



## **Cameroon - Researched and compiled by the Refugee Documentation Centre of Ireland on 3 August 2012**

### **Information on the treatment of homosexuals in Cameroon.**

A report by the *United States Department of State* under the heading 'Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity' states:

"Consensual same-sex sexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA francs (\$40 to \$400). During the year 10 persons were arrested for suspected homosexual activity, although most were not engaged in homosexual acts at the time of arrest.

Gay men and lesbians generally kept a low profile because of the pervasive societal stigma, discrimination, and harassment as well as the possibility of imprisonment. Gay men and lesbians suffered from harassment and extortion by law enforcement officials. According to one human rights NGO, government officials and private citizens sometimes conspired to make false allegations of homosexuality to harass enemies or extort money.

In March Jean-Claude Roger Mbede was sentenced to three years in jail by the Yaounde lower court for homosexual activity." (United States Department of State (24 May 2012) *2011 Human Rights Reports: Cameroon*)

This report also notes:

"On July 25, police detained three men returning from a bar in Yaounde because two of the men appeared effeminate, according to the Association for the Defense of Homosexuality and Human Rights Watch. The three were jailed for one week before being charged, and the two who appeared effeminate were beaten on the soles of their feet until they confessed to being gay, according to a civil society group working on their behalf; the third man was released. After repeated postponements, a trial was held on September 26, at which the two men who confessed to being gay were sentenced to five years in prison and a fine of 200,000 CFA francs (\$400). An arrest warrant was issued for the third man, who was convicted and sentenced in absentia to the same punishment.

On January 13, following the EU decision to finance the Project to Provide Assistance and Guidance to Sexual Minorities, the then minister of external relations Henri Eyebe Ayissi convoked Raul Mateus Paula, the EU ambassador, to convey the government's opposition to the decision, noting that the law criminalizes homosexuality.

Several lesbian, gay, bisexual, and transgender organizations operated in the country. There was a pattern of discrimination against members of such groups, although no official cases were available for citation." (ibid)

In a section titled 'Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons' it states:

"Although the constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, security forces impeded domestic and international travel during the year.

[...]

In-country Movement: Security forces at roadblocks and checkpoints in cities and on most highways extorted bribes and harassed travelers. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. There were credible reports that police arrested and beat individuals who failed to carry their identification cards as required by law (see section

1.d.)" (ibid)

A report by *Amnesty International* states:

"Laws criminalizing consensual same-sex relationships must be repealed by the Cameroonian government, Amnesty International said as it called for the release of those currently in prison for homosexuality,

"It is time to end the arrest, detention, prosecution and other forms of persecution and discrimination against people perceived or known to be gay, lesbian, bisexual or transgender," said Erwin van der Borgh, Amnesty International's director for Africa.

Since March 2011, 13 people in Cameroon have been arrested for allegedly practising homosexuality.

Most have been targeted on the grounds of their perceived sexual orientation, rather than on any alleged participation in prohibited consensual acts. In virtually no cases have the police or other eyewitnesses claimed to have seen the alleged homosexual acts." (Amnesty International (5 March 2012) *Cameroon urged to overhaul laws criminalizing gay relationships*)

This report also states:

"All detainees are held under Section 347a of the Cameroonian Penal Code which states that "Whoever has sexual relations with a person of the same sex shall be punished with imprisonment from six months to five years and with a fine ranging from 20,000 Francs CFA to 200,000 Francs CFA" (approximately 35 to 350 US dollars).

"Laws criminalizing same-sex sexual conduct violate a raft of regional and international human rights laws," said Erwin van der Borgh.

"This law has created a climate of fear and allows police to arbitrarily detain and imprison suspected lesbian, gay, bisexual or transgender individuals where they are at times subjected to torture and other forms of ill-treatment with impunity." (ibid)

A report by *BBC News* states:

“Three men in Cameroon have been sentenced to five years in prison for homosexual acts, which are illegal in the central African nation.

Two of the accused were in court in the capital, Yaounde, but a third man was sentenced in absentia as he had jumped bail.

Police said the men were arrested for having oral sex in a car.

They denied the allegations and their lawyer Alice Nkom told the BBC they were arrested for looking feminine.” (BBC News (24 November 2011) *Cameroon jails men over gay sex*)

This report also states:

“Amnesty International has said Cameroon's homosexuality law is draconian and discriminatory and should be scrapped.

"Amnesty International considers these men to be prisoners of conscience who are being punished solely because of their perceived sexual orientation," Amnesty's Central Africa campaigner Jean-Eric Nkurikiye told the BBC in a statement.

"The use of criminal law to punish private sexual activity between consenting adults contravenes international human rights laws that Cameroon has signed and ratified." (ibid)

A report by *Human Rights Watch* states:

“(Johannesburg) - The March arrest, conviction, and sentencing of Roger Jean-Claude Mbede (no relation to the journalist Jean-Claude Mbede resident of Italy) to three years in prison for being homosexual is a gross violation of Mbede's rights to freedom of expression and equality guaranteed by the Cameroonian constitution, Alternatives-Cameroun, Association pour la Defense de l'Homosexualité (ADEFHO), and Human Rights Watch said in a letter [4] to Cameroon's top leaders.

Under section 347 bis, a person who engages in "sexual relations with a person of the same sex" can face a prison term of up to five years. Mbede was sentenced after admitting to his sexual orientation while in police custody. However, the law directly contravenes international human rights treaties, which, the Cameroonian constitution states, apply directly in the country.

"This law criminalizes consensual sexual conduct and violates the fundamental rights to privacy, equality, and freedom of expression of all Cameroonians," said Alice Nkom of ADEFHO. "The fear and stigma attached to homosexuality is such that the police use the mere existence of the law to trap individuals with impunity. And courts convict those accused even in the absence of evidence."

In their letter, ADEFHO, Alternatives-Cameroun, and Human Rights Watch urge Vice Prime Minister and Minister of Justice Hon. Amadou Ali to initiate a review of the law criminalizing consensual sexual conduct and the conviction in this case, and call on the General Delegate of Security Martin Mbarga Nguélé and the Secretary of State for Defence Jean Baptiste Bokam to cease arrests under section 347 bis of the Cameroonian penal code.” (Human Rights Watch (17 May 2011) *Cameroon: ‘Sodomy’ Law Violates Basic Rights*)

Another report by *Human Rights Watch* under the heading 'Background' states:

"Homosexuality has long been taboo in Cameroon. In 1972, president Ahmadou Ahidjo enacted Article 347 bis of the Cameroon Penal Code by decree, circumventing the usual debate in the National Assembly, in order to punish "sexual relations with a person of the same sex" with imprisonment of six months to five years and with a fine of 20,000 to 200,000 CFA francs [US\$40 to 400].<sup>9</sup> It is not clear how extensively the article was enforced between 1972 and 2005, as no monitoring group consistently tracked arrests.

On May 21, 2005, police raided a nightclub in Yaoundé and arrested thirty-two people under Article 347 bis, setting off a flurry of official speeches, press accounts, and religious sermons against LGBT people that continues to the present. More arrests under Article 347 bis followed. Over the past five years, the threat of arrest and imprisonment, and general public derision, has increased the vulnerability of gay, lesbian, bisexual, and transgender people in virtually every sphere of their lives: at home, at work, in the community, and on the streets. When they are arrested, gay people often become victims of the brutality of police, prison guards, and fellow inmates. A climate of extreme hostility toward LGBT people and those perceived as such means that when they are the victims of attacks, inside or outside of police custody, they have little recourse or protection." (Human Rights Watch (4 November 2010) *Criminalizing Identities, Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*)

#### **References:**

Amnesty International (5 March 2012) *Cameroon urged to overhaul laws criminalizing gay relationships*

<http://www.amnesty.org/en/news/cameroon-urged-overhaul-laws-criminalizing-gay-relationships-2012-03-05>

(Accessed 2 August 2012)

BBC News (24 November 2011) *Cameroon jails men over gay sex*

<http://www.bbc.co.uk/news/world-africa-15871386?print=true>

(Accessed 3 August 2012)

Human Rights Watch (17 May 2011) *Cameroon: 'Sodomy' Law Violates Basic Rights*

<http://www.hrw.org/print/news/2011/05/17/cameroon-sodomy-law-violates-basic-rights>

(Accessed 3 August 2012)

Human Rights Watch (4 November 2010) *Criminalizing Identities, Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*

<http://www.unhcr.org/refworld/pdfid/4cd7d9c82.pdf>

(Accessed 3 August 2012)

Human Rights Watch (4 November 2010) *Criminalizing Identities Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity*

<http://www.hrw.org/print/reports/2010/11/04/criminalizing-identities>

United States Department of State (24 May 2012) *2011 Human Rights Reports: Cameroon*

<http://www.state.gov/j/drl/rls/hrrpt/2011/af/186173.htm>

(Accessed 3 August 2012)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

**Sources Consulted:**

Amnesty International  
Australian Refugee Review Tribunal  
BBC News  
Electronic Immigration Network (EIN)  
European Country of Origin Information Network  
Freedom House  
Human Rights Watch  
Lexis Nexis  
United Kingdom Home Office  
UNHCR Refworld  
UN Human Rights Council  
United States Department of State