

Guilty **SILENCE**



2019
ANNUAL
REPORT

**Violence and rights violations based on sexual orientation,
gender identity and gender expression in cameroon**



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LIST OF ABBREVIATIONS AND ACRONYMS

ARV	Antiretroviral
NACC	National AIDS Control Committee
CPS	Psychosocial Counsellor
UPR	Universal Periodic Review
MSM	Men who have sex with men
IBBS	Integrated Behavioural and Biologic Study
STI	Sexually Transmitted Infection
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
SGM	Sexual and Gender Minority
CBO	Community-Based Organisation
WHO	World Health Organisation
PrEP	Pre-Exposure Prophylaxis
PEP	Post Exposure Prophylaxis
PEPFAR	President's Emergency Plan for Aids Relief
SED	State Defence Secretariat
AIDS	Acquired Immune Deficiency Syndrome
GBV	Gender-Based Violence



PREFACE



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For several years now, civil society organizations Humanity First Cameroon, Alternative Cameroon and many others have produced an annual report on the state of violence and violations of the rights of sexual and gender minorities in Cameroon.

The 2019 report points to the inequalities, discrimination, stigma and negative social representations suffered by sexual and gender minorities in Cameroon.

Beyond the subjectivities, this report recalls that violence is omnipresent in Cameroonian society. Above all, he suggests that those suffered by certain people because of their supposed or real sexual orientation, their gender identity or their belonging to a community, remain most obviously garish.

However, this Report also shows that the spirit and principles which guided the drawing up of the Universal Declaration of Human Rights of 10 December 1948 remain alive among various actors.

Thus, the hope of a society more respectful of human dignity, the focal point of the whole framework of human rights remains permitted and remains.

As human rights defenders, we have a duty to bequeath to future generations a society of tolerance, of accepting difference and the humanity of others.



1 INTRODUCTION

Cameroon is currently facing many human rights crises. The year 2019 was marked by, the protracted Anglophone crisis in the North-West and South-West regions; and the fierce war against Boko Haram terrorist group in the Northern part of the country that continues to wreak havoc, killing innocent Cameroonians in their numbers. Such a context is usually ideal for peaks in other forms of human rights violations. It is from this perspective that we question the fate of Sexual and Gender Minorities (SGMs) who are often ostracized by society as a result of repressive laws against homosexuality. The Penal Code of the State of Cameroon criminalizes same-sex relationship. Article 347-1(1) of the 2016 Penal Code provides that: Whoever has sexual relations with a person of the same sex shall be punished with imprisonment for from 6 (six) months to 5 (five) years and a fine of from CFAF 20 000 (twenty thousand) to CFAF 200 000 (two hundred thousand). Article 83 of Law No. 2010/012 on Cybersecurity and Cybercrime in Cameroon criminalises with up to two years' imprisonment "any person who, through communication technologies, makes sexual proposals to a person of the same sex". The penalty is doubled if the proposals result in sexual intercourse.

People are arrested and imprisoned often arbitrarily and in violation of the Code of Criminal Procedure because of these articles. Besides, sexual minorities are often victims of numerous forms of violence and violations of their rights, which can be classified as physical abuse and psychological violence. 2019 has been particularly strained by the rise in hate speech disseminated across social media, violence against both transgenders and human rights activists. Still, in 2019, 1.380 cases of violence and rights violations of MSGs have been registered, against 1.134 in 2018. With still fresh in mind, cases like that of "Shakiro" which has been devoured by media with great enthusiasm, especially social media via videos showing her assaulted because of her gender identity.

The particularity this year was the violence case which was documented and collected in the North-West and South-West region, in other words, the regions where the Anglophone crisis is raging. The rise in the number of Internally Displaced Persons (IDP) has led to several violations following a non-existent response. Arbitrary arrests, which were strongly manifested in previous years, have favorably decreased (60 in 2018 against 27 in 2019) to the detriment of psychological violence (656 in 2019) within families, workplaces and schools. This notorious change is explained by the fact that awareness meetings towards law enforcement agencies have been amplified in the last year, giving rise to the Cameroon Key Actions Network, which actively participates in raising awareness but also in interventions in cases of arbitrary arrests. The psychological violence is characterized by the absence of psychologists in the organizations to follow up on the survivors but also the absence of educational talks on self-esteem and the social difficulties that LGBTI people



face in the different areas.

The consequences of these abuses and rights violations on the physical and mental health of MSGs had already been discussed in the 2018 Annual Report on Violence(2). The latter, elaborated on the community survey conducted in 2017, which revealed that 57% of lesbians were cigarette smokers and 18% were drug users. The same study revealed that almost one third (1/3) of gays and lesbians suffer from severe depression, while the national average of depression in Cameroon according to WHO currently stands at less than 5%. The 2016 Integrated Behavioral and Biological Study (IBBS)(3) (HIV prevalence rate of 44% for MSM) therefore shows that the HIV infection rate is twice as high among key populations' victims of violence as among those who are not.

We had hard times dealing with this pervasive homophobia. Activities have been carried out to raise awareness of SGMs on their rights albeit they did not yield the expected results.

We have often provided assistance to those arrested and strived to limit as much as we could the consequences of other abuses and human rights violations by providing medical, psychosocial and legal responses. A low percentage, 11%, of cases of violence is addressed in this way.

The only existing response to SGMs issues offered by the Government remains the HIV response among key populations despite the challenges. The HIV response among MSM (men sex men) has been included in the National Strategic Plans (NSP) of fight against HIV since 2011. The most recent NSP 2018-2022 takes a step further by including transgender people as a vulnerable population. Community-Based Organizations are thus officially allowed to work with this target on HIV as it is a public health issue.

With regard to the HIV responses, many programs have recently included an advocacy component in order to make an enabling environment for key populations and to fight against Gender-Based Violence (GBV). The most recent IBBS study conducted in 2016 on key populations has revealed the extent of violence and their vulnerability to HIV. It, therefore, crystal clear that to effectively fight against HIV and be consistent with Sustainable Development Goals (SDGs) (4), it is crucial to carry out actions aimed at reducing violence against sexual minorities.

Community-Based Organizations (CBOs), on the other hand, are doing their best to provide some response to violence and rights violations of SGMs. They have community responses to these cases of violation. Examples include legal assistance provided to victims, medical care to survivors of abuse or violations, and social care thanks to existing shelters to temporarily house those who became homeless because of their real or perceived sexual orientation. These organizations have also carried out advocacy activities targeting stakeholders in an attempt to repeal all discriminatory laws and policies in order to comply with treaties and conventions signed and ratified by Cameroon for the protection of the rights of SGMs in Cameroon.

It should also be noted that the issue around intersex is still seldom discussed and this



specific group of SGMs community remains misunderstood. We provide support to an organization of this group for about two years and they are also victims of discrimination and violence but this is still not documented. All we know is that some are undergoing hasty and unnecessary surgeries that are often damaging to their wellbeing and without their consent. Some intersex people have voluntarily undergone surgeries and were able to benefit from a surgical campaign organized at the Douala General Hospital this year. Participation of a delegation from Alternatives-Cameroon in a meeting of intersex activists in Gambia at the sidelines of the African Commission on Human and Peoples' Rights in October 2018 helped to highlight the types of violations of rights intersex are victims of, and thus better prepare further documentation in collaboration with the new-born Intersex Organization in Douala.

Transgender people are increasingly prominent, and we now have a significant number of transgender Organizations. Their activities will have had a strong impact on the inclusion of transgender in the National Strategic Plan(5) on HIV (2014-2017) by including them among Key Populations.

Given all the above, it is clear that the real problem is and remains the Guilty silence of the State of Cameroon.



2 LEGAL INSTRUMENTS GOVERNING RIGHTS VIOLATIONS BASED ON REAL OR PERCEIVED SEXUAL ORIENTATION AND GENDER IDENTITY

There are many domestic, regional and international instruments which protect human rights in general and they are the bedrock of life in society, ensuring the principles of democracy and equality. The issue of human rights protection, although enacted at the international level, remains an issue specific to each State, which, according to its perspective and ambitions, chooses this or that provision of international standards. Homosexuality, gender and sexual diversity are for most African countries considered taboos and even crimes, as it is the case in Cameroon, which despite signing almost all international conventions, treaties, agreements and protocols to protect human rights, remains a homophobic country. This is even contradictory to its own laws and especially with its international commitments made with regard to the protection of human rights.

1- Domestic instruments to protect the rights of SGMs

-Constitution of Cameroon

The constitution (6) is unambiguous with regard to human rights as in its preamble it states that all men are born equal in rights and freedom, a contradiction with Article 347-1 of the Penal Code of 12 July 2016 which condemns same-sex relationships or Article 83 of the law of 21 December 2010 on cyber security and cybercrime which supports the criminalization of same-sex relationships. This contradiction between the laws and the Constitution raises questions about the lawfulness of these instruments and questions all of Cameroon's international commitments to guarantee human rights without distinction.

- Penal Code

There is a vast array of articles in the Penal Code protecting human rights violations and even abuses, such as Article 277-3 on torture, which repeats words for words the definition of torture as defined by the 1984 Torture Convention and sets out the various sanctions for torture. We equally have a wide range of articles condemning human rights violations, which we do not comply with, unfortunately, given how people are victims of homophobia because of their perceived



or real sexual orientation. This suggests that the protection of human rights is only on papers as in practice there are considerable shortcomings, especially when it comes to protecting the rights of some minority groups in society

2- Regional instruments to protect the rights of SGMs

- Resolution 275

Resolution 275(7) on Protection against violence and other violations of human and peoples' rights based on their real or perceived sexual identity or orientation was adopted during the 55th Ordinary Session of the African Commission on Human and Peoples' Rights held in Luanda, Angola, from 28 April to 12 May 2014. This resolution is binding on State and non-State stakeholders, and expresses concerns about increasing cases of violent acts like murder, rape and assault being perpetrated against individuals based on their real or perceived sexual identity or orientation (see page 1 of the introduction to the resolution). This resolution aims to help human rights activists to put an end to violence against those who identify themselves as Lesbians, Gays, Bisexuals, Transgender and Intersex (LGBTI). The resolution is based on several general principles and obligations; such as the principle of non-discrimination, the principle of due diligence, the obligation to prevent violence and other human rights violations against the LGBT community, the duty to guarantee access to justice, and the responsibility to carry out investigations and prosecute perpetrators of violence and other violations of LGBT rights.

As mentioned above, this resolution is binding and enforceable against all states, its principles and obligations are clear when it comes to guaranteeing protection, security and justice to members of the LGBT community. The fact of the matter is that cases of violence and human rights violations against the LGBT community in Cameroon are increasing and the State, which ought to uphold LGBT rights, instead, is the main perpetrator of violence and other forms of human rights violations in Cameroon. Article 347-1 of the Cameroon Penal Code which criminalizes same-sex relations and justifies all actions and omissions of state agents with regard to violations of human rights on the basis of their real or perceived sexual identity or orientation is tangible evidence

-Maputo Protocol

The protocol (8) adopted by the 2nd Ordinary Session of the African Union Conference in Maputo on 11 July 2003. This is a Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. It prohibits all forms of discrimination based on race, ethnicity, color,



sex, language, creed, political or other opinions, nationality or social origin, property, birth or another status; it is in line with Article 18 of the Charter which urges all States to stamp out all forms of discrimination against women and to guarantee the protection of women's rights.

3- International instruments to protect the rights of SGMs at the international level

- Convention on Torture

The Convention(9) on Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, which entered into force on 26 June 1987, lays emphasis on the principles enshrined in the Charter of the United Nations and recognizes the equal and inalienable rights of all human beings. It advocates the inherent dignity of human beings and the desire to fight against torture in a more effective way. Articles 1 and 2 respectively put in the limelight the definition of the term torture and the responsibility of States to establish a system of protection against torture regardless of the circumstances or authority.



3 METHODOLOGY OF DATA COLLECTION

1. Documenting cases of violations

Cases of human rights violations and abuses are documented by observers trained on observing, documenting and reporting techniques. They are trained on the fundamentals of human rights and digital security, enabling them to perform their duties with the required credibility. The process is simple, it is about collecting all the information pertaining to the case in order to keep track of it and prepare a response if need be. Information is collected in a harmonized manner using tools specifically designed for this purpose, following a well-developed process corresponding to specific stages: alerts, research and information gathering/reporting and documenting. It should be noted, however, that the process does not always respond to this linear approach. In some cases, it is possible to document the case before a detailed quest for information.

The observer first, receives an alert that may come from the community, whether by phone call, text message, social media, videos or other media. The stage is then set to further researches and data collection. At this point, it is important to make more researches and garner information to document the case in an appropriate manner. The tool used for this purpose is the harmonized observatory documentation sheet used nationwide. This tool is used to collect:

- Information on the observer, i.e. name, phone number, the region of action, observer code, and data collection method. The coverage date of the case is also recorded.
 - Information on the victim is collected too, this means seeking information on the victim's age, place of residence, phone number, sexual orientation if applicable, gender and/or sex identity, place of the violation or abuse, the perpetrator(s), and code are assigned for identification.
 - Information of a third party/witness to the violence, which includes name/pseudo; phone number, their relationship to the victim as well as their role in the violation.
- Documenting a case of violation entails faithfully reporting facts told by the survivor of the violation. It, therefore, includes elements like; date, place, and time of the violation; type and nature of the abuse; actions are already taken and those still to be taken.

2. How the observation process is carried out

Observing cases of abuses and violations based on sexual orientation, gender and sex identity is one of the paramount activities carried out by Identity Organizations. Granted, the methodology may vary from one Organization to another but by and large, the methodology for a case observation comprises:



METHODS	DESCRIPTIONS
Detecting cases of abuse	The organization should first and foremost make sure to have clear and precise information pertaining to the case that has happen. To make this possible, observers in the different regions of Cameroon are tasked with garnering primary information which may arouse from various sources.
Free and voluntary victim reporting.	A survivor of an abuse can, alert the organization either by phone, via social networks, e-mail or go directly to a community centre to inform the members of the Organization
Third party reporting	The information may also be reported by an eye witness or any other person aware of the case and informs the organization. It should be noted here that this year, 10 cases were reported by main stakeholders. Stakeholders here are people with whom we collaborate in various aspects of our work, be it on human rights issues or health wise.
Monitoring or tracking	Tracking is about collecting information on any possible case of violence or violation. This is done by observers in the field who actively collect information in their communities, on social networks and on media. This mode of information gathering has enabled to capture most cases of violence and violations as well as hate speeches.
Identifying victims	These are systematic 'victims identification' sessions meant for all beneficiaries during community awareness raising activities. This involves a provider asking questions, using a tool, to find out whether the beneficiary has recently suffered violence based on his or her sexual orientation or gender identity/expression. The provider must take the time to explain what is meant by gender-based violence and the different types of violations. This can be done by a peer educator, an observer, a CPS, the psychologist and/or the GBV focal point.



4 SUMMARY OF VIOLATIONS OBSERVED IN 2019

This report is a summary of the various cases of violations reported in Cameroon during the year 2019. These cases have been classified according to the type of violation to which they belong. We have thus listed 1380 cases, classified into 07 major categories, namely:

NATURE DE GBV	NUMBER OF CASES
(1) Arbitrary arrest and detention	27 cases
(2) Extortion, scamming or black-mailing	249 cases
(3) Physical abuse: assault, inhumane treatment, physical injury, torture	191 cases
(4) Sexual abuse	19 cases
(5) Psychological violence	656 cases
(6) Hate speech: misinformation and incitement to hatred and violence	237 cases
(7) Murders	01 case
TOTAL	1380 Cases

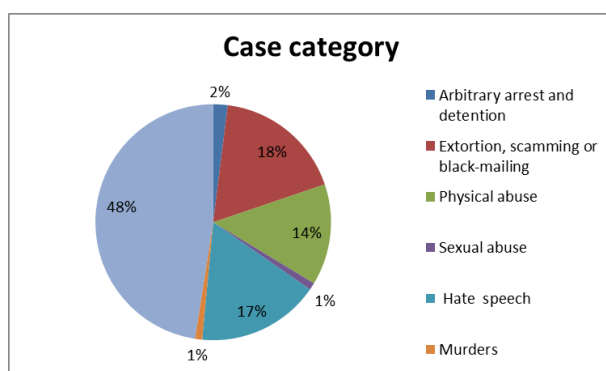


Figure 1: Summary of cases of violation observed in 2019



1. Arbitrary arrest and detention

These types of violations are most often perpetrated by forces of law and order on the population, sometimes simply because of physical appearance or suspicion of homosexuality, or at the instigation of a family member. In this category, we have therefore recorded the following cases:

-Arbitrary arrests: 25 cases

-Wrongful detentions: 02 Cases

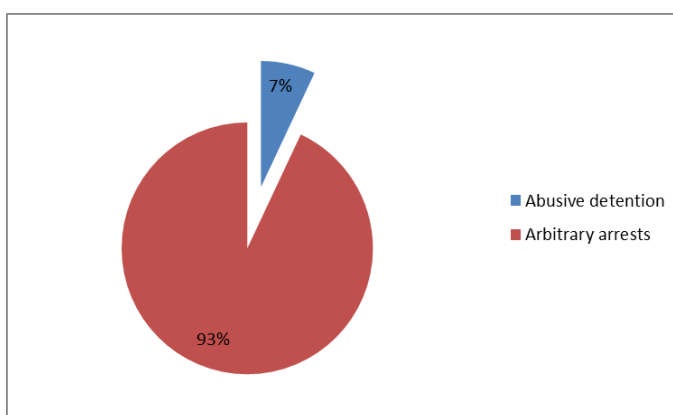


Figure 2: Summary of arbitrary arrests and detention

Illustrative case 1

We have identified ten (10) cases among transgender people. Among them was one victim (THDO0992) who suffered an arbitrary arrest coupled with psychological violence orchestrated by forces of law and order who arrested and stripped him to identify his sex under the pretext that he disguised himself as a woman in order to swindle and rip off men in nightclubs and snack bars. Then they took pictures threatening to post them on social networks and other media in the city. Thanks to the intervention of Alternatives-Cameroon, this action was stopped. We were able to put

our strategies and our financial means at stake to get him out of cell of the Ndogbong gendarmerie company. Given his poor health status, we brought a doctor to consult but this was opposed by the Lieutenant. After his release at around 5:30 pm, the survivor was provided with the necessary medical and psychological care at the Access Centre of Alternatives – Cameroon.



2. Extortion, scamming or blackmailing :

A total number of 249 cases have been reported; out of which 66 were cases of extortions, 52 scamming and 131 blackmailing. It comes out clear that this often results from social network encounters and most victims here are young people.

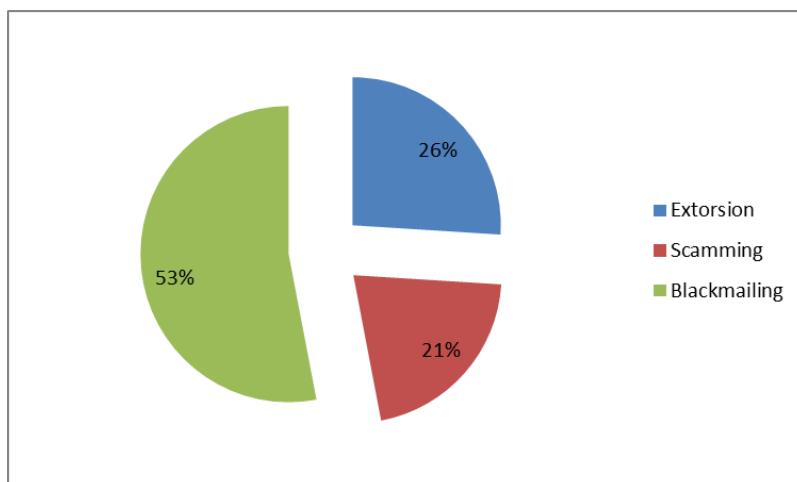


Figure 3: Summary of Extortion-Scamming and Blackmailing

Illustrative case 2

The survivor (MAYAO498) met someone on social networks (Facebook). They then had a date at 9pm after which he went to the home of his date where he will unfortunately be tortured. A few moments later, the executioner proposed him to have sex. They both agreed and as they were preparing themselves to start they were surprised by a group of people who forced their way into the room. They accused him of drawing their kid brother into homosexuality. They then started to beat him up, took his phone and compelled him to enter his orange money security code so as to

clear his account. That is how they withdrew CFA F 7000 from his orange money account. They then called the survivor's contacts saying that he has been kidnapped and that the kidnappers are asking for a CFA F 50 000 transfer to his account in order to let him go. He was finally released around 1:00 am only after the ransom have been paid.



3. Physical abuse

In this category, 3 subtypes of physical abuses are identified, such as Inhumane Treatment (22 cases), assault (100 cases), and Torture (69 cases). That is a total of 191 cases registered by our observers throughout the year

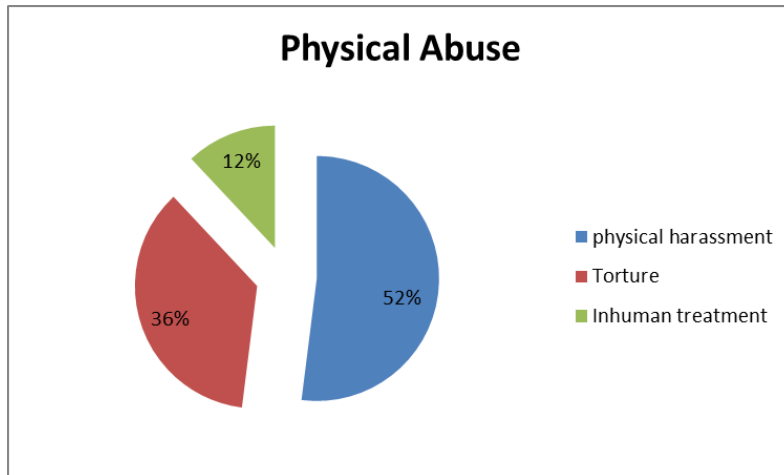


Figure 4: Summary of physical abuses observed

Illustrative case 3

The survivor who is a transgender woman has been beaten up by young people in her neighbourhood in Medong-Yaoundé because of her sexual orientation and especially her gender expression upon returning home in the night on 30 May 2019. She has been robbed and undressed by an angry mob and ordered to leave the neighbourhood immediately and that if she failed to do so she would be beaten up to death. She found one of her phones forgotten by them and managed to call a friend who took her to a health care facility.

Alternatives Cameroun with the help of other organisations took the relay and provided her with medical and psychosocial assistance. The survivor is now living in a secured and ideal setting. She has so far systematically refused any legal support so her assaulters could face justice because she is afraid her request remains dead letter.

4. Sexual abuse

Sexual abuse is manifold; it is increasingly recurrent in the lesbian community and is already making its way into the gay community. There are several reasons for sexual violence, first of all the fact that the perpetrators want to change the sexual orientation of the victim “to give a taste of what God has created as normal, hence the expression “corrective rape”. A total of 19 cases of this nature were recorded this year. There are two types in this category: gang rape (7 cases) and corrective rape (12 cases).

Illustrative case 4

- *The survivor (JEKR0594) has been invited by his teacher who pretended it was to help him with his studies. When he arrived at his teacher's home, the latter offered him food and drink. Once the survivor got drunk, the teacher savagely raped him. A few hours later, he found himself naked on his teacher's couch. This strongly affected him psychologically because he did not go to school for a long period of time; since his rapist ordered him to shut up or else he will be expelled from school. Besides, the survivor rejects any assistance susceptible to help in solving this problem.*

5-Psychological violence

Within this broad category, we have listed other subtypes of violations such as insults (373), wrongful termination of lease agreement (96), family rejection (134), refusal to perform a public service (10), school dismissals (05) and discrimination in hospitals (38). Cases not categorised: 61. All forms of violence have a psychological component, which is the moral and emotional shock endured by the survivors.

Illustrative case 5:

The survivor (CEDO0681) who suffered a psychological trauma after the death of her parents settled in Douala to pull her life back in order. She travelled to Limbe for a family meeting. She was greatly surprised when her family members told her that they have noticed her appearance and that the fact that she is not engaged or less so in a relationship given her age disturbs them a lot. So her aunt asked her to leave the household because she is nothing more than a “lesbian” and wants to destroy her other sisters. Having been rejected by her family, she had to leave the South West and settle in another town.



5 ANALYSIS

According to a comparative analysis, psychological violence was the most committed during this year (509 in 2018 and 656 in 2019) as it is present in all types of violence/violations. Among this type of violence, we have insults, family rejection but above all difficulties in accessing health services due to intimidation, stigmatization and discrimination. Most of this psychological violence leads to withdrawal, depression and sometimes suicide. This violence is not always considered dangerous by both defenders and survivors, yet it has many unfortunate consequences. They represent 46% of the violence collected. As for scams and hate speech, they take respectively the second and third place in this ranking of the most committed violence.

Sexual violence doubled compared to the previous year: 8 cases in 2018 against 19 in 2019 with a greater impact on survivors. On the other hand, arbitrary arrests have dropped considerably: 60 cases in 2018 compared to 27 cases in 2019. This decrease is justified by the entry into play of lawyers recruited by ALTERNATIVES-CAMEROON and HUMANITY FIRST CAMEROON. Awareness-raising and advocacy activities have strongly contributed to the construction of a favorable environment.

Regarding the targets, we noted that most of the violence is aimed at transgender people followed by gays and finally lesbians. This can be explained by the fact that transgender people are more expressive in terms of their faces, social roles/behavior and dress identity. This target is mostly victims of family rejection, insults, intimidation, arbitrary arrest and difficulty in accessing public services. 58% of the violence and violations are directed at transgender people. It would be important to bear in mind that a single survivor can accumulate several types of violence/violations.

DATA RECALL SINCE 2012

Year	Arrests/ Detentions	Scamming/ Blackmailing	Assault	Sexual abuse	Psychological violence	Hate speech	Total
2012	10	7	2	0	4	-	23
2013	9	8	15	0	16	27	75
2014	42	17	5	4	49	55	172
2015	16	27	21	0	49	19	132
2016	35	68	26	7	48	164	348
2017	35	96	110	5	200	132	578
2018	60	198	204	8	509	152	1134
2019	27	249	192	19	656	237	1380
Total	147	223	179	16	366	397	3842

Table 1: Summary of violations cases reported since 2012



6 COMMUNITY-BASED RESPONSES TO HUMAN RIGHTS VIOLATIONS

This response is made up of legal, medical and psychosocial support, but many shortcomings are observed. Among the cases registered, we have provided a community-based response to 21% of survivors i.e. 290 out of 1380.

1. Legal, medical and psychosocial support for survivors of violations

The legal support is provided under the supervision of human rights officers or human rights focal points. The case is taken to court when comes the lawyer hire for this matter. This support is provided regularly for cases of assaults, scamming, blackmailing etc... Depending on the survivor's decisions, we can provide them with the following assistance: support on legal procedures, drafting the complaint and follow-up and in some cases right up to the trial. During the procedure, the survivor is followed and assisted by the lawyer as well as community workers. It can also take the form of mediation or advocacy to institutions and families, particularly in cases of family rejection, discrimination in the health sector, arbitrary dismissal, etc.

We provide medical assistance in case of difficulties to access healthcare services, physical abuse and psychological violence, etc... This operation is undertaken by healthcare providers, including the psychologist, who is not very often mentioned, but who plays an important role in this process. This process ranges from the diagnosis of the survivor to the follow-up of medication, including examinations or other appropriate care depending on the case presented. It can also include referrals and many other services for survivors.

Regarding social activities, this intervention is part of the assessments of managed cases. As part of the care we provide, re-settlement, accommodation in a shelter, food and social reintegration are part of this area of action.



7 THE SHORTCOMINGS OBSERVED

Among the shortcomings identified are:

- Reluctance of survivors to take their cases to court due to fear, ignorance and the high cost of legal proceedings;
- Lack of a shelter in the city of Douala and other cities in the country except Yaoundé. This situation is seen as a hindrance to the social care of survivors of violence;
- Low level of promptness by activists when intervening in cases of violence due to the lack of transportation means for urgent interventions;
- Insufficient financial resources to provide holistic care to survivors ;
- Lack of support from national human rights institutions such as MINJUSTICE, CDHC etc., is a major barrier to the development of a national human rights institution.
- Lack of observers in locations far from big cities.



8 SUGGESTIONS AND RECOMMENDATIONS

- 1. To decriminalize same-sex relationships by repealing article 347-1 of the Penal Code;*
- 2. Immediately stop forced anal examination of homosexuals in accordance with the Convention Against Torture ratified Cameroon;*
- 3. Repeal Article 83 (1) and (2) of Law 2010 on Cyber Security and Cybercrime;*
- 4. Guarantee protection for LGBT rights activists by providing them a legal status at the Cameroon Human Rights Commission ;*
- 5. Continue the fight against stigma and discrimination against LGBTI in public services including justice and health;*
- 7. To take into account gender aspect when drawing up official certificates and documents;*
- 8. Take into account violence against LGBTI and their activists in annual reports on human rights violations in Cameroon*



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10 PRESENTATION OF THE PARTNER ORGANIZATIONS



ALTERNATIVES-Cameroun

Association camerounaise pour la défense des Droits de l'Homme

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MEMORANDUM SUBMITTED AT THE NATIONAL DIALOGUE

MEMORANDUM TO THE NATIONAL DIALOGUE FROM 30 SEPTEMBER TO 04 OCTOBER 2019

“For a national policy for the protection of minorities”

We, Alternatives-Cameroon, joined by other human rights organisations, submit this memorandum as our contribution to the National Dialogue convened by the President of the Republic in September 2019. Intended mainly to address the situation in the North-West and South-West, the President said that the dialogue would go beyond that to embrace “issues of national interest, such as national unity, national integration, and togetherness”.

According to the President, this dialogue “will therefore bring together, without exclusion, the daughters and sons of our dear and beautiful country, Cameroon, around values that are dear to us: peace, security, national harmony and progress”.

We were sensitive to this initiative and the goal, which was in line with our vision of a Cameroonian society that is valued and strong, democratic and tolerant, demanding individual, social or economic rights, dynamic and self-promoting. All this, gathered around new identity benchmarks.

From this vision, we have chosen as mission to fight for the human rights of vulnerable people or victims of discrimination, including sexual minorities.

The issue about stigma and discrimination of a certain segment of the population was raised in the various crisis analyses in the North West and South West regions, and was said in the speech of the President of the Republic, who stated that “marginalisation, exclusion or stigmatisation have never inspired the action of the various Governments I have formed since my accession to power”. He further rejects the idea of the “alleged marginalisation of Anglophones, of the persecution of the Anglophone minority by the Francophone majority”.

As long as the issues of “stigma”, “marginalisation” or “persecution” or “exclusion” of a “minority” are raised, we feel more or less concerned by the concerns of and supportive of any population that feels to be a victim of these plights.

Since our inception in 2006, we have been committed to a community that has long been discriminated against and oppressed. These are LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex)



people who are discriminated against, marginalised, stigmatised and ostracised on the basis of their real or perceived sexual orientation and/or gender and sex identity.

We are convinced that the mechanisms that lead to the exclusion of one segment of the population can apply likewise to the exclusion of other minority groups. We therefore do not perceive the issue of discrimination against the populations of the North West and South West as unrelated to the exclusion of other population groups.

That is why that we welcome the fact that dialogue has been thought to go beyond the Anglophone crisis alone, to tackle the problem in the bigger picture. So the question is no longer about: how can Francophones and Anglophones live together? But rather on “how does Cameroon, as a nation, plans to instill its spirit of togetherness? How is Cameroon striving to create a society that is fully inclusive of all forms of identities? How can Cameroon succeed in making the dream of every Cameroonian come true, that is, their aspirations to feel at ease, regardless of sex, ethnicity, creed, language, culture, skin colour, political opinion, HIV status, wealth, biological and physical condition, sexual orientation or gender identity?

Minorities that feel oppressed have one thing in common: they have not chosen to be what they are, yet they suffer various forms of abuse based on who they are. No one has chosen to be Anglophone, or to be from this or that culture; these are primary data that precede our existence, as is sexual orientation and gender identity. However, a long campaign of misinformation attributes to LGBTI the intention to seek ways and means to rise socially and choose a certain form of sexuality. Many speeches convey fake news. Which incite hatred against LGBTI people. There are hundreds of them every year.

Minorities share a common feeling of frustration arising from limited access to opportunities and rights, which could make them vulnerable. Access to health care, including HIV and STI care, has always been problematic for MSM (men who have sex with men). Since 2011, the state of Cameroon has included MSM among key populations in the HIV riposte. Compared to the national prevalence of 3.9%, prevalence among MSM is 20.7%, with a peak of 25% in Douala and 45% in Yaoundé. The response to HIV among these populations relies primarily on community-based organisations, which are largely identity-based and for this reason are often considered to be on the fringes of legality. This state of affairs hinders the fight against HIV among key populations, particularly MSM. Staff working with these populations work in a problematic security context, and

have often been victims of attacks committed with impunity by populations. MSM, on the other hand, are moving away from treatment centres for fear of stigmatisation. They prefer to go to community centres. Their compliance is often compromised by a lack of support from their respective families or made impossible by them. Minorities share the risk of being ignored, forgotten, set aside in a society where the standards of the majority tends to be seen as the only acceptable standard. This standard is often imposed on them without their input being required. On this basis, rejection can go as far as persecution. Since 2012 we have documented several thousand cases of arbitrary arrests, physical abuses and psychological violence, scamming and blackmailing as well as hate speech targeting LGBTI people. In 2017 a total of 578 cases have been documented and 1134 cases in 2018.

While the State could claim that it did not base its policy on any exclusion of any group, it nevertheless had a responsibility to strengthen the guarantees of minority protection, recalling that the protection of minorities by the State was explicitly enshrined in the Constitution of Cameroon.

The willingness of the state to protect minorities, including sexual minorities, must be translated into actions and provisions that constantly remind these minorities that the state is on their side. To this end, we propose the following lines of action:

Have a Minority Law. This law will specify the various minority groups at risk of exclusion, list back the problems they may face as well as the provisions put in place to protect them. The list of groups will include, but not limited to, minority groups by virtue of their language, ethnicity, geographical area, culture, religion, sexual orientation or gender identity.

Repeal all laws whose implementation would involve direct or indirect discrimination, persecution or exclusion of any social group. As far as we are concerned, we believe that Article 347-1 of the Penal Code, as well as Article 83 of the 2010 Law on Cybercrime and Cyber Security, both of which criminalise homosexuality.

Develop a national policy for the protection of minorities, which will translate the above-mentioned law into a concrete action plan over a defined period of time, with a roadmap and a budget.



Until this much-awaited policy emerges, we will want to bring to the public's attention the fact that any crisis exacerbates pre-existing vulnerabilities, especially those of excluded groups. For example, we notice a violence outbreak and an increase in human rights violations suffered by LGBTI people in the North West. In Bamenda alone 16 cases have been documented in just two months. Many LGBTI people are among the IDP, including many MSM who are at risk of being in shortage of their antiretroviral treatment and we call for a solution to a crisis this now spares no one. In the meantime, we hope that once the crisis is over, never again will a minority group in Cameroon feel discriminated against, excluded, or otherwise impacted by an appropriate policy.

We want a Cameroonian society that is one, in the sense of union, not oneness. One and diversified Cameroon. A Cameroon inclusive of all identities.

Signed by
Alternatives-Cameroon
Humanity First Cameroon,
Affirmative Action,
AI-Condoms



DOCUMENTATION AND FOLLOW-UP SHEET

NO. PU _____ AC

OBSERVER IDENTIFICATION

First and last
names: _____

Contact : _____ Region : _____ Organization
: _____

Coverage date: Coverage _____ location : _____

IDENTIFICATION OF SURVIVOR(S)

Identification codes	Let	Occupation	Age	Residence	Sex	L,G,B,T,I, straight?

Date of the incident : _____ Location: _____

NATURE OF THE CASE

- ☐ Arbitrary arrest
- ☐ Physical abuse (*caning, assault, murder, forced anal examination, non-consensual surgery*)
- ☐ Psychological violence (*insults, threats, defamation, discrimination, family rejection, denial of care, forced marriage, denial of access to child or partner, restorative therapy, exorcism, forced rites, outing*)
- ☐ Sexual Violence (*rape, homophobic rape, sexual harassment*)
- ☐ Scamming, Blackmailing, Extortion
- ☐ Hate speech (*public discourse disseminating negative judgments, misinformation or inciting hatred*)

DATA COLLECTION METHOD

- ☐ Face-to-face interview ☐ Telephone ☐ Media analysis ☐ Documentary search ☐ Field observation

Others _____

SOURCES OF INFORMATION

- ☐ Survivor ☐ Witness ☐ Social Networks ☐ Media ☐ Perpetrator

Other _____

DESCRIPTION OF THE CASE (Who? When? Where? Why? How? By whom?)

The victim's expectations

Actions taken

Assessment of actions undertaken/ Results

Actions to be taken

Observer's signature



Follow-up sheet No. _____

Beneficiary Code

		Actions entreprises	Actions à entreprendre
Date			
Medical follow-up			
Psychological follow-up			
Social Assistance			
Legal follow-up			
Investigations			
Date			
Medical follow-up			
Psychological follow-up			
Social Assistance			
Legal advice			
Investigations			
Date			
Medical follow-up			
Psychological follow-up			
Social Assistance			
Legal advice			
Investigations			
Date			
Medical follow-up			
Psychological follow-up			
Social Assistance			
Legal advice			
Investigations			

