme would hit you on the soles of your feet. That’s how I was beaten up. Everyone was beaten like that. Gendarmes wanted us to confess we were homosexuals. They insulted and threatened us. They said: ‘You are those destroying our country, we should kill you.’

All of those arrested were released the same day without charge. A woman working for a local human rights group that provided legal and other assistance to those arrested told Human Rights Watch that some of the youth needed medical care upon their release because of the beatings.” (HRW, 14 April 2021)

A previously cited BBC article from May 2021 on two transgender women who have been sentenced to five years in prison on homosexuality charges contains the following additional information by BBC West Africa correspondent Ben Hunte:

“Lawyers for Shakiro and Patricia have told me that that the trans women continue to struggle in prison. Patricia says that she is threatened every day and she is scared for her life. I’ve been reporting on LGBT lives across the world for the past few years, and the experiences of LGBT people in Cameroon are consistently some of the most horrific stories I hear. In February alone, there were three brutal murders of LGBT Cameroonians, and at least 27 arrests. I’ve heard from people who have attempted suicide, because of being blackmailed and ‘outed’ as their sexuality or gender identity. In almost all of the cases, there are family issues at the centre, and a real sense of shame around being associated with LGBT people.” (BBC, 12 May 2021)

In August 2021, HRW reports that the above-mentioned two transgender women who had been sentenced to five years in prison on homosexuality charges were released on appeal, but have been subject to a violent attack:

“A brutal attack on two transgender women in Cameroon occurred just weeks after a court ordered the women, Shakiro and Patricia, released from prison pending their appeal of a five-year sentence on arbitrary ‘homosexuality’ charges. The attack is a stark reminder that whether or not they are behind bars, transgender people in Cameroon are not free.

Shakiro told Human Rights Watch that a violent mob attacked her and Patricia on August 8 at about 1 a.m. in Douala, Cameroon’s economic capital. The attackers pulled them out of a taxi, insulted and threatened them with death, and beat them for about 30 minutes before fleeing when gendarmes intervened. A video circulated on social media captured the assault. [...] Shakiro and Patricia have filed a police complaint against their attackers, but have little hope of obtaining justice in Cameroon, where discrimination against lesbian, gay, bisexual, and transgender (LGBT) people is institutionalized and violence is common. [...]

State-sanctioned persecution of LGBT people in Cameroon has intensified in 2021. Between February and April this year, security forces arrested at least 27 people, including a child, for alleged consensual same-sex conduct or gender nonconformity, beating and subjecting some to forced anal examinations. LGBT activists and lawyers say that Cameroon’s legislation punishing same-sex relations contributes to a homophobic and transphobic environment in which authorities often ignore their responsibility to protect LGBT people, turning a blind eye to hateful rhetoric and violence.” (HRW, 10 August 2021)

In October 2021, the French international news channel France 24 reports on the work of Cameroonian LGBT rights lawyer Alice Nkom, describing the situation of LGBT people in the following terms:

“The first female lawyer in Cameroon, Alice Nkom, has made it her life’s work to fight for the decriminalisation of homosexuality in a country where LGBTQ people face up to five years in prison. [...] The more Nkom spoke about her fight in public, the more she was threatened. ‘At one point, I was receiving threatening phone calls day and night. They called me a witch, they said I was inciting children to ‘get their asses smashed’... It was very violent. I became the person to avoid. These people thought they could forbid me to speak out for anyone I wanted.’ [...] On a positive note, attitudes are starting to change in Cameroonian civil society, says Nkom, even if attacks and arrests – often based on tip-offs – are increasing. ‘It is enough for someone to report you because you have a weak voice or a girlish walk, on the basis of facial expression,’ explains the lawyer, whose office is always kept busy.

Over a hundred LGBTQ people arrested

Since the beginning of 2021, more than a hundred arrests have been recorded, some defendants are awaiting trial and more than forty people have been imprisoned because of their sexual orientation. ‘Just this morning, a young man in prison called me to tell me that there are 20 homosexuals locked up with him,’ said Nkom, who gathers and shares all her information.” (France24, 8 October 2021)

In August 2021, the European Asylum Support Office (EASO) published a query response on the situation of LGBT people in Cameroon which can be accessed via the following link:

- EASO – European Asylum Support Office: Cameroon; LGBT people in Cameroon [Q23-2021], 11 August 2021
https://www.ecoi.net/en/file/local/2058237/2021_08_Q23_EASO_COI_Query_Response_CAMEROON_LGBT.pdf

References: (all links accessed 13 October 2021)

- BBC News: Cameroon jails transgender women for 'attempted homosexuality', 12 May 2021
<https://www.bbc.co.uk/news/world-africa-57085664>
- Bertelsmann Stiftung: BTI 2020 Country Report Cameroon, 29 April 2020
https://www.ecoi.net/en/file/local/2029555/country_report_2020_CMR.pdf
- CESCR – UN Committee on Economic, Social and Cultural Rights: Concluding observations on the fourth periodic report of Cameroon [E/C.12/CMR/CO/4], 25 March 2019
https://www.ecoi.net/en/file/local/2008628/e_c.12_cmr_co_4_E.pdf
- EASO – European Asylum Support Office: Cameroon; LGBT people in Cameroon [Q23-2021], 11 August 2021
https://www.ecoi.net/en/file/local/2058237/2021_08_Q23_EASO_COI_Query_Response_CAMEROON_LGBT.pdf

- France 24: Alice Nkom, Cameroon's tireless defender of LGBTQ rights, 8 October 2021
<https://www.france24.com/en/africa/20211008-alice-nkom-cameroon-s-tireless-defender-of-lgbtq-rights>
- Freedom House: Freedom in the World 2021 - Cameroon, 3 March 2021
<https://www.ecoi.net/en/document/2052748.html>
- HRW – Human Rights Watch: World Report 2021 - Cameroon, 13 January 2021
<https://www.ecoi.net/en/document/2043533.html>
- HRW – Human Rights Watch: Cameroon: Wave of Arrests, Abuse Against LGBT People, 14 April 2021
<https://www.ecoi.net/en/document/2049504.html>
- HRW – Human Rights Watch: Video Captures Vicious Homophobic Attack in Cameroon, 10 August 2021
<https://www.ecoi.net/en/document/2058076.html>
- ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association: State-Sponsored Homophobia; Global Legislation Overview Update 2020, December 2020
https://www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_december_2020.pdf
- Law on Cybersecurity and Cybercrime (Loi N° 2010/012 du 21 Decembre 2010 relative a la cybersecurite et la cybercriminalite au Cameroun), 21 December 2010
http://www.art.cm/sites/default/files/documents/loi_2010-012_cybersecurite_cybercriminalite.pdf
- Penal Code Cameroon (Law No. 2016/007 of July 12, 2016, relating to the Penal Code), 12 July 2016a
<https://wipolex.wipo.int/en/text/491141>
- Penal Code Cameroon (Loi N° 2016/007 du 12 Juillet 2016 portant Code Pénal), 12 July 2016b
<https://www.camerlex.com/cameroun-code-penal/>
- USDOS – US Department of State: 2020 Country Reports on Human Rights Practices: Cameroon, 30 March 2021
<https://www.ecoi.net/en/document/2048145.html>

ecoi.net summary:



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Cameroon: General situation
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Country:

Cameroon

Source:

[ACCORD – Austrian Centre for
Country of Origin and Asylum
Research and Documentation](#)

Document type:

Response

Language:

English

Published:

13 October 2021

Document ID:

2063110

Austrian Red Cross
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Asylum Research and Documentation (ACCORD)

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

