

	Cameroon	
<p>National Law:</p> <p><i>Penal code of 1965 and 1967, as amended in 1972¹</i></p> <ul style="list-style-type: none"> - Article 347: <i>Homosexualité</i> (Homosexuality)² 	<p>Maximum Penalties:</p> <ul style="list-style-type: none"> - Between 6 months' and 5 years' imprisonment with a fine of between 20,000 and 200,000 CFA (US\$35 - \$350) 	<p><u>Treaty Ratification</u></p> <p>AFRICAN CHARTER</p> <p>CAT</p> <p>CAT Art 22</p> <p>CEDAW</p> <p>CEDAW OP</p> <p>CRC</p> <p>ICCPR</p> <p>ICCPR OP</p> <p>ICESCR</p>
The law applies to men and women.		
<p>Enforcement</p>	<ul style="list-style-type: none"> - 2014: In its annual report for 2014, the advocacy group Camfaids (the Cameroonian Foundation for AIDS) reported that prosecutions for homosexuality in Yaoundé dropped by 58 per cent from 2012 to 2014. During that same period, the number of LGBT convictions fell even more from 16 in 2012 to 4 in 2014. Attorney Alice Nkom said that a similar decrease has occurred in the Douala area.³ - October 2014: In Yaoundé, elements of the Nkolemesseng gendarmerie brigade detained six persons whom they accused of prostitution and homosexuality. State Counsel at the Yaoundé Ekounou Court of First Instance ordered the release of the detainees on October 8 due to insufficient evidence.⁴ - May 2014: Two women were convicted of violating Cameroon's anti-gay laws and sentenced to four months in prison and fines of 100,000 CFA francs (US \$211) each. Due to time already served, their attorney stated the two women would be released after paying fines and court costs.⁵ - January 2013: An appeals court in Cameroon overturned the conviction of two men jailed in 2011 for homosexual acts. The trial judge had stated that <i>'the way the men dressed... spoke and the fact that they drank Bailey's Irish Cream proved they were gay.'</i>⁶ - 2013: Human Rights Watch reported that Cameroon pursues more arrests than any 	

	<p>other country in the world.⁷</p> <ul style="list-style-type: none"> - 51 arrests of men and some women have been documented since 2005 (other sources cite 200 arrests and arbitrary detentions a year), with many more unreported.⁸ - The accused are frequently held without charge beyond the maximum permitted time of 48 hours; beaten, subjected to forced anal examinations by doctors, kept in solitary confinement and detained on remand for up to three years without charge or trial. Most arrests and prosecutions are made on the basis of appearance or accusations rather than evidence of actual engagement in the acts as defined and required by law.⁹ - Recent cases to gain widespread publicity internationally include: <ul style="list-style-type: none"> o Jean Claude Mbédé: Accused and convicted on the basis of a text message to another man stating 'I'm very much in love with you'. On 28 April 2011 he was sentenced to 3 years in imprisonment, during which time he reported being sexually assaulted. After falling ill, he died on the 10 January 2014, reportedly after being removed from hospital and isolated by his family. According to a lawyer who worked on Mr Mbédé's case, his family had said: <i>'he was a curse for them and that we should let him die'</i>.¹⁰ o Jonas Nsinga Kimie (aged 19 years) and Frankie Ndome (aged 20 years) were arrested on the basis of their effeminate appearance and beaten on the soles of their feet until they confessed to being gay. Upon conviction, they were sentenced to 5 years imprisonment and given a fine of 200,000 francs. The men were subsequently acquitted on appeal and released.¹¹ o Joseph Magloire Ombwa, Sylvain Seraphin Ntsama, Emma Louitsi Tiomela and Nicolas Ntamack: were subjected to severe delays and a lack of due process. One was subject to forced anal examinations by a military doctor in order to find 'evidence'. Another, an artist, was arrested after being reported to police by neighbours as homosexual on the basis that tourists would frequently visit his house.¹² o Martine Solange Abessolo, Esther Aboa Belinga and Leonie Marie Djula: were accused of being lesbians on the basis of an accusation by the husband of Djula that his wife had been enticed by the other two women. After four days in custody, Djula became a witness for the prosecution and Abessolo and Belinga were finally charged, convicted and sentenced to 9 months in prison on 15 May 2013.¹³
Statements by	<ul style="list-style-type: none"> - March 2015: Cameroonian attorney Alice Nkom called on others to join her in the

Public Figures	<p>fight against the country's anti-gay laws: <i>'If we unite our efforts and our resources, we will get the supreme court to join the other supreme courts in the world to firmly condemn the use of Article 347 as a basis for legal action or verdicts.'</i>¹⁴</p> <ul style="list-style-type: none"> - June 2014: According to an online report, Cameroon President Paul Biya had made a verbal commitment at a side meeting with a group of LGBTI rights advocates at the Africa-European Union summit held in Brussels, Belgium, on April 2-3: <i>'to work to stop the arrests of people on the basis of their supposed sexual orientation'</i>. A National Newspaper (Tribune Verte on 27 May 2014) also referenced this commitment.¹⁵ - 4 September 2013: On national radio, a member of the National Human Rights Commission issued threats directed towards LGBTI activists who were to appear at the country's upcoming UPR in Geneva. Activists were told that they should not expect to be safe when they returned home: <i>Cameroonians who denigrate their country abroad in international bodies and then complain that they are insecure when they return to their home country - they themselves are responsible for what happens. They know they will be put down.</i> In relation to decriminalisation, the member stated: <i>There's a broad consensus in society about these alleged 'LGBT rights'. People in Cameroon are against the decriminalization of Article 347 of the Criminal Code and agree totally with the government's position, which reflects the opinion of the Cameroonian society.</i>¹⁶ - 2 July 2013: Navi Pillay, the UN High Commissioner for Human Rights, called for Cameroon to focus on the implementation of recommendations of the Human Rights Treaty Bodies.¹⁷ - January 2013: President of Cameroon Paul Biya stated that attitudes were changing in the country towards LGBT people: <i>'Now I can say that discussions are under way. People are talking, minds can change one way or another but currently it's a crime.'</i>¹⁸ - Early 2012: President Paul Biya informed diplomats that, whilst he would not be prepared to call for decriminalisation, he would seek to impose a moratorium on arrests. He has not honoured this undertaking.¹⁹ - 13 January 2011: The Cameroonian Minister of External Relations, Henri Eyebe Ayissi, complained to the EU Ambassador, Raul Mateus Paula, about the EU financing a 'Project to Provide Assistance and Guidance to Sexual Minorities' on the basis that the law criminalises homosexuality.²⁰
	<ul style="list-style-type: none"> - LGBTI people and their associates, and lawyers for LGBTI defendants, face

<p>Persecution and Discrimination</p>	<p>widespread discrimination and persecution by both State and non-State actors. No arrests or investigations have taken place despite incidents being reported to the police. Criminal provisions are used to entrap and subject LGBTI people to extortion.</p> <ul style="list-style-type: none"> - 8 August 2015: Cameroon’s fastest-ever hurdler was reportedly banned from the national team because of his sexual orientation.²¹ - July 2015: Yves Yomb of Alternatives-Cameroon said that although the number of LGBT people in prison in Cameroon had decreased, <i>‘we still encounter many cases of scams, blackmail, entrapment, physical violence.’</i>²² - February 2015: A report by the human rights group Fédération internationale des ligues des droits de l’homme (FIDH) found that LGBT activists in Cameroon are <i>‘regularly threatened by anonymous messages via SMS or Facebook’</i>.²³ - January 2015: The advocacy group Camfaids (the Cameroonian Foundation for AIDS) reported an attack against a trans woman by a group of 15 people armed with stones and clubs in Yaoundé, Cameroon.²⁴ - 24 May 2014: Cameroon Athletics Federation National Technical Director Michel Nkolo announced before an audience of more than 1,000 athletes and coaches that the federation was suspending Thierry Essamba due to rumours he was homosexual. Essamba’s parents reportedly expelled him from the family home after the suspension.²⁵ - 30 December 2013: A gay man sought the help of police after being assaulted by an extortionist/blackmailer and was instead charged with the offence of homosexuality under the Penal Code.²⁶ - 22 December 2013: The offices of the NGO, Cameroon Association for Empowerment Outreach Programmes (CAMEF), was burgled and vandalised. CAMEF advocates for human rights focussing on HIV/AIDS among LGBTI people and sex workers. Threatening graffiti was left, with one stating <i>‘Go away, fag [pédé]’</i> and another warning: <i>‘Next time we will padlock and burn all of you inside. Go away.’</i> Equipment was destroyed and the organisation was asked by their landlord to leave.²⁷ - August 2013: Anti-gay vigilante brigades patrolled the streets of Yaoundé, hunting for homosexuals and arresting them. The groups claimed to have the approval of the Secretary of Defence. Bars suspected of being LGBTI friendly were also targeted. Mob attacks against Franky and Jonas (see the ‘Enforcement’ section above for the court case) occurred for the second time that year. A 16-year-old youth was also attacked in a separate incident.²⁸
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- **16 July 2013:** A prominent Cameroonian gay rights activist and chief executive of CAMFAIDS, Eric Lembembe, was tortured and murdered. His body had been burned with an iron, with his neck and feet both broken. Insufficient investigations (with no photos taken of the crime scene, etc.) were reported, with irrelevant questions asked by police aimed at ascertaining the sexual orientation of Lembembe and his colleagues. Three members of CAMFAIDS were detained for several days for questioning over Lembembe's murder despite being neither witnesses nor suspects.²⁹
- **26 June 2013:** The offices of Alternatives-Cameroun were burgled and firebombed - destroying the medical records of clients tested for HIV.³⁰
- **16 June 2013:** The offices of Michel Togu  were broken into and confidential information from files stolen. Attacks on Alice Nkom and Togu , two prominent human rights lawyers defending LGBTI people, escalated. Both reported receiving threats against them and their families regularly by email and text. Togu 's family sought asylum in another country. The crimes were reported to police but no investigations or arrests were made.³¹
- **June 2013:** A spate of break-ins occurred at offices of LGBTI human rights defenders and lawyers acting for LGBTI people. On 1 June 2013, the offices of REDHAC were burgled.³²
- **5 April 2013:** The son of Maximilienne Ngo Mbe, Executive Director of R seau de D fenseurs des Droits Humains en Afrique Centrale (Central African Human Rights Defenders Network), (REDHAC), was the victim of an attempted kidnapping.³³
- **March 2013:** Alternatives-Cameroun, Association for the Defence of Homosexuals, Cameroonian Foundation for AIDS (CAMFAIDS) and Human Rights Watch issued a report revealing that many of those arrested on homosexuality charges are tortured.³⁴
- **January 2013:** A report by Amnesty International stated that the criminal justice system in Cameroon was being used '*as a weapon to attack LGBTI people*'. The report found that LGBT people in police custody were forced to undergo '*illegal, degrading*' medical examinations to prove their homosexuality.³⁵
- **6 January 2013:** A man was stoned to death by mobs in Maroua in south-western Cameroon after being found with his male lover.³⁶

<p>Legislative News</p>	<ul style="list-style-type: none"> - 2014: Government officials in Cameroon defended the law criminalising consensual same-sex activity by claiming the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights state that countries may limit freedoms in the interests of preserving public order and that individuals have the duty to preserve African values and morals.³⁷ - 2009 and 2013: (UPR) Cameroon rejected recommendations to decriminalise. Also in its 2013 UPR, Cameroon also rejected recommendations to respect the right to privacy, protect LGBTI human rights defenders, protect LGBTI people from violence and take steps to eliminate discrimination against LGBTI people.³⁸ - 2011: Cameroon opposed the 2011 UN Human Rights Council Resolution which called on the UN High Commissioner on Human Rights to prepare a report on the rights of LGBTI people. - Cameroon opposed the 2008 UN General Assembly Declaration on Human Rights and Sexual Orientation and Gender Identity.
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¹ Text of the law is available in French at:

http://www.vertic.org/media/National%20Legislation/Cameroon/CM_Code_Penal_Cameroun.pdf

² *Penal code of 1967, Article 347 bis: 'Est puni d'un emprisonnement de six mois à cinq ans et d'une amende de 20.000 à 200.000 francs toute personne qui a des rapports sexuels avec une personne de son sexe.'* English translation: 'Whoever has sexual relations with a person of the same sex shall be punished with imprisonment for six months to five years and a fine of 20,000 to 200,000 Francs CFA.'

³ Stewart, C., 'LGBTI life improves in homophobic Cameroon', *76 Crimes*, 28 July 2015,

<<http://76crimes.com/2015/07/28/lgbti-life-improves-in-homophobic-cameroon/>>

⁴ US Department of State Bureau of Democracy, *Human Rights and Labor, Country Reports on Human Rights Practices for 2014: Cameroon*, June 2015, <<http://www.state.gov/j/drl/rls/hrrpt/2014/af/236338.htm>>

⁵ Stewart, C., 'Cameroon sentence: 4 months for lesbian activity', *76 Crimes*, 5 May 2014, <<http://76crimes.com/2014/05/05/cameroon-sentence-4-months-for-lesbian-activity/>> accessed on 12 August 2015

⁶ 'Cameroon 'gay sex' men acquitted', *BBC Africa*, 7 January 2013, <<http://www.bbc.co.uk/news/world-africa-20939129>>

⁷ Human Rights Watch, *Guilty by Association: Human Rights Violations in the Enforcement of Cameroon's Anti-Homosexuality Law*, March 2013,

<http://www.hrw.org/sites/default/files/reports/cameroon0313_ForUpload.pdf> at 1, accessed on 19 July 2014

⁸ Ibid at 9

⁹ See, for example, Ibid at 23

¹⁰ Roger Jean Claude Mbédé, Cameroon: 'I was subjected to torture', *IRIN News*, 16 September 2013,

<<http://www.irinnews.org/hov/98764/roger-jean-claude-mbede-cameroon-i-was-subjected-to-torture>> accessed on 19 July 2014

¹¹ Nelson, S. C., 'Cameroon Judge Frees Two Men Jailed For "Looking Gay"', *Huffington Post*, 9 January 2013, <http://www.huffingtonpost.co.uk/2013/01/09/cameroon-judge-looking-gay- n_2437825.html> accessed on 19 July 2014

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- ¹⁴ Ni Chonghaile, C., 'Cameroonian lawyer urges world to join her in fight against anti-gay legislation', *The Guardian*, 10 March 2015, <<http://www.theguardian.com/global-development/2015/mar/10/cameroon-lawyer-campaign-against-anti-gay-legislation>>
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- See also a scanned copy of: Tribune Verte, *Homosexuals support the nomination of Paul Biya for a Nobel Prize*, 27 May 2014: [in French]: <https://www.facebook.com/AidsAcodevCameroun/photos/a.183518031841446.1073741827.183516951841554/247649682094947/?type=1&theater>
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- ²² Stewart, C., 'LGBTI life improves in homophobic Cameroon', *76 Crimes*, 28 July 2015, <<http://76crimes.com/2015/07/28/lgbti-life-improves-in-homophobic-cameroon/>>
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- See more at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>
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³³ Ibid

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³⁵ Amnesty International, *Cameroon: End impunity for grave human rights violations*, 24 January 2013, <<https://www.amnesty.org/en/latest/news/2013/01/cameroon-end-impunity-grave-human-rights-violations/>>

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