Cameroon

Criminalizing Identities

Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity

HUMAN RIGHTS WATCH

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ALTERNATIVES CAMEROUN

IGLHRC
INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

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Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity

In Cameroon, prejudice against lesbian, gay, bisexual, and transgender people is both very personal and very public. The Cameroon Penal Code punishes "sexual relations with a person of the same sex" with a prison term and a fine. The relevant article, 347 bis, became law in 1972, and until five years ago, there was little information publicly available on its enforcement. But on May 21, 2005, police arrested 32 people at a nightclub in the first of a series of high-profile arrests and prosecutions continuing to the present.

Beyond arrest, gay, lesbian, and bisexual Cameroonians are at higher risk for other problems. Police and prison officers routinely abuse detainees they suspect of same-sex sexual relationships. Gay, lesbian, bisexual, and transgender people may be more vulnerable to violent attacks inside and outside the home, as they often avoid reporting a crime for fear of being arrested, in turn, for homosexuality. Lesbian women can lose custody of their children and be ostracized by their families. Those who are at risk for HIV/AIDS infection or who are HIV positive have difficulty obtaining medical and legal services. A general climate of fear means that rigid gender codes are strictly enforced and people live out their lives in secrecy.

In *"Criminalizing Identities,"* L'Association pour la Défense des Droits des Homosexuels, L'Association pour la Liberté, la Tolérance, l'Expression et le Respect de Personnes de Nature Indigente et Victimes D'Exclusion Sociale au Cameroun, the International Gay and Lesbian Human Rights Commission, and Human Rights Watch document the unique brand of abuses that people suffer on the grounds of their perceived or real sexual orientation or gender identity.

The report shows that despite pleas by national organizations and recommendations from international bodies, Cameroon continues to implement a retrograde law that undermines basic human rights for a group of vulnerable and marginalized Cameroonians.

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Map of Cameroon

© Map Resources

Summary

On our way to the police station, the police officers insulted us and beat us with batons on our heads and bodies. They kept saying they were going to burn us for being dirty pédés [faggots]…. The next morning, they began to question us about our homosexuality, and on Tuesday, they took us to Channel Two and to Cameroon Radio and Television. They paraded us on the news saying the police had dismantled a network of homosexuals.

—Christian, 26-year-old HIV outreach worker arrested in a crackdown on homosexuality in 2005, Yaoundé.

My brothers told my children's fathers that I was a lesbian. Immediately a family meeting was convened, and it was decided that I should not bring the children up. I had no say, because I am a lesbian. So the children now live with their respective fathers…. I still try to contact my children to visit them, but the fathers deny me visits.

—Laure, a 34-year-old unemployed beautician living with HIV since 2009, Douala.

In Cameroon, prejudice against lesbian, gay, bisexual, and transgender (LGBT) people is both very common and very public. It is so widespread that the French word "homosexuel" entered the public discourse to suggest all things evil. People commonly say that homosexuality is foreign and negates African values. Newspapers have said it is "corrupt" and "abominable." Some people interviewed consider it a "perversion," a "cult," or "sorcery." In the past five years, attacks on gays, lesbians, bisexual, and transgender people have been a common refrain in politicians' speeches, media reports, religious homilies, community life—and enforcement of the law.

Article 347 bis, of the Cameroon Penal Code punishes "sexual relations with a person of the same sex" with a prison term of six months to five years and with a fine of 20,000 to 200,000 CFA francs [US$40 to $400]. This article was entered into law by presidential decree in 1972 without the usual review by the National Assembly. Until five years ago, there was little information publicly available on its enforcement. But on May 21, 2005, police arrested 32 people at a nightclub in Yaoundé in the first of a series of high-profile arrests and prosecutions under this article. Arrests continue to this day.

Beyond arrest, gay, lesbian, bisexual, and transgender people or individuals perceived as such are at higher risk for other problems. They may be more vulnerable to violent attacks inside and outside the home, as they risk arrest for homosexual conduct if they report a crime. Police and prison officers routinely have abused detainees they suspect of same-sex sexual relationships, and have done so with impunity. Gay, lesbian, bisexual, and transgender people at risk of HIV/AIDS infection or who are HIV positive have more difficulty in obtaining legal protection, including in prison. A general climate of fear has meant that rigid gender codes are strictly enforced and people live out their lives in secrecy.

Since the 2005 arrests, officials and media outlets have portrayed being gay or lesbian not as a private matter but as a menace to public safety. Vice Prime Minister and Minister of Justice Amadou Ali said in 2006 in a letter to International Gay and Lesbian Human Rights Commission (IGLHRC) that Article 347 bis must be enforced because homosexuality has no part in "positive African cultural values." Monsignor Victor Tonyé Bakot, the Catholic Archbishop of Yaoundé, denounced homosexuality in his 2005 Christmas homily, calling it a "perversion." Newspapers have published a flurry of viciously anti-gay articles about government officials, outing people purported to be gay by publishing their names and calling them the "faggots of the Republic," and inventing a word to describe Cameroon, as a "homocraty," where they allege rich, corrupt, power-hungry homosexuals are attempting to take over the state.

People arrested under Article 347 bis have routinely been denied basic rights. They are often held without charge for more than 48 hours, exceeding the maximum time allowed by Cameroonian law. When charges are issued, the courts often deny detainees bail, or else detainees are unable to afford its terms. Trials can take place months after arrest, during which time people languish in pre-trial detention in police stations or in prison, mixed with the convicted population.

Judges may convict and sentence those arrested under Article 347 bis without clear and credible evidence that they ever engaged in a homosexual act. Even when judges dismiss the charges, prosecutors have been known to charge people again before they can leave custody, so that they must remain in pre-trial detention until a second hearing takes place.

More disturbing still is that people arrested under Article 347 bis suffer a number of abuses while in both police and prison custody.

Police beat the bodies, heads, and soles of the feet of men they believe to be homosexual. The police authorities often order inhuman, degrading, and intrusive anal examinations to

supposedly prove a history of penetration, which actually cannot be scientifically assessed. In prison, guards insult Article 347 bis detainees, hit them, throw water at them, and threaten them with rape. Other prisoners beat them with stones and fists, sexually abuse them, and urinate and defecate on their mattresses. Prison guards have put the Article 347 bis detainees in solitary confinement and chained them by the arms and feet. Boys under the age of 18 arrested under Article 347 bis have been placed in cells with adult male prisoners because prison guards say that if the boys share a cell with other minors they will teach them to be homosexuals.

The detainees often do not protest. They may be afraid to lodge a complaint, or unaware that this is possible, or unable to afford a lawyer. When they do complain, there is often no response, or further abuse ensues. Human rights researchers in Cameroon and government officials themselves say that in general, there is no mechanism for holding police and prison officials accountable for the abuses they commit.

Since 2005, police have continued to use Article 347 bis to arrest ordinary Cameroonians, including university students, small-scale craftsmen, skilled laborers, unskilled workers in hotels and restaurants, and the unemployed. On June 7, 2006, police arrested four young women in Douala after the grandmother of one of the girls tipped them off that they were lesbians, and each was sentenced to three years of probation.[1] Between July and August 2007, police detained nine men in Douala and two in Yaoundé under various circumstances related to perceived homosexual conduct.[2] At the time of the writing of this report, the most recent arrest occurred on March 29, 2010, when police detained three men, including an Australian citizen, who were simply talking in the lobby of a hotel in Douala. According to the detainees, the police, acting on a tip, told the Australian they suspected he was having sex with the other men.[3]

Though arrests remain relatively rare, they create a climate of fear. Family members have reported other family members to police. Landlords have reported their tenants. Friends have reported friends. Thieves and other perpetrators of crimes have simply accused their victims of homosexuality to deflect police attention and escape justice. Others have used the threat of reporting homosexuality to extort money or favors. The consequence is that

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[1] Interview with Alice Nkom, lawyer involved in the case, Douala, September 22, 2009. These women declined to be interviewed for this report for fear that they would be identified as lesbians by their families.

[2] Information of these arrests in the hands of Alternatives-Cameroun.

[3] ADEFHO interview with detainees, Douala, March 31, 2010.

people are punished for a homosexual identity, not for the specific outlawed practice of homosexual sex.

The problem extends far beyond the criminal justice system, especially for women who identify as lesbian or bisexual. Interviews for this report suggested that there are fewer women than men arrested and jailed, yet women who do not dress in typically feminine attire, or who engage in conduct deemed unfeminine, are often singled out for persecution. Women suspected of having sex with women can be specifically targeted for rape and sexual attacks. They can lose custody of their children with little chance of challenging this because of their fear of arrest and jail. Like men, they can be ostracized by their families or suffer physical abuse at the hands of family members, which is especially difficult in a society where women are expected to remain dependent and in the family fold.

Even if a person is not arrested, the climate of prosecution can demand a personal secrecy that can be psychologically devastating and may amount to persecution. Out of 45 interviewees, only a handful had willingly come out to their families and friends. Consistently, men and women we interviewed mentioned having a partner of the opposite sex to "cover up" and avoid stigma, discrimination, and violence within their family and community.

The experience of being branded a homosexual in the criminal justice system can change the trajectories of people's lives. It tears families apart, and causes individuals to be ostracized from their communities, or to lose their jobs. After an arrest, a person lives in fear that even a casual conversation with a person of the same sex could lead to another arrest.

There are also health consequences to the state's criminalization of same-sex activities. Cameroon does not have HIV/AIDS programs especially targeting the distinct and particular needs of men who have sex with men (MSM) or women who have sex with women (WSW), which makes the spread of the virus more likely among those communities. Because same-sex sex is criminalized under Article 347 bis, the state keeps no statistics on HIV prevalence among gay, lesbian, and bisexual men and women and conducts no survey of the knowledge or behavior in these communities related to transmission of the virus.[4] The state prohibits the distribution of condoms in prisons, though HIV prevalence in prisons is high, male prisoners may engage in homosexual sex, and rape within prison is common.

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[4] UNAIDS, "Cameroon: Progress towards Universal Access and the Declaration of Commitment on HIV/AIDS," 2007, available at http://cfs.indicatorregistry.org/country_factsheet.aspx?ISO=CAE (accessed September 11, 2010).

Alternatives-Cameroun and L'Association pour la Défense des Droits des Homosexuels (ADEFHO), two national organizations advocating for the rights of LGBT people, have observed that enforcing criminal laws against homosexual conduct in Cameroon has had a grave negative impact on the HIV/AIDS prevention and outreach strategies they implement. It has had a chilling effect on LGBT people accessing public health services. Furthermore, criminalization leads to stigma, and stigma places people at a higher risk of violence by non-state actors.[5]

Pleas by national organizations and recommendations from international bodies have not been enough to end the prosecution of people under Article 347 bis. In 2006, the UN Working Group on Arbitrary Detentions (WGAD) called on Cameroon to amend its domestic law criminalizing homosexual conduct to comply with international legal standards.[6] During Cameroon's Universal Periodic Review (UPR) in December 2008, the UN Human Rights Council recommended that homosexual conduct be decriminalized. Cameroon did not accept this recommendation. Cameroon also refused the recommendation by the UN Human Rights Committee in July 2010, which called upon the government to work to stem social prejudice and stigmatization against LGBT people, including in public health programs, in order to "ensure universal access to HIV/AIDS prevention, treatment, care and support."[7]

In May 2010, Cameroonian and international organizations called on the African Commission on Human and People's Rights to pressure Cameroon into decriminalizing consensual sexual acts between adults of the same sex. In September 2010, in a high-level panel at the UN on "Ending Criminal Laws and Violence against LGBT People," High Commissioner on Human Rights Navanethem Pillay set as a priority the decriminalization of same-sex acts worldwide.

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[5] Letter from Alternatives-Cameroun to Cavaye Yéguié Djibril, President of the National Assembly, Yaoundé, November 20, 2009.

[6] Written Communication from the UN WGAD' AVIS No. 22/2006 (Cameroon), to IGLHRC, August 31, 2006.

[7] Human Rights Council, "Report on the Working Group on the Universal periodic Review," A/HRC/11/21, October 12, 2009, paras. 20, 22, 25, 28, 29, 32, and 46, available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/CMSession4.aspx (accessed March 1, 2010). "Argentina recommended Cameroon considering the possibility of reforming the laws criminalizing homosexuality and adapting them to international standards." Canada asked Cameroon to "… (b) amend its Penal Code to abolish the criminalization of homosexual acts to conform to the provisions of the ICCPR, particularly articles 2 and 26, and the provisions of the African Charter of Human Rights and Peoples' Rights." France recommended " … respect international provisions in the area of protection of minorities and vulnerable groups,… (c) and non-discrimination against homosexuals." Luxemburg joined the others recommending Cameroon to "… (c) reform its legislative arsenal on this point and establish effective protection of homosexuals against discrimination and attacks." Czech Republic recommended "…(d) the decriminalization of same-sex activity between consenting adults and adoption of measures to promote tolerance in this regards, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS." Brazil recommended "… (c) to amend domestic law regarding homosexuality, with a view to decriminalize it;" Mexico asked that "… (b) that all national legislation that criminalized homosexuality be brought into line with the Universal Declaration on Human Rights and other relevant instruments;"

Alternatives-Cameroun petitioned the National Assembly for decriminalization in November 2009. More than 1,500 people in Cameroon signed the petition; however, the National Assembly has not even considered introducing the topic into discussion. Cameroon's refusal to eliminate homosexual acts from its Penal Code contradicts the terms of its own domestic law, which mandates that "provisions of criminal law shall be subject to the rules of international law and to all treaties duly promulgated and published."[8] Courts should but do not interpret Article 347 bis in this way. Furthermore, the government's refusal keeps a provision on the books that continues to violate basic rights of a group of vulnerable and marginalized Cameroonians.

Key Recommendations

- Cameroon should decriminalize homosexual conduct, refrain from incarcerating adults or children for such conduct, and publicly condemn all acts of violence on the grounds of perceived sexual orientation and gender identity, and all homophobic speech by state officials, in order to guarantee full protection of the rights of all Cameroonians.
- Cameroon should formulate public health programs and health care frameworks under the *National Multi-Sectoral Strategic Framework on HIV/AIDS*, by making an effort to acknowledge and reach out to LGBT people and educate health professionals and the community on sexual orientation and gender identity. It should also obtain resources for programs that serve to reduce the spread of HIV and the deaths associated with AIDS among men who have sex with men and women who have sex with women.
- Cameroonian authorities should stop arrests on the grounds of perceived "homosexuality" and take disciplinary action against police personnel found guilty of misconduct enabled by these legal provisions, including violence, extortion and ill-treatment. The government should introduce trainings on sexual orientation and gender identity in the police and prison services.
- Cameroonian authorities should publicly denounce the abuse of vulnerable populations on the grounds of their perceived sexual orientation or gender identity and protect them from violence by private actors in public and private spaces, including arresting and prosecuting the perpetrators of such violence.
- Deliberate efforts should be put in place to facilitate education, training and awareness, building on sexual orientation and gender identity for service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, and social welfare and health officials.

[8] Penal Code, Article 2.

Methodology

This report is based primarily on research conducted in the Cameroonian cities of Buea, Douala, Ebolowa, and Yaoundé from September 1 to October 4, 2009 by: Joseph Achille Tiedjou and Sébastien Mandeng, researcher and vice-president respectively of ADEFHO, a national human rights organization based in Douala that provides legal defense to people discriminated against or attacked on the grounds of their sexual orientation or gender identity; Joséphine Mandeng and Claude Romuald Essoh, researchers at L'Association pour la Liberté, la Tolérance, l'Expression et le Respect de Personnes de Nature Indigente et Victimes D'Exclusion Sociale au Cameroun (Alternatives-Cameroun), an organization based in Douala that works to defend the rights of LGBT people and people living with HIV/AIDS, as well as providing the latter with adequate treatment and care; Juliana Cano Nieto, researcher in the Lesbian, Gay, Bisexual, and Transgender Rights Program of Human Rights Watch (HRW) a leading and independent organization dedicated to defending and protecting human rights throughout the globe; and Monica Mbaru, Africa Regional Program Coordinator for the International Gay and Lesbian Human Rights Commission (IGLHRC), a leading international organization dedicated to human rights advocacy on behalf of people who experience discrimination or abuse on the basis of their actual or perceived sexual orientation, gender identity or expression.

Researchers interviewed 45 self-identified gay and bisexual men, lesbians, and bisexual women, and men who have sex with men and women who have sex with women. None of the men or women interviewed identified as transgender or transsexual, though some of them considered themselves to be gender nonconforming. The interviews were conducted in either French or English. Almost all interviewees requested that their real names be withheld from the report, and therefore pseudonyms are used throughout.

In addition to victims of rights violations, researchers spoke in the course of the investigation to 17 human rights activists, government officials, journalists, medical doctors, and senior members of the Catholic Church clergy.

Terminology

The report identifies interviewees by the translated versions of the terms used by the interviewees themselves: "homosexual," "bisexual," "gay," and "lesbian." It also sometimes uses the term "lesbian, gay, bisexual, and transgender," or "LGBT." Derogatory terms also appear in this report. Those terms used to verbally abuse gay men, include *pédé* (French slang for homosexual, derived from *pédéraste*), *depso*, and *tata,* or

tapette (queer) and *tantouse* (auntie)—used when referring to effeminate-looking men. Women who are perceived to be lesbians call themselves *mvoye* (which means "to be good" in Ewondo, a local language, but others also call them by pejorative terms; lesbians perceived to be masculine are called *deux-doigts* (two-fingered).

A more detailed glossary of terms is available as an appendix to this report.

Background

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].[9] 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.

After the May 2005 arrests, Cameroon's Vice Prime Minister and Minister of Justice Amadou Ali advocated the continued enforcement of Article 347 bis and added "that positive African cultural values must be preserved … [and] by virtue of African culture, homosexuality is not a value accepted in Cameroonian society."[10]

Then on December 5, 2005, a high school student named Franck Abega killed a classmate and said it was because the boy had flirted with him.[11] The murder, broadly covered by national and international media, seemed to ignite an impassioned national conversation. Later that month, the Catholic Archbishop of Yaoundé Monsignor Victor Tonyé Bakot denounced homosexuality in his Christmas homily.[12]

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[9] Article 347 bis reads, "Whoever has sexual relations with a person of the same sex shall be punished with imprisonment for form six months to five years and fine of from 20,000 to 200,000 francs." The law does not differentiate between men and women. LGBT organizations in Cameroon confirm that the law applies to both, though most reported cases of arrest and prosecution at the time of writing are of men.

[10] Letter from Amadou Ali, Prime Minister and Minister of Justice, to IGLHRC, January 23, 2006.

[11] Abega was held in a mental health unit in Jamot hospital until 2009.

[12] Micah King, "Homosexuality in Cameroon's Public Sphere; Rejecting Homosexuality as Protest against the Other," Undergraduate Research Digest, Vol. 2, No. 2, Washington University, spring 2007, available at ur.wustl.edu/WUURD/wuurdspring07.pdf (accessed July 20, 2010). The Catholic Church also protested the ratification by

> The powers of money and the evil forces want to force you, the people of God, to endorse the practice of homosexuality. Homosexuality is a perversion; an orientation of sexuality toward eroticism that only flatters the senses and rebels against the right reason…. Pseudo-modernity, in other words, liberalism, should not lead the African to repudiate his or her own opinion in favor of infamy.[13]

Shortly after this statement, newspapers like *Nouvelle Afrique*, *Le Messager* and *Le Popoli* published a series of articles outing people, commonly calling them the "faggots of the Republic."[14] One article in particular stood out for Cameroonians: the newspaper *L'Anecdote* published "The Top 50 Presumed Homosexuals in Cameroon," providing names of 50 public figures whom the newspaper deemed corrupt and whose failings the paper curiously equated with homosexuality.[15] The following day, the same newspaper published 27 additional names: "The Complete List of Homosexuals in Cameroon."[16] The same newspaper invented words to describe Cameroon as an "anusocraty" or "homocraty,"[17] critiquing the government by crudely accusing its members of having gay sex. The stories suggested that rich, corrupt "homosexuals" were trying to take over the state and seize power. François Bikoro, chief editor of *L'Anecdote,* wrote in an article, "[t]hey [gays] must be officially tried and condemned if found guilty. Concomitantly, their wrongly acquired wealth must be confiscated and returned to the public treasury."[18] Similar stories that followed in other

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Cameroon of the Protocol to the African Charter on Human Rights and People's Rights on the Rights of Women in Africa (Maputo Protocol)—which guarantees comprehensive rights to women—in July 2009. The church leaders accused the government of legalizing abortion and homosexuality by ratifying the Protocol. Behind the Mask, "Church manipulates public opinion on homosexuality," available at http://www.mask.org.za/.

[13] Quoted in La Nouvelle Expression, No. 1641, January 5, 2006, pp. 6-7; Habibou Bangré "L'Archeveque de Yaoundé Critique L'homosexualité lors de son Homélie de Noel," Tetu Magazine, January 3, 2006, available at http://www.tetu.com/actualites/international/Larcheveque-de-Yaounde-critique-lhomosexualite-lors-de-son-homelie-de-Nol-9136 (accessed September 11, 2010). The Holy See issued a statement in December 2008 supporting decriminalization of homosexuality. Archbishop Celestino Migliore clarified the Holy See's position on this matter, "The Holy See continues to advocate that every sign of unjust discrimination towards homosexual persons should be avoided and urges States to do away with criminal penalties against them." Holy See, "Statement of the Holy See Delegation at the 63rd Session of the UN General Assembly on the Declaration on Human Rights, Sexual Orientation and Gender Identity," December 18, 2008, available at http://www.vatican.va/roman_curia/secretariat_state/2008/documents/rc_seg-st_20081218_statement-sexual-orientation_en.html (accessed September 11, 2010).

[14] "Pédés de la République" in French. L'Anecdote, No. 254, January 24, 2006, p. 3-6; Le Météo, No. 67, January 4, 2006; Nouvelle Afrique, No. 189, January 12, 2006; Révélation, No. 89, November 15, 2006; Situations, No. 2, February 10, 2006, p. 3.

[15] "Le Top 50 des Homosexuels Présumés du Cameroun," L'Anecdote, No. 254, January 24, 2006, p. 3-6. this list included three women and 47 men. The men included three dead former government officials, as well as sports promoters, journalists, CEOs, and members of civil society.

[16] "La Liste complète des Homosexuels du Cameroun," L'Anecdote, No. 255, January 25, 2006. This list included former members of the Catholic Church, two dead people, a number of high-ranking government officials, businessmen, and one woman.

[17] L'Anecdote, No. 256, February 9, 2006, p.4.

[18] Ibid.

papers depicted lesbian women as "mistresses," "madams," and "grazers of young girls' asses," who went about "sexually dominating women."[19]

The government made some effort to defend itself from the media storm. In his annual Youth Day speech on February 10, 2006, President Paul Biya called on the media and others to respect people's right to privacy.

> It is not acceptable that based on uncontrolled rumor, we allow, as was recently the case, speculation on the virtues and vices of others. This breaches their rights to privacy and their reputation….
>
> I therefore appeal to the spirit of responsibility, to the wisdom of communicators, and to journalists to respect the rules of ethics of their noble profession and henceforth respect the principles of propriety inherent to any civilized society.[20]

Biya did not specifically mention the attacks on public figures purported to be gay or lesbian, but his speech was understood as a warning to the community.

In subsequent months, it was not the public figures in the papers who were arrested under Article 347 bis, but ordinary people: university students, small-scale craftsmen, skilled laborers, unskilled workers in hotels and restaurants, and the unemployed. On June 7, 2006, police arrested four young women in Douala, after the grandmother of one of the women tipped them off that they were lesbians; each was sentenced to three years of probation.[21] Between July and August 2007, police detained nine men in Douala and two in Yaoundé.[22] The most recent arrest at the time of the writing of this report occurred on March 29, 2010, when immigration police detained three men, including an Australian citizen, who were simply talking in the lobby of a hotel in Douala. According to the detainees, the police, acting on a tip, told the Australian they suspected he was having sex with the other men. [23]

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[19] "Maîtresses" and "madams" in French. "Brouteuses de cul de jeunes filles" in French. See Le Popoli, No. 332, February 2, 2006, pp. 3-5; No. 537, June 27, 2007, p. 4.

[20] President's speech on the 40th annual celebration of Youth Day. "Je partage vos inquiétudes et vos espoirs," Cameroon Tribune, February 13, 2006.

[21] Interview with Alice Nkom, lawyer involved in the case, Douala, September 22, 2009. These women declined to be interviewed for this report.

[22] Information of these arrests in file with Alternatives-Cameroun.

[23] ADEFHO interview with detainees, Douala, March 31, 2010.

Article 347 bis is not the only law used to target people on the basis of presumed sexual orientation or sexual conduct. For instance, Article 346 of the Penal Code, which criminalizes "indecency to minors between sixteen and twenty-one"[24] is sometimes aimed at young people in that range of age who have consensual homosexual sex. In a 2007 report, Alternatives-Cameroun found that in the previous 10 years in Douala alone, 78 people had been imprisoned under Article 347 bis for "homosexuality" or under Article 346 for "indecency with a minor." This research also proved that police used Article 346 to clamp down on people perceived as gay or lesbian without even considering the age of the supposed perpetrator, and whether he or she had reached the age of consent.[25]

It can be extremely difficult to track the impact of criminalization on lesbians and bisexual women. However, researchers for this report encountered women who said they had been sexually assaulted by neighbors and supposed friends and beaten and rejected by family members in what appeared to be acts of hate related to their sexual orientation or gender expression.

The enforcement of criminal laws against sex with members of the same sex can pose potential health hazards. In 2008, Cameroon presented a report that assured the United Nations General Assembly Special Session (UNGASS) on HIV/AIDS that it did not have "laws, regulations or policies that presented obstacles to HIV prevention treatment and care of vulnerable subpopulations."[26] The government also claimed to have included populations most at risk of HIV transmission in policy design and programming. MSM and WSW are at greater risk of HIV/AIDS transmission, however Cameroon does not have any policies that include either group as vulnerable populations. It does not keep statistics on HIV prevalence among LGBT people, or records about their knowledge or behavior related to HIV/AIDS transmission.[27] Alternatives-Cameroun and ADEFHO have also found in their work that criminalizing homosexual conduct has a chilling effect upon people's access to public health services and a grave impact on the efficacy of the HIV/AIDS prevention and outreach strategies they implement.[28]

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[24] Homosexuality, as well as other "indecent" conducts are criminalized by the Cameroonian Penal Code under the chapter of "Felonies and Misdemeanors against Private Interest." Article 295 criminalizes "private indecency;" article 346 condemns "indecency to child under sixteen;" article 346 criminalizes "indecency to minor between sixteen and twenty-one;" and article 347 bis condemns "sex with the person of the same sex." Alternatives-Cameroun, "Projet Atteintes aux bonnes mœurs (Project 347 bis)," December 2007.

[25] The minimum age for marriage for women in Cameroon is 15 and 18 for men. Parental consent is sufficient for women under 15 to get married.

[26] UNAIDS, "UNGASS National Composite Policy Index," January 29, 2008, p. 21.

[27] UNAIDS, "Cameroon: Progress towards Universal Access and the Declaration of Commitment on HIV/AIDS," 2007, available at http://cfs.indicatorregistry.org/country_factsheet.aspx?ISO=CAE (accessed September 11, 2010).

[28] Letter from Alternatives-Cameroun to Cavaye Yéguié Djibril, President of the National Assembly, Yaoundé, November 20, 2009.

Cameroonian and international organizations have called on the government to decriminalize consensual sexual acts between adults of the same sex. Shortly after the May 2005 arrests, the UN WGAD found Article 347 bis unlawful and called on Cameroon to amend its domestic law criminalizing homosexual conduct and bring it in line with international legal standards.[29] During Cameroon's Universal Periodic Review in December 2008, the United Nations (UN) Human Rights Council recommended that homosexual conduct be decriminalized. Alternatives-Cameroun submitted a petition for decriminalization with more than 1,500 signatures of Cameroonians to the National Assembly in November 2009, however it has taken no action on the issue. In the May 2010 session of the African Commission on Human and People's Rights, Cameroonian and international organizations called on the commission to pressure Cameroon into decriminalizing consensual sexual acts between adults of the same sex.

After Cameroon's periodic report to the UN Human Rights Committee on August 4, 2010, the committee issued a recommendation to Cameroon's government to end social prejudice and stigmatization against LGBT people and to guarantee that public health programs have "universal reach and ensure universal access to HIV/AIDS prevention, treatment, care and support." The Committee also recommended decriminalizing homosexual conduct between consenting adults.[30] Cameroon did not accept the recommendation and has recently denied the existence of violence against the LGBT community. On July 8, 2010, a few days before Cameroon reported to the UN Human Rights Committee, news outlets quoted Issa Tchiroma, Cameroon's communications minister, responding to the case of a gay Cameroonian man seeking asylum in the United Kingdom, by assuring that "[n]o homosexual is persecuted in Cameroon."[31] This report shows that Tchiroma's statement was wrong.

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[29] Communication from UN WGAD, August 31, 2006.

[30] Human Rights Council, "Report on the Working Group on the Universal periodic Review," A/HRC/11/21, October 12, 2009, paras. 20, 22, 25, 28, 29, 32, and 46, available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/CMSession4.aspx (accessed March 1, 2010). "Argentina recommended Cameroon considering the possibility of reforming the laws criminalizing homosexuality and adapting them to international standards." Canada asked Cameroon to "… (b) amend its Penal Code to abolish the criminalization of homosexual acts to conform to the provisions of the ICCPR, particularly articles 2 and 26, and the provisions of the African Charter of Human Rights and Peoples' Rights." France recommended " … respect international provisions in the area of protection of minorities and vulnerable groups,… (c) and non-discrimination against homosexuals." Luxemburg joined the others recommending Cameroon to "… (c) reform its legislative arsenal on this point and establish effective protection of homosexuals against discrimination and attacks." Czech Republic recommended "…(d) the decriminalization of same-sex activity between consenting adults and adoption of measures to promote tolerance in this regards, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS." Brazil recommended "… (c) to amend domestic law regarding homosexuality, with a view to decriminalize it;" Mexico asked that "… (b) that all national legislation that criminalized homosexuality be brought into line with the Universal Declaration on Human Rights and other relevant instruments."

[31] "Cameroon denies homosexuals face persecution," BBC News, July 8, 2010, available at http://www.bbc.co.uk/news/10550576 (accessed September 11, 2010).

Cameroon's refusal to eliminate the prohibition of homosexual conduct from its Penal Code contradicts the terms of its own domestic law, which mandates that "provisions of criminal law shall be subject to the rules of international law and to all treaties duly promulgated and published."[32] Its refusal to decriminalize consensual sexual activity between adults of the same sex amounts to a threat to the basic rights of an entire group of Cameroonians.

[32] Penal Code, Article 2.

Criminalizing Presumed Identities

In September 2009, 27-year-old Hervé faced trial not for something he had done, but for who he is. He was arrested by police officers who accused him of being a homosexual. Researchers for this report interviewed him in court before his trial proceedings and under the watchful eyes of a police officer who soon slapped handcuffs on Hervé's bony wrists, as though he posed a physical threat. That day, during Hervé's trial, the judge called the charge "homosexuality," making clear that Hervé offended by his very identity, not by his behavior. This was the second time he faced trial under Article 347 bis.

Hervé had been previously arrested in July 2007 in Douala. He told researchers about that first arrest, when again, police detained him simply because they believed him to be a homosexual:

> It was around 7:30 a.m. Two men with SWAT [Special Weapons and Tactics] team uniforms barged into my house. They were with a friend of mine with whom I previously had a relationship. They showed me an arrest warrant with approximately 40 names. I was one of them. I asked why they were arresting me. The only response was, "You will know when we get there."
>
> They took me to Bonaberi Police Station [in Douala]. On the way, they insulted me and hit me with a baton. When we arrived, they said I was there for homosexuality and pushed me into a cell. I shared the cell with four other men. Police told me they were also there because they were faggots.[33]

A prosecutor accused Hervé and the four other men, including a Nigerian citizen, of homosexual conduct. In April 2008, the judge dropped the charges against Hervé and the others due to insufficient evidence.[34] Still, the allegations of homosexuality stemming from the arrest continue to follow Hervé. "Everyone in my neighborhood calls me 'faggot' and says I am a 'homo,'" he told researchers. And the 2007 arrest cast suspicion that may have led to Hervé's subsequent arrest in 2009. In the latter, the judge dismissed the case, but that did little to diminish Hervé's constant fear. Hervé told us in a follow-up interview after his release, "[t]hey [the police] can use this, as they have before, to detain me and harass me at

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[33] Interview with Hervé, 27, Douala, September 15, 2009.

[34] Letter to Ministry of State and Security from IGLHRC and Alternatives-Cameroun, August 20, 2007. The correspondence went unanswered.

any time," he said. "It's come to the point that I am afraid that even a casual conversation with another man could lead to another arrest and possible prosecution."[35]

When researchers spoke to 26-year-old Christian in 2009, he vividly recalled the May 21, 2005 police raid on a nightclub, when police arrested him among 31 other people and accused them of violating Article 347 bis. At the time, he was studying computer science, but after the arrest, the university forced him to drop out. Now he holds an informal job in the hotel business. Police simply said they were arresting gay people, Christian recalled; there was no discussion of specific same-sex sexual acts.

> We thought it was a usual ID check. Policemen came to the nightclub. They said they were looking for someone called Arthur Zogo. No one knew who they were talking about, but still they arrested us. On our way to the police station, the police officers insulted us and they beat us with batons on our heads and bodies. They kept saying they were going to burn us for being dirty *pédés* [faggots]. They took us to the [Nlongkak] police station in downtown Yaoundé and told us they were looking for the head of a network of homosexuals in Cameroon. This happened on a Sunday evening.
>
> The next morning, they began to question us about our homosexuality, and on Tuesday, they took us to Channel Two and to Cameroon Radio and Television (CRTV). They paraded us on the news saying the police had dismantled a network of homosexuals. They kept us in jail without access to a lawyer for 13 days. On June 13, 2005, the 11 of us were transferred from the police station to the Kondengui Central Prison.
>
> For 11 days, we were sent back and forth between the legal department and prison. No one talked to us, and we never saw a lawyer. We spent another three months without any information about our case. It was not until local groups managed to get us a lawyer—Alice Nkom—that our process moved along.[36]

When Christian was arrested in the group of 32 people, police separated him and two of his friends from the rest of the detainees. Police insulted and beat them. Christian, who was then 22, spent nine months in pre-trial detention at Kondengui Central Prison. He was

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[35] Interview with Hervé, Douala, October 2, 2009.

[36] Interview with Christian, Yaoundé, September 21, 2009.

ultimately one of nine people in the group convicted of violating Article 347 bis, based on testimony from one witness who said Christian and his two friends were gay.

Lawyers who defend people accused of violating Article 347 bis told researchers for this report that the police often act on flimsy evidence of homosexual identity, and no evidence at all of acts of same-sex sex. Alice Nkom is the president of ADEFHO and a well-known Douala lawyer. She defended Christian, whose case is mentioned above, and she frequently defends other people arrested under Article 347 bis. She said, "[p]olice detain people without any objective evidence that proves that these men were caught in 'flagrant homosexuality.' Still they are arrested and sentenced, or are kept in prison for months without charge."[37]

Even a public official told researchers for this report that though he supports Article 347 bis, he believes it is being enforced too broadly—against homosexual identity in general. "If the community wants purity and normal behaviors, then legislators legislate on it," said Chemuta Banda, the chief commissioner of Cameroon's independent Human Rights Commission, explaining popular approval for the law. "Our society has acted according to natural law. A country has opted for the purity of its citizens."[38] Yet Banda said he believes the article should be enforced in extremely limited ways. "Only if people are caught doing something [sexual] outside the privacy of their home, or are found *in flagrante* in public, should police arrest them for homosexuality," Banda said.[39] He added that sexual acts between adults of the same sex in the privacy of their homes should not fall under Article 347 bis, and people should not be arrested or charged on suspicion of a general homosexual identity or presumptions that they engage in sexual acts with members of their own sex. He said that the National Human Rights Commission, a public institution, would act in cases where police ill-treat those they detain under Article 347 bis: "If we see any homosexual arrested under this law being tortured, we will say something."[40]

Lawyers who defend detainees under Article 347 bis noted that the article was never even debated and put to a vote, since it was included in the Cameroon Penal Code through a presidential decree without review by the National Assembly. Furthermore, they said they consider its broad application a violation of other Cameroonian and international laws. "This law is unconstitutional," said Michel Togue, a well-known human rights attorney.[41] The Constitution

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[37] Interview with Alice Nkom, Douala, September 22, 2009.
[38] Interview with Dr. Chemuta Banda, President of the National Human Rights Commission, Yaoundé, September 22, 2009.
[39] Ibid.
[40] Ibid.
[41] Interview with Michel Togue, Yaoundé, September 24, 2009.

of the Republic of Cameroon says, "[T]he State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble of the Constitution."[42] It also states that Cameroon "shall ensure the equality of all citizens before the law."[43] Michel Togue and Alice Nkom stated that these protections should include LGBT people. According to Nkom, "[j]udges would be justified in refusing to apply the article because of the violations that happen."[44]

Yet opinions vary, and some support the law. A judge told researchers for this report that he saw no problem with the broad way Article 347 bis is applied, despite Article 45 of the Cameroonian Constitution stating that treaties override national laws that breach them.

> We are in Africa, and our traditions are also against homosexuality. General opinion is against homosexuality. It is an offence in the Penal Code and so I judge it. If this is against international conventions then we must change the law. This is up to the legislator, not to us as judges. Until the law changes, we will continue to apply it.[45]

To a lesser extent, police have also arrested women on the grounds of their perceived sexual orientation under Article 347 bis. Alternatives-Cameroun and ADEFHO reported that on June 7, 2006, four women were arrested under the article and sentenced to a three-year suspended prison sentence and a fine.[46]

Researchers also heard the account of 33-year-old Linda, a self-identified lesbian working as a secretary, arrested in 2005 under Article 346 for "indecency with a minor," though in fact her partner was an adult. She told researchers,

> One night, at around 4:30 a.m., my girlfriend's family came to my house. They arrived in a taxi with three police officers and dragged me to the Mimboman police station. We had been living together for about two years, and we were both over 21. Regardless, the police kept me there for almost four days. They kept saying that I was disturbing this child, but no one explicitly mentioned anything about my lesbianism, and I, of course, did not bring it up. Meanwhile, my girlfriend had escaped and was nowhere to be

[42] Preamble.

[43] Article 1 (2).

[44] Interview with Alice Nkom, human rights lawyer, Douala, September 22, 2009.

[45] Interview with Magistrate Vieux Eyiké, Douala, September 15, 2009.

[46] Researchers made several efforts to interview those detained, but they declined. Amnesty International, "2007 Annual Report Cameroon," 2007, available at http://www.amnestyusa.org/annualreport.php?id=ar&yr=2007&c=CMR (accessed February 11, 2010).

> found. Police told me I would not be set free until she appeared. I called her and convinced her to come to the police station. When she arrived, her family tied her up and took her [to their] home. She later told me they tied her [up] for a week. Police released me hours after that.[47]

Researchers for this report did not find accounts of lesbian and bisexual women arrested after 2007, but the possibility of such detentions cannot be discounted.

The police continue to detain people on the basis of their presumed identity, rather than for any specific act. Prosecutors appear not to feel compelled even to build evidence against the detainees; one witness who claims a person is a homosexual can be enough to sway a judge. Cameroonian authorities have moved from punishing specific acts toward defining and marginalizing entire identities based on those acts.

Leveraging the Threat of Reporting Homosexuality

Other people take advantage of the fact that police are willing to arrest someone based on the vaguest of accusations that the person is homosexual. Criminals can blackmail or falsely accuse LGBT people and simply deflect the interest of the police by accusing them of homosexuality when questioned. Friends, family, and acquaintances can blatantly extort money or favors from LGBT people with the threat of reporting them to the police.

On March 28, 2009, 22-year-old Serge was swimming in a lake near the Douala airport when others present accused him of homosexuality and police officers arrested him. Serge told researchers,

> I was swimming on my own, but there were other people swimming there as well. A group of thugs arrived and tried to steal my money. I fought back. When the police arrived, the thugs told the other guys in the lake to say that I was a homosexual. They took us all to the police station. Police detained me and accused me of being a homosexual. They released the thugs.
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> Police said I had committed "flagrant homosexuality." They stripped me naked but for my underwear and locked me in a prison cell for approximately one week. A police officer would come and beat me repeatedly with a baton.[48]

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[47] Interview with Linda, Yaoundé, September 21, 2009.

[48] Interview with Serge, Douala, April 5, 2009.

Police arrested 26-year-old Henri on November 18, 2009 under Article 347 bis. His lawyer told him the only evidence against him was an accusation. Henri described to researchers the circumstances leading up to his arrest,

> I was having a drink with a neighbor in a bistro near the [Douala] airport at a place called Village. He then invited me over to his house. We spent a couple of hours together, and [then] he left, leaving me locked [involuntarily] in his house. A couple of hours later, he returned with three of his friends. They asked for money, threatening me to take me to the police for homosexuality. I refused, so they dragged me to the police station. My neighbor told the police I was a homosexual and so the police threw me in jail.[49]

Police officers beat and kicked Henri so that he would confess to homosexual acts. He remained in police custody for a month and a half, before his appearance in a court in Douala on December 28, 2009. He was still awaiting trial at the time of the writing of this report, though the prosecution presented no further evidence against him. The police never investigated the attempt to kidnap and extort money from Henri. Simply by levying allegations of homosexuality, perpetrators of serious crimes can escape justice.

[49] Interview with Henri, Douala, November 20, 2009.

The Justice System: Prejudiced and Unfair

Researchers heard allegations of arrests without warrant and detention in police custody and in prison without charge. In all the cases researched for this report in which people were charged, the courts denied detainees bail. As is common in Cameroon, in general, the trials took place months after the initial arrests, causing those arrested to languish in pre-trial detention in police custody and then in prison during that period.

In the meantime, detainees were ill-treated by the police, who inflicted beatings with batons on people's heads, limbs and soles of their feet. Some victims had to undergo forced anal examinations—allegedly to prove that homosexual sexual activity occurred, though anal penetration can generally not be proved by this kind of examination—and others were threatened with this possibility. In all cases, the detainees suffered violations of their fundamental human rights.

Arbitrary Detentions and Due Process Violations

The Code of Penal Procedure of Cameroon was entered into force in June 2007. It states that police can only perform searches and seizures when they have previously obtained a warrant from a judge. The exception is when a misdemeanor—such as homosexual conduct—is "in the course of being committed or … [has] just been committed."[50] When arrested *in flagrante delicto,* the person will "be brought by the police before the Prosecutor who shall proceed to check his identity, interrogate him summarily and, if he decides to prosecute, shall place him into temporary detention or release him on bail."[51]

Once in police custody, the suspect "shall immediately be informed of the allegations against him, and shall be treated humanely both morally and materially," says the procedural code.[52] Police can only detain a person for up to 48 hours. During the detention period a person has the right to "be visited by his lawyer, members of his family, and by any other person following up his treatment while in detention."[53] After 48 hours, the individual must be charged or released and if pre-trial detention is requested a bail hearing must be held in front of a judge.[54]

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[50] Section 93 and Section 103. According to Article 103 of the CPP, "felonies and misdemeanours are deemed to be committed in flagrante delicto where they in the course of being committed or when they have just been committed."

[51] Section 114.

[52] Section 122 (1).

[53] Section 122 (3).

[54] CPP Article 86.

In the cases documented below, police arrested people in the privacy of their homes, in many cases without a warrant. In other instances, police detained people in situations where there was no evidence that sexual acts between members of the same sex had taken place.

On January 20, 2007, police detained 25-year-old Armand, a university student, in his home in Douala. Said Armand,

> My 18-year-old friend and his father came to my home, accompanied by two armed policemen. I was there with my parents and my younger brothers. My mom opened the door. When she asked the officers who they were looking for, they replied, "the faggot." The police arrested me and took me to the police station of Bonabéri [a neighborhood in Douala]. At the station in one of the offices, they made me undress and put me in a cell with three other men and a woman.
>
> I was scared and just kept repeating to myself, "A man is born to suffer and prison is a way." They opened an investigation against me. The police officer started asking me questions, but I refused to answer without the presence of a lawyer or a member of my family. When my mother came, in her presence, the officer resumed the questioning. He said, "They say that you sleep with men and you offer them money." I looked at him astonished, and my mom just stared at me blankly.
>
> During the time that I spent in the police station, other cellmates and the police officers insulted me and beat me. A police officer hit me with his baton on the soles of my feet and the others just used their fists. They kept calling me "faggot." Four days later, they transferred me to New Bell Prison. In the car on my way to the prison, the policemen kept beating me and said I deserved this treatment.[55]

Police officials never gave Armand access to a lawyer and his family could not afford to engage one. He spent a week in prison, though the police showed no evidence that he had committed a crime. The police insulted him for being gay and punished him for this with threats and beatings. Armand ended up spending nine months in a Douala prison pending trial. In court, said Armand, "The prosecutor told me that an unknown person, who I believe was my friend or his father, told the police authorities that I was a homosexual. That

[55] Interview with Armand, Douala, September 12, 2009.

sufficed." No other evidence was produced and Armand was not able to challenge the witness, contrary to Article 14 of ICCPR. The judge sentenced him to two years in prison, of which he served a year and a half.

Most recently, on March 26, 2010, police detained André, a member of Alternatives-Cameroun, and two friends, one an Australian citizen, in the lobby of a hotel. André told members of Alternatives-Cameroun,

> Two friends invited me for lunch at the Meridien hotel in Douala. Around 11 a.m., they joined me at the lobby of the hotel where I was waiting for them. Soon after we greeted each other we were taken by men in civilian clothes who identified as border police. We were taken to the police station and were locked in a cell. On several occasions I was interviewed by the head police officer, who told me I was not his target. He told me to sign [a statement saying] that I had had sex with the Australian. When I refused, he threatened to send me to Douala's central prison.[56]

Police released André and his friends three days later. Others arrested by the police told researchers they did not dare start a complaint against the police because they were scared of the consequences. Others who we asked about initiating complaints told us they did not have faith in the system. Researchers met with the human rights commissioner for the southwest region of the country, who put it bluntly, "There is no mechanism available to hold police officers accountable for human rights violations. Three years I have been here and I cannot give you a concrete example where a police officer who participated in a rights abuse has been charged or even suspended."[57]

The stigma attached to homosexual sex in Cameroon imputes a generalized guilt to those who are presumed to be a homosexual. Thirty-six-year old Michel, who now works for a sexual and reproductive rights organization, remembers the day he appeared before a judge in March 2006 to be tried under Article 347 bis.

> At the hearing, the judge said we should be released because there was no evidence of our crime. That Friday we thought we were free! But the weekend passed and we were not released. On Monday we were taken to the legal

[56] Interview with André, Douala, June 1, 2010.

[57] Interview with Charles Tombe, Human Rights Commissioner, Buea, September 17, 2009.

> department. They told us the prosecutor charged us again and refused to let us go and so off we went to prison again. It was torture.[58]

The prosecutor refused to sign the release forms, insisting they should be retried. This other trial never took place, and Michel remained in prison three more months before being released.

Michel's case is one of the few where the lawyers filed a complaint. The result was a 2006 review of the case by the UN WGAD. Even before an international body, Cameroon argued that its actions were appropriate enforcement of Article 347 bis. "[Homosexual] practices are against the law in place and against what the Cameroonian society considers good morals,"[59] Cameroonian officials said. The government failed to respond to the WGAD's concerns with the issues of ill-treatment and violations of the detainees' due process rights.

The UN WGAD found that the detention of Michel and 10 other men was arbitrary on the basis of the procedure and the re-arrest. It also found the law itself was contrary to Articles 17 and 26 of the International Covenant on Civil and Political Rights (ICPPR), to which Cameroon is party; it recommended changing the law.[60] Despite this decision, Cameroon did not hold anyone—not police, not prison officials, and not members of the judiciary—accountable for subjecting the men to discriminatory treatment. It did not remove the convictions from the men's records or change the law.

Police also use detainees to inform on others so they may continue the chain of arrests. Hervé's friend later confessed to him that he accused him under pressure from the police.

> The police arrested him and threatened to convict him for stealing if he did not give the names of homosexuals he knew. He refused, but police started to beat him, and they did so badly enough that they forced out a confession, saying that I was gay in order [for him] to be released in exchange [for me]. That was enough for the police and his family to come after me and for him to go home.[61]

Most men we interviewed who were accused of homosexuality had never been imprisoned before, yet they were all held under pre-trial detention for months but were locked up with

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[58] Interview with Michel, Yaoundé, September 20, 2009.
[59] UN WGAD, Communication 22/2006, para. 18.
[60] Ibid., paras. 20-24.
[61] Interview with Hervé, Douala, October 2, 2009.

convicted criminals. The Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN in 1957, requires that pre-trial and post-trial detention be separate.[62]

Intrusive and Inhuman Examinations

Researchers for this report found that police order intrusive and inhuman anal examinations to supposedly prove a history of homosexual sex. In August 2007, a deputy police commander in Yaoundé appointed a forensic doctor "to allegedly conduct exams of two young men in order to confirm or refute their presumed qualities as homosexuals."[63] Vincent Minokoa Nga, the commissioner heading the investigation into Hervé's 2009 arrest, ordered the forensic doctors to carry out an anal examination. The justification for anal examinations may be based on one of two misconceptions: one rationale stems from the antiquated, bad science that believes in the bodily deformity of the "perverted homosexual" as evidence of the prohibited act; the other stems from the misconception that anal penetration leaves bodily evidence such as deformity or scarring. [64]

In an e-mail communication to Human Rights Watch, Dr. Lorna Martin, the chief specialist and head of the Division of Forensic Medicine and Toxicology at the University of Cape Town, said that "it is impossible to detect chronic anal penetration; the only time the [forensic anal] examination could be of any use is for acute non-consensual anal penetration, when certain injuries may be seen."[65] In addition, in a communication with IGLHRC, Dr. Vincent Lacopino,

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[62] Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1951, and approved by the Economic and Social Council by Resolution, 663C (XXIV), July 31, 1957 and 2076 (LXII), May 13, 1977, Principles 29, available at http://www2.ohchr.org/english/law/treatmentprisoners.htm (accessed April 22, 2010).

[63] "Requérons: Monsieur le Médecin chef des Urgences de l'hôpital Central de Yaoundé, de procéder a l'examen des nommés xxx dans le but de confirmer ou infirmer leurs présumes qualités d'homosexuels [sic]." [National Gendarmerie, Nlongkak Brigade, Exam Request, August 16, 2007 (in file with Human Rights Watch); Gendarmerie Nationale, Brigade de Nlongkak, Enquête de Flagrance, P.V. No. 401/2007, August 17, 2007 (in file with Human Rights Watch). The examination appears to reflect the discredited ideas of a 19th-century French forensic doctor, Auguste Ambroise Tardieu (1818-1879), who published his Étude médico-légale sur les attentats aux mœurs ("Forensic Study of Assaults against Decency") in 1857. Its blend of scientific tenor and prurient themes made it a bestseller, and it had considerable influence on medical investigations in areas-including the Ottoman territories-where the prestige of French medicine was high. The book laid guidelines for investigating three offenses: public "outrages against decency"; rape; and "pederasty and sodomy," terms it used interchangeably for adult male homosexual acts. Tardieu believed that "habitual pederasty" left certain signs on the body, the "knowledge of which will permit the forensic doctor, in the great majority of cases, to direct with sureness the pursuits which involve public morality to such a high degree." In the case of the "passive" partner these marks allegedly included an elastic and funnel-shaped anus. Dr. Lorna Martin, professor of forensic pathology at the University of Cape Town, South Africa, calls Tardieu's theory of permanently altered anus "bizarre and antiquated … rubbish." She adds, "It is impossible to detect chronic anal penetration; the only time the [forensic anal] examination could be of any use is for acute non-consensual anal penetration, when certain injuries may be seen." Auguste Ambroise Tardieu, Etude Médico-légale sur les Attentats aux Mœurs, 3rd ed. (Paris: J. B. Bailliere, 1859), p. 135. For a fuller discussion of Tardieu's theories and the forensic examinations conducted on their basis in Egypt. Human Rights Watch, In a Time of Torture: The Assault on Justice In Egypt's Crackdown on Homosexual Conduct, March 2004.

[64] Départment de Médecine, Service D'Hépato-Gasto-Entérologie, Rapport (in file with Human Rights Watch).

[65] Human Rights Watch, "Letter to the Minister of Justice of Cameroon regarding 11 Men Detained on Suspicion of Homosexual Activity," November 30, 2005, available at http://www.hrw.org/en/news/2005/11/30/letter-minister-justice-cameroon-regarding-11-men-detained-suspicion-homosexual-acti (accessed September 11, 2010).

senior medical advisor for Physicians for Human Rights and one of the principal drafters of UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (otherwise known as the Istanbul Protocol) agrees that "forensic anal examinations have no value, whatsoever, in identifying consensual anal intercourse."[66]

The intrusive and invasive nature of the exam may show an intention to punish and/or humiliate the person examined.[67] When state authorities carry out such acts, they may be considered to rise to the level of cruel and inhuman treatment—a violation not only of the International Covenant on Civil and Political Rights (ICCPR) but of the Convention Against Torture, to which Cameroon acceded in 1987.

From the moment people are arrested under Article 347 bis, they face violence as they move through flawed and unfair criminal proceedings that will leave them with memories of abuse and ongoing fear.

[66] Ibid.
[67] Ibid., fn 48.

Abuses in Detention: A Constant Reminder of Who You Are

In prison, our identity followed us everywhere…. If I left that cell, people said I was going to flirt with others, if I went to the toilet at night, the prison guards accused me of wanting to go have sex with someone.

—Michel, Yaoundé, September 21, 2009

Researchers interviewed men in prison for homosexuality in Buea, Douala, Ebolowa, and Yaoundé. Detainees provided accounts of beatings and ill-treatment while in police custody, and gave accounts of regular physical and verbal violence from both prison guards and other inmates.[68] Afraid of the consequences, interviewees did not file complaints against the police. In prison, some interviewees tried filing complaints with prison authorities, but the authorities failed to investigate and did not respond.

Other prisoners reported an attitude of disgust and disdain for homosexuality. Researchers for this report asked 15 inmates in Ebolowa Prison what they thought about homosexuals. "Homosexuality is an abominable practice," said one young man. "It's pure sorcery," said another.[69] One inmate said, "If I found out my son was gay, I would most certainly beat him and take him to a priest to get exorcised."[70] When prison authorities single out inmates for presumed homosexuality in an environment of prejudice, fear and violence, it seems to virtually guarantee abuse.

Twenty-three-year-old Bertrand explained that police had arrested him without warrant or explanation, as required by Cameroonian law, in July 2007 at his hair salon in the Douala neighborhood of Carrefour des Billes. Only when he arrived at the Bonaberi police station, he said, did he discover that he had been arrested for homosexuality. Then the abuse began, to force a confession. He said:

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[68] Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, "Interim report," A/56/156, July 3, 2001, para. 23, available at http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.56.156.En?Opendocument (accessed September 11, 2010) The report explains how people in detention can be considered a sub category of prisoners on the grounds of their perceived sexual orientation, making them more vulnerable "violence, especially sexual assault and rape, by fellow inmates and, at times, by prison guards. Prison guards are also said to fail to take reasonable measures to abate the risk of violence by fellow inmates or even to have encouraged sexual violence, by identifying members of sexual minorities to fellow inmates for that express purpose."

[69] "L'homosexualité est une pratique qui révèle de l'abomination"… "C'est de la pure sorcellerie," in French.

[70] Interview with members of the Ebolowa Prison HIV/AIDS Prevention Committee, Ebolowa, September 28, 2009.

> When I got to the station, a police officer made me undress and started to insult me. He insulted me about my sexuality and also beat me with a baton all over my body. Two officers asked me for 100,000 francs [US$200] as a "cell fee." I had no money. They beat me almost every day and kept forcing me to admit I was a homosexual. I was forced to sign a report where they accused me of homosexuality. After two weeks of this treatment, they transferred me to New Bell Prison.[71]

Bertrand's treatment at the prison was also abusive. It is still difficult for him to discuss what he endured at the hands of prison guards and fellow inmates. He explained,

> When you arrive at the prison, the head of the prisoners makes you hold up a slab of cement until you tell him the crime that you committed. The prison guards were standing there looking as they did this to me, but said nothing. When I told him [the head of the prisoners] that I was there for homosexuality, he threatened me and told me I would be his wife, meaning he would use me for sex. He later did.
>
> We [gays] were kept in the same cell, with another 40 to 50 inmates, but we were the only ones who were rarely allowed outside. Everyone in the prison knew we were accused of homosexuality.
>
> That was the first of many degrading situations. When my friends came to visit, prisoners would call us "ugly women" and "*pédés*" [faggots] all the time. They would say I should not be alive. Prison guards would hit me and throw water at me constantly. I was also repeatedly beaten by other prisoners. One time, a group of prisoners even tried to rape me with a stick. I couldn't leave my cell to get fresh air because I was afraid the big boys would threaten and hurt me. Some of the guards would see what was happening and just make fun of me as well. They kept saying I deserved to go to hell. I really could not leave my cell, I was so scared. It was like being in a prison within a prison. And even in the cell, I would continuously find feces or urine all over my mattress.

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[71] Interview with Bertrand, Douala, September 12, 2009.

> After these repeated attacks, I wrote a letter to the prison authorities with other friends also there accused of homosexuality and being treated in a similar way. They [the prison authorities] never responded.[72]

When 27-year-old Marc arrived at Douala's New Bell Prison in December 2006, he heard a chorus of men yelling, "Motive, motive, motive." [In French, they said, "Motif, motif, motif."] As is standard practice in the three prisons researchers visited, the prison guards and then the "chief" inmate asked what his crime was.[73] Marc was scared and refused to tell them, but by the time he reached the cell, the news was out. Like most men we interviewed who were accused of homosexuality, Marc had never been imprisoned before. Regardless, like all the men we interviewed, he was held in pre-trial detention with convicted criminals.[74] The Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN in 1957, requires that pre-trial and post-trial detention be separate.[75] As will be seen below, in cases of people targeted for homosexuality, this becomes even more important.

Marc narrated his experience,

> I was placed in Cell Number one. The chief of the cell, another prisoner, strip-searched me. He made me bend down and checked my anus, looking for money. When he was doing this, he whispered in my ear, "Since you had sex with other men, then we shall also have sex with you." My heart started to beat faster. I had to give him money to protect me, but even then, the insults and threats did not end.
>
> When my friends came to visit me, the other prisoners would insult us. "Your time is today, their time will be tomorrow, *pédés* [faggots]!" they would scream. They threatened us, saying they would rape us with sticks! I tried to complain to the prison guards, but none of them listened.[76]

The police arrested 28-year-old Samuel in Yaoundé in the early morning of August 16, 2008. His landlord reported him for homosexuality to the police. Police officers took him without a

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[72] Ibid.

[73] Prison officials delegate disciplinary authority "chiefs" among the inmates. They are responsible for safeguarding security in the cells and also imposing punishments. Chiefs commonly use their power arbitrarily over other inmates, resulting in prisoner exploitation and widespread abuse, in particular to vulnerable inmates, like those who are perceived to be gay.

[74] Pre-trial detainees and convicted prisoners are routinely mixed in Cameroon. The World Prison Brief, "Prison Brief for Cameroon," available at http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=7.

[75] Standard Minimum Rules for the Treatment of Prisoners, Principle 29.

[76] Interview with Marc, Douala, September 12, 2009.

warrant to the Nlongkak Police Station, and then on August 31, 2008, transferred him to Kondengui Prison, a place that Samuel remembered with bitterness:

> I was in prison for three months before seeing a judge. During this time, prison guards insulted me; they called me and my friends "*pédés* [faggots]"…. Sometimes at night, prisoners would throw us outside the cell because they said that gays are dirty. We sent a letter to the prison authorities, but never got a response. The beatings and cursing continued until I was released.[77]

Juveniles arrested for homosexuality rarely have the protections to which they are entitled as minors. Michel, whose own experiences are described earlier in this report, also recalled the abuses he witnessed against his young friend, Christian, 17 at the time of his arrest.

> From the moment we went into prison, the prisoners beat Christian with stones. Prisoners took advantage of him sexually because he was young. The guards first placed him in a cell with older prisoners, though he was under 18. Prison guards told us he would not be sent to the cell with the minors because he would turn other children into homosexuals. It wasn't until the lawyer Nkom started to defend us that they moved him to the cell for younger people, but it was not long before they transferred him back with the adults.
>
> We complained to the prison superintendent, as soon as he [Christian] was put in a cell with older prisoners, but nothing ever happened. All were formalities.[78]

The Beijing Rules provide that "[j]uveniles under detention pending trial shall be entitled to all rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations."[79] They also state that "[j]uveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults."[80]

The only way to avoid prison threats and violence, according to the interviewees, is to prevent people from identifying you as gay. Armand was one of the few interviewees who did not face abuse in prison. He said he was lucky.

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[77] Interview with Samuel, Yaoundé, September 21, 2009.
[78] Interview with Michel, Yaoundé, September 20, 2009.
[79] G.A. res. 40/33, annex, 40 U.N. GAOR Supp. (No. 53) at 207, U.N. Doc. A/40/53 (1985), Principle 13.3.
[80] The Beijing Rules, ibid, Principle 13.4.

> At New Bell, they initially assigned me to Cell Number One. Already aware of the reason for my arrest, another prisoner acting as cell leader—from my same tribe—asked me questions, provided advice, and informed me that Cell Number One was not safe for me because the inmates were aware of the grounds for my indictment and they would hurt me.
>
> The head of Cell Number One helped me to be placed in Cell Number Eight. This cell had less hardened criminals and he believed I would be safer there. The prisoner acting as secretary for the cell was there on charges of homosexuality, so when he learned that I was there for the same reason, he helped me to hide the reason for my incarceration. That saved me. Two months later, the guards decided I would be in charge of discipline in the cell. This position protected me.[81]

Disciplinary Action and Abuse for Same-Sex Sex in Prison

Ebolowa Prison Director Lazare Banoho and National School of Penitentiary Administration Director Immaculate Fonkem told researchers that if same-sex sexual activity is suspected in prison, officials should launch an Article 347 bis investigation. However, neither of them knew of any such investigation or of cases of inmates whose terms were extended as a result. Meanwhile, inmates interviewed for this report who were accused of homosexual activity while in prison said they had been held in isolation and subjected to corporal punishment. According to Hervé, "People found in flagrant homosexuality are put in solitary confinement with chains on their feet for up to a month."[82] Other interviewees confirmed his statement.

Twenty-four-year old Francis told researchers for this report that he witnessed guards abusing prisoners found having sex.

> I saw when they found him. He was having sex with another man in a cell. When the guards caught them they gave them the usual treatment. They started to beat them up. The prison guards undressed them, beat them in front of all of us, and put them in solitary confinement. This happened a couple of

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[81] Interview with Armand, Yaoundé, September 12, 2009. According to Armand within each cell, different prisoners have different responsibilities. In order of importance they have a president, a prime minister, secretary, president of the court, state council, and minister of state.

[82] "[l]es personnes surprises en flagrant délit d'homosexualité mettront deux semaines en cellule disciplinaire, avec des chaînes aux pieds pendant un mois." Interview with Hervé, Douala, October 2, 2009.

> months ago. When they came out, about 20 days later, they [prison guards] chained them by arms and feet. One of them [prisoners] is still chained. The prison guards are asking him for money to remove the shackles.[83]

Prison guards at Yaoundé Central Prison accused 26-year-old Thomas of having sex with another man and punished him to 20 days in solitary confinement. He told researchers,

> It was at night. I was inside the cell of another prisoner. The head of the cell arrived and said we were having sex, but we weren't. It was around 8:30 p.m. The guards sent me to the disciplinary cell for 20 days. The cell is a small room, two meters by two meters. It has no light and no toilet. You don't even have a mattress and have to sleep on the floor. I would have been left there if it were not for my lawyer, who immediately asked the prison to let me out. I only lasted a few days, but others are not so lucky.[84]

During the days in solitary confinement Thomas received reduced rations of food and was not allowed to see anyone, including a doctor, in violation of the international legal standards on the treatment of prisoners. These standards prohibit the use of solitary confinement and handcuffs as punishment, as well as prohibit reducing food rations and denying access to a doctor.[85] Extended use of these cells when combined with other punishments, such as being stripped naked, food restrictions, and denial of access to the toilet, constitutes a form of torture.[86]

HIV and Same-Sex Sexuality in Prison

Both forced and voluntary sex is common among prison inmates, but the government of Cameroon refuses to acknowledge either. It also fails to protect inmates from rape and denies them access to condoms in prison because prison officials fear condom distribution will encourage same-sex activity—a criminal act under Article 347 bis and specifically prohibited in prison.

Denying that homosexuality in prison exists, one state official said, "[t]he only thing needed to prevent sex from happening in prison is separating women from men."[87] Despite official

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[83] Interview with Francis, Ebolowa, September 28, 2009.
[84] Interview with Thomas, Yaoundé, September 21, 2009.
[85] Standard Minimum Rules for the Treatment of Prisoners, Principles 27-34.
[86] Convention Against Torture, art. 1.
[87] Interview with Immaculate Fonkem, Buea, September 16, 2009.

denial, overwhelming evidence from prisoners and some prison officers suggests that sex takes place in the prisons. A prison guard told us, "homosexuality [meaning same-sex sex] is something that happens in Cameroon outside the prisons. It also happens in prison. There are only men living together for years. It is natural that men have sex with other men in prison."[88]

Twenty-seven-year-old Alexandre spent 18 months in a prison in Douala. He was harassed from the very first day he arrived and threatened with rape by several inmates.

> I spent nine months in prison before getting to a courtroom to see a judge. One night another inmate who had beaten me on several occasions and had threatened to rape me demanded to have sex with me. I was scared and could only respond by asking for how much [money]. He said, "I won't give you money, but I will feed you and protect you from others who want to rape you." I needed the protection, so I agreed.[89]

The denial of the occurrence of same-sex sex in prison has serious consequences, including the lack of protection and redress for rape victims. Alexandre did not complain about the rape because he feared persecution for same-sex sexual activity. Additionally, Alexandre and other interviewees who were raped or coerced into having sex in prison, as well as those who had consensual intercourse, did so without protection because condoms were prohibited. Dr. Rosad Njateng, a prison doctor based at Buea, explained to researchers that he could not provide condoms to inmates because it would encourage homosexual activity in violation of Article 347 bis.

> In Cameroonian prisons, there are no conjugal visits, so there is no need to give out condoms. If you give condoms to prisoners, you will encourage sodomy. The law prohibits homosexuality, and I can't, as a man of law, go against it, so I cannot give out condoms to encourage homosexuality. It is also common for women to have sexual relationships, but we can't do anything about this.[90]

Inmate members of the HIV/AIDS committee at the Ebolowa Prison confirmed that prison authorities prohibit the distribution of condoms because, they say, it would "promote homosexuality." A member of the HIV/AIDS Committee added, "[W]e are only allowed to use

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[88] Interview with prison guard (name withheld), Ebolowa, September 28, 2009.
[89] Interview with Alexandre, Douala, September 12, 2009
[90] Interview with Dr. Rosard Njateng, Buea, September 18, 2009.

condoms to teach about their use for when inmates are released."[91] This was confirmed by the Director of the Ebolowa prison, Lazare Banoho, who said that since "detainees do not have sex, we do not need to distribute condoms in prison."[92] The only woman on the HIV/AIDS committee told researchers the same held true for women in prison.

On these grounds, the Cameroonian government has also decided not to conduct any study on HIV prevalence among men who have sex with men, including in prison, despite HIV prevalence in Cameroon being significantly higher than in the general population.[93]

In its 2008 report to the United Nations General Assembly Special Session (UNGASS) on HIV and AIDS, Cameroon laid claim to a strategy to promote information, education, and communications for "vulnerable subpopulations," including prison inmates.[94] The government report discussed risk, stigma and discrimination reduction; and HIV education; condom promotion; testing; and counseling in prison. Yet, researchers for this report observed that in practice these policies are not implemented in prisons, where men have sex with men.

The Joint United Nations Programme on HIV/AIDS (UNAIDS) identified the prevalence of unprotected sex as one of various factors that make frequent prisons important venues for HIV transmission; others include overcrowding and male rape.[95] Cameroonian prisons have all of these, thus making them a high-risk environment for the contraction and spread of HIV/AIDS. The criminalization of same-sex sexual activity should be decriminalized. Whether it is or not, condoms need to be distributed in prison. International organizations—including the WHO, UNODC, and the Joint United Nations Programme on HIV/AIDS (UNAIDS)—all recommend that condoms be provided to prisoners.[96]

Eric, arrested in the 2005 police crackdown on homosexuality under Article 347 bis, was raped in prison. He died of AIDS-related complications a few days after his release. Michel—a member of

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[91] Interview with members of the HIV/AIDS Committee, Ebolowa, September 28, 2009.

[92] Interview with Head of the Prison, Ebolowa, September 28, 2009.

[93] UNDOC cited a 12% HIV prevalence among prisoners. UNDOC, "HIV and Prisons in sub-Saharan Africa," available at http://www.unodc.org/documents/hiv-aids/Africa%20HIV_Prison_Paper_Oct-23-07-en.pdf (accessed September 21, 2010).

[94] National Aids Control Committee, "UNGASS Progress Report No. 3," 2008, available at http://data.unaids.org/pub/Report/2008/cameroon_2008_country_progress_report_fr.pdf (accessed September 21, 2010).

[95] Researchers also found that prisoners sleep in cells with other 40-50 inmates, all on mattresses or on the floor and in a room of approximately 20 mts x 20mts. Some interviewees talked about threats of being raped and researchers documented at least two cases of male rape. Measures to prevent HIV/AIDS in prison should take these risk factors into account and include ways to prevent them.

[96] WHO, UNODC, UNAIDS, "Interventions to Address HIV in Prisons: Prevention of Sexual Transmission," 2007, p. 13, available at http://www.unodc.org/documents/hiv-aids/EVIDENCE%20FOR%20ACTION%202007%20sexual_transmission.pdf. UNAIDS, "WHO Guidelines on HIV Infection and AIDS in Prisons," UNAIDS Best Practice Collection, 1993, http://data.unaids.org/Publications/IRC-pub01/JC277-WHO-Guidel-Prisons_en.pdf, p. 5. WHO, UNAIDS, UNODC, "Policy Brief: Reduction of HIV Transmission in Prisons," Doc. No. WHO/HIV/2004.05 (2004), p. 2. (All accessed September 21, 2010)

Alternatives-Cameroun and a close friend to Eric who was imprisoned with him remembers with frustration, "[w]e tried to get Eric tested for HIV, but it was impossible. We had no money and they did not test us in prison."[97] The inability to be tested prevents people from being diagnosed and treated.[98] Testing is sporadic and when available, prisoners have to pay for it.

The head doctor at the Ebolowa Prison doctor said,

> Officially, the tests are to be free, but in reality they are not. If we need to test a prisoner, we have to send them to the hospital, and they will have to pay for the exam. This is because we stopped having HIV/AIDS testing kits for the provinces two years ago. For instance, in December 2008, I had 40 testing kits left for the prison, now I have none and we have 400-plus prisoners.[99]

Long-Term Impact of Imprisonment for Homosexuality

Arrests of Cameroonians who identify as gay, lesbian, bisexual, or transgender have had a detrimental effect the personal relationships and work prospects of those arrested.

Christian, 22 at the time of his detention, remembers,

> When I came out of prison, I was very weak. My family did not want to see me. They were in shock that I could be a homosexual and a prisoner. They were traumatized, and they doubly rejected me. I was studying computer science before the arrest, but I could not continue. I started to do small work in hotels but they did not last long. I am currently unemployed.[100]

For Bertrand, who spent seven months in prison under Article 347 bis, the stigma of being publicly accused of committing homosexual acts and the hardship caused by his inability to contribute financially to his family during this period had a lasting impact. "Since my return to freedom," he says, "I am put down by my family members who continue to disrespect me. Only my mother talks to me. She was forced to sell everything in my salon to make ends meet in my absence, and to be able to provide me with the little necessities when I was incarcerated."[101]

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[97] Interview with Michel, Yaoundé, September 20, 2009.

[98] WHO, Summary Country Profile: Cameroon, 2005, for information about HIV treatment and coverage for the general population, available at http://www.who.int/hiv/HIVCP_CMR.pdf. Sylvia Boyer and others, "Financial Barriers to HIV Treatment in Yaoundé," available at, http://www.who.int/bulletin/volumes/87/4/07-049643/en/print.html.

[99] Interview with Dr. Rosard Njateng, Ebolowa Prison doctor, Ebolowa, September 28, 2009.

[100] Interview with Christian, Yaoundé, September 21, 2009.

[101] Ibid.

Social Control, Rejection, and Violence

Attacked for Appearances: Intersections of Homophobia and Patriarchy

In Cameroon, as everywhere, appearances matter. Women are expected to wear dresses and skirts. Men are expected to wear pants or the traditional male dress in the region, a wide-sleeved robe called a *boubou*. Flouting these expectations makes a person stand out. A person wearing particular styles of clothing (tight jeans and T-shirts for men, or baggy jeans and hats for women) is perceived as gay or lesbian. In effect, girls, boys, men and women, can be condemned as much for self-expression as for homosexual acts. Condemnation can play out as ridicule and verbal abuse and, in some cases, it can lead to physical violence.

Women are more commonly singled out because they fail to meet expectations for their appearances or because they engage in conduct deemed unfeminine. This is in part because in Cameroon, the men of a family control the intimate lives of the women of the family—lesbians and bisexual women and girls included—in ways they do not for other men, including gay men.[102] Researchers found that the community also singles out men and women who are not fulfilling the desired roles of masculinity or femininity.[103]

Verbal insults are common for those who look different. Sonia, 31, has short, braided hair, and often dresses as she did on the day of the interview with researchers for this report: in cargo pants, a T-shirt and a hat. When researchers asked why people singled her out as a lesbian she replied,

> The fact that I wear shorts or pants frequently makes me a lesbian in people's eyes. I also play soccer, and in Cameroon, people assume that if you are a soccer player, you are a lesbian. When we play, men will stand around and insult us.[104]

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[102] According to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) it falls upon states to eliminate "[p]rejudices and customary and other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), G.A. Res. 34/180, U.N. Doc. A/34/46, ratified by Cameroon on August 23, 1994, article 5(a).

[103] Roles that men and women should play in Cameroonian society are even found within schoolbooks. A research done by the Centre of Population and Development found "a predominance of male characters and a polarization between activities, attributes, roles and status of women and men, the male characters playing the roles most rewarding roles of authority and power, operating and owning property paid values, while the female characters often play supporting roles, family or domestic support." Hélène Kamdem Kamgno, "Évolution des rapports de genre au fil du cycle primaire dans les manuels de mathématiques au Cameroun," available at http://www.ceped.org/cdrom/manuels_scolaires/sp/chapitre3.html (accessed September 11, 2010).

[104] Interview with Sonia, Yaoundé, September 22, 2009.

Researchers asked her what it is like for her to be a lesbian in the neighborhood where she lives. "It's death in my neighborhood," she responded immediately.[105] She explained,

> If they find out you are gay, they will kill you. They suspect I am, but they cannot prove it because I have a son. Regardless, the men in the neighborhood bug me all the time. They constantly call me names. They will try to get closer to me and if I refuse them, they will say it is because I am a lesbian. Other people marginalize you as well. In school they would call me a "lesbo." Life is difficult when you are not free to walk around and be yourself. You have to remain secluded in your little group.[106]

Danielle, 35, lives with her oldest brother and his wife. "The guys in my neighborhood know I play soccer, and so when they see me, they will call out, 'lesbian!' They also yell at me because of the way I dress. I walk like a man and dress with pants and shirts. To men, this confirms I am a lesbian."[107]

Researchers witnessed how those stereotypes based on appearances and non-compliance with societal norms of appropriate expressions of femininity and masculinity turn into intimidation. On September 13, 2009 two women members of Alternatives-Cameroun sat side by side watching the weekly game organized by Alternatives-Cameroun in Douala. A young man in his 20's approached them and insulted them. He asked them if they were boyfriend and girlfriend, pointing to the way one of them was dressed in jeans, a T-shirt and a baseball cap.

"I don't tolerate lesbos in his neighborhood," said the man.[108] He told them they had to leave and never to come back. Then he turned to the rest of the players, calling them *pédés* (faggots). "You don't have the right to play in this neighborhood," he said. He tried to threaten everyone into giving him money, saying that if they did not, he would tell the police. "This happens almost every weekend," said Carole, who organizes the matches. "We ignore them and refuse to pay them, but it's still intimidating."[109]

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[105] Ibid, "C'est la mort dans mon quartier," in French.
[106] Ibid.
[107] Interview with Danielle, Yaoundé, September 22, 2009.
[108] "Je ne tolère pas les Lesbos dans mon quartier," in French.
[109] Interview with Carole, Douala, September 19, 2009.

In other cases, like that of 39-year-old Cyrille, a journalism student in Yaoundé, the stereotyping leads to physical violence.

> I had a couple of friends come to my house. They came to spend two weeks with me. We were sitting outside my house. A group of guys kept staring at us calling us *pédés* [faggots] because one of my friends looked very feminine. He was wearing tight jeans and a tight shirt. A few days later, I was coming home, and the same guys that had been staring stopped me. They demanded that I give them money. They said, "You had a couple of white *pédés* [faggots] in your house so you are also *pédé* [faggot] and all of you *pédés* [faggots] have money … pass it on.…" I refused; one of them slapped me. Another one took a piece of iron and hit me on the leg so hard that the iron bent. I started to scream for help and they ran away. I went to the hospital, but I only said I was in a fight. When I went back home, the owner of the house [that I rented] told me I had to leave because I was a "homo." I never returned to the neighborhood.[110]

Attacked in the Neighborhood

Lesbian, gay, bisexual, and transgender people are vulnerable to attack by neighbors and acquaintances who suspect them of same-sex interest. All parties know that if the attack is reported, the victim could be arrested under Article 347 bis.

Some gay men spoke of entrapment by neighbors and acquaintances seeking to report them. In 2006, neighbors attacked 32-year-old Franck, who works in a hotel in Yaoundé. He told researchers,

> I made friends with another man in my neighborhood. He kept asking me for cigarettes, so one day I invited him for a drink. We hung out once in a while. One night he said he did not have a place to sleep and asked if he could stay in my house. I agreed. We slept in the same bed. In the middle of the night, he began to feel me up. At first I ignored him, but he started to touch me and I couldn't resist. Suddenly he jumped out of bed and said, "I was taunting you to make sure you are a *pédé*!" I froze. He ran out of the house and started to scream that I wanted to rape him. The neighbors came out of their homes and started to beat me. They were three or four. I can't remember, but

[110] Interview with Cyrille, Yaoundé, September 22, 2009.

> they would not listen to any explanation! They threw me on the ground and continued to beat me with their feet all over my body. They threatened to call the police. One man suggested they should break my legs. I was appalled. I just sat there in the mud crying.
>
> When the police arrived, they did not arrest the other guy or any of the neighbors; the officer took me to the police station and booked me for homosexuality. He said, "[t]he commissioner likes these types of cases." I denied the charge, but after four days of beatings in the station, I confessed.[111]

Olivier, a 35-year-old nurse who lives in the southwest Cameroonian town of Moyoka, told researchers for this report that in early 2009, he made a date with another man. This was the outcome:

> We headed to one of our homes and started to caress one another in the living room. The man I was with suddenly started to scream and shouted that I wanted to have sex with him. The neighbors woke up. Three neighbors dragged me out of the house and took me to the police station. Police beat me in an apparent effort to extract a confession, but I refused to say anything. I was released two weeks later.[112]

Twenty-four-year old Aline is the youngest of seven siblings and has lived with her partner for five years. She lives in Douala and has been out of a job for over six months. Her family and neighbors suspect she is a lesbian, but they do not know for sure. "Where we are renting, the mother of the owner of the house has complained," said Aline. "She says she cannot leave the children around us because we will 'turn them that way.'"[113] Aline spoke in a very soft and shy voice, with difficulty at first and eventually through tears, as she explained that she is commonly accused of being a lesbian. This often happens when she goes out to bars or parties on her own or with a girlfriend.

> Last Friday I went out to a bar on my own. I went out to watch a show. It was very crowded so the doorman sat me in an empty seat next to a guy. The guy started to flirt with me. I clearly told him I was not there to meet people and

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[111] Interview with Franck, Yaoundé, September 21, 2009.
[112] Interview with Olivier, Yaoundé, September 24, 2009.
[113] Interview with Aline, Douala, September 12, 2009.

> ignored him. He kept offering me drinks and I said no, but he kept insisting so I finally agreed.
>
> I am not sure what happened next. When I woke up I was in his bedroom. I saw him over me and screamed, asking what he was doing. He told me, "I will give you everything." He threw himself over me and I hit him. He started to punch me all over. He threw a blow to my head and I fell. I made as if he had won. He then got close to try to kiss me; I bit him so hard that I broke off a piece of his lip. I ran out and kept running until I got home.
>
> The next day I went to see a doctor. He cleaned my wounds, but I did not tell him what happened.
>
> I am scared of filing a complaint. I know the guy works in a bank and he lives near me, so he knows or has guessed that I am a lesbian. A complaint would only make him angrier. If I go to the police, they would probably say I deserved it. I also don't have the money to pay for a lawyer or follow up on the complaint.[114]

Aline said that this is the second time she has been assaulted. The other time was in March 2009. "Men never see me with another man. They only see me with another woman. In their minds, they think that they can force you to be with them."[115]

Twenty-four-year-old Clarisse recently lost her job as a waitress. Like Aline, Clarisse spoke to researchers about an assault.

> A group of men in my neighborhood tried to abuse me sexually. It was around 7 p.m. when I was walking back home. They cornered me in an alley near my house. It was thanks to a motorcyclist that happened to pass by that I was saved from being raped. I know they knew that I am lesbian, but I am not sure if that is why they tried to rape me. I thought of going to the police but saw no point in it. Police will not listen to a lesbian so I decided to just confide in a friend.[116]

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[114] Ibid.
[115] Ibid.
[116] Interview with Clarisse, Douala, September 15, 2009.

There is no way of knowing with certainty whether Aline and Clarisse were attacked on grounds of their sexual orientation. However, both confirmed being taunted about their sexuality and, as lesbians, feeling more vulnerable to violence without redress.

Attacked at Home

Women are more likely to be controlled and punished for same-sex relationships in the family sphere than in the public sphere. In one manifestation of this control, Cameroonian women have little freedom of movement and their access to public space is highly restricted, which only means they are less likely to be arrested during a police raid on a gay bar. However, women are also more prone to abuses in the private sphere than men are. Researchers heard fewer instances of physical violence against men who came out to their family than against women. Again, this must be understood within the context of both homophobia and sexism.

In the six cases of family violence that women reported to researchers, women felt they could not go to the police because they would be arrested under Article 347 bis. Furthermore, the sixteen women interviewed for this report believed the police would not help women like them—poor women without the means to pay for legal representation and other costs of legal proceedings.

Thirty-four-year-old Laure identifies as a lesbian and worked as a beautician until she tested HIV positive in 2009 and stopped working due to her illness; since then, she has been jobless. Upon realizing she was a lesbian, her family took away her three children, ages 9, 11, and 13. Laure feels she has no recourse.

> A friend of mine introduced me to her lesbian friend and we started a relationship together. I returned to live in the family home with my brothers, sisters and mother. I invited my friend to live with me. My family quickly figured it out, because my girlfriend was a well-known lesbian. The neighbors told my brothers, "Your sister is married in your home with another girl, this girl is a lesbian." This was enough....
>
> In 2007, my brothers told my children's fathers that I was a lesbian. Immediately a family meeting was convened, and it was decided that I should not bring the children up. I had no say because I am a lesbian. So the children now live with their respective fathers. Since that day, my girlfriend

> and I were thrown out onto the street. I still try to contact my children to visit them, but the fathers deny me visits.[117]

Laure started sobbing as she continued her story.

> One of my daughters, the oldest one, tried to run away to see me one day. When she returned, her father gave her a severe beating. The second-to-oldest child tries to send me text messages. I cannot but think that my children hate me as a mother. When my oldest daughter was in the hospital from a burn, I was denied access to see her from the family. Some of the fathers say I belong to a cult. In 2009, I tested HIV positive. My family does not know this. They think that my bad health comes from belonging to this cult.[118]

Researchers spoke to Patricia Njanjo, the head of Cameroonian Association of Women Lawyers (Association Camerounaise des Femmes Juristes—ACAFEJ, in French) in Douala about Laure's case. ACAFEJ is a national women's rights organization with regional offices that represent women in court. Njanjo confirmed that there is no specific law in Cameroon that dictates that Laure can be denied access to her children on grounds of her sexual orientation. "Despite the fact that homosexuality is a crime, it doesn't mean you do not have rights as heterosexuals have," she said.[119] However, she added, "In practice, if Laure were to go to court to get custody of her children, she could be accused and convicted for homosexuality."[120] This means that, in fact, Laure's rights can be stripped away and she could end up in prison, further away from her children.

Laure tried to get help. "I went to social services to get access to my children, but they asked for 10,000 francs (US$19). I don't have such money." Social services also asked for legal documents that would prove she is the children's mother, but the fathers have all the documents. Laure's fear of being sent to prison and her lack of financial resources stops her from filing a complaint and from fighting for custody of her children.

Francine is a 24-year-old mother to a six-year old and a three-year old. She told researchers at Alternatives-Cameroun that in the community, she found a new family that fills the void left by the family she lost when she came out.

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[117] Interview with Laure, Douala September 12, 2009.
[118] Ibid.
[119] Interview with Patricia Njanjo, Regional Head of ACAFEJ, Douala, September 16, 2009.
[120] Ibid.

> Three weeks ago, I was kicked out of my house. My relatives told me that they knew how I lived my life with women. A few weeks before that, my father beat me up in front of my children for no reason, I thought, but my older brother then told me it was for being a lesbian. People in the neighborhood were insulting him [my father] for having a lesbian daughter. My grandmother was there when he beat me. She did not try to stop him.
>
> But it is nothing new that they have made my life miserable. A year and a half ago, my aunt hired someone to follow me. That is how she found out. I work at bars and she learned that I invited girls instead of men. She told me directly to my face that she sent people to spy on me and that those people said they'd seen me in "bad places."
>
> Family is the most precious thing for me, and I have tried to talk to them, but it hasn't worked. I had to ask a woman to help me out in raising my sons after the father of the oldest one tried to take him away from me for being a lesbian. Even my uncle threatened to turn me in to the police about three months ago.[121]

Violence Against Women: Ending Impunity, Ensuring Accountability

National NGOs report that violence against women in Cameroon is common and usually goes underreported.[122] The 2004 Demographic and Heath Survey in Cameroon reported that 13 percent of Cameroonian women have been sexually abused.[123]

Article 296 of the Cameroonian Penal Code criminalizes rape. It mandates imprisonment of five to ten years for any man who uses physical or psychological violence to force any female, regardless of her age, to have sexual relations with him. However, this law is not implemented to protect women and girls, including lesbian and bisexual women and girls, from violence.[124] Furthermore, there is no law prohibiting domestic violence in Cameroon. In fact, a 2008 shadow report by a number of women's organizations in Cameroon noted that,

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[121] Interview with Francine, Douala, September 15, 2009.

[122] Interview with Esther Endalè, Founder, Association Fighting Violence against Women, September 24, 2009; Interview with Nadine Ekotto, President, Association Fighting Violence against Women, September 24, 2009. Gender Empowerment and Development, and others, "NGO Report on the Implementation of the IICPR," June 2010, pp.12, and 15, available at http://www2.ohchr.org/english/bodies/hrc/docs/ngos/GeED_Cameroon_HRC99.pdf (accessed September 22, 2010).

[123] Teke Johnson Takwa, "Violence against the Women and the Girl Children in Cameroon," Poster presented at the International Conference on Population, 2009, available at http://iussp2009.princeton.edu/download.aspx?submissionId=90344 (accessed April 22, 2010).

[124] Article 297 of the Penal Code expunges the rape offence if the perpetrator marries the victim.

"Law enforcement officers do not treat domestic violence with the seriousness it deserves as it is treated as a private matter. This has led to women shying away from reporting such violence, which is sometimes fatal."[125] The report also portrayed the general situation of women within the family.

> Cameroon is a patriarchal society in which customs and traditions thrive and are promoted in spite of existing modern laws, which protect women. In marriage, the woman is subordinate to the man; she is seen as property due to the bride price paid by the husband. Furthermore, some of these laws are discriminatory. While boys [may] marry at 18 years, girls [may] marry at 15 years. Polygamy is a legal form of marriage. The inequality which reigns in marriages and families has created a fertile ground for violence against women particularly domestic violence.[126]

A bill is pending before parliament since 2007 on the prevention and punishment of violence against women and discrimination based on gender. This bill is yet to be approved and does not include violence within the family, much less any reference to the particular forms of violence that lesbian and bisexual woman and girls might face.

Cameroon signed and ratified the Convention on the Elimination of all Forms of Violence against Women (CEDAW) and the Maputo Protocol. The CEDAW obliges Cameroon to incorporate the convention's provisions into national law.[127] However, it has yet to do so.

The UN special rapporteur on violence against women has repeatedly expressed concern at the levels of domestic violence against women worldwide. In particular, the special rapporteur has noted that the intersection of discrimination against women with other forms of discrimination, including discrimination based on sexual orientation, create multiple forms of violence. Radhika Coomaraswamy, the UN special rapporteur on violence against women from 1994 to 2003, noted that "Gender-based violence ... is particularly acute when combined with discrimination on the basis of sexual orientation or change of gender identity.

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[125] Women in Research and Action (WIRA), Network for Peace and Development (NEPED), International Federation of Women Lawyers (FIDA), Cameroon Association of Women Lawyers (ACAFEJ), "The Implementation of the Convention on the Elimination of All forms of Discrimination against Women," 2007, available at http://www2.ohchr.org/english/bodies/cedaw/cedaws43.htm (accessed April 22, 2010), p. 45-46.

[126] Ibid., "The Implementation of the Convention on the Elimination of All forms of Discrimination against Women," 2007, p. 13.

[127] Convention on the Elimination of all Forms of Violence Against Women, "Status of Signatories and Ratifications", available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en (accessed August 20, 2010).

Violence against sexual minorities is on the increase and it is important that we take up the challenge of what may be called the last frontier of human rights."[128]

The UN secretary general has also recognized that women internationally:

> [M]ay encounter violence based on social prejudices against them because of their sexual orientation. Forms of violence against lesbian women because of their sexual orientation include non-partner sexual violence, sexual enslavement, forced marriage and murder… Numerous cases document lesbians being beaten, raped, forcibly impregnated or married against their will.[129]

In 1998, Cameroon created the Ministry of Women's Affairs to improve the status of women. In 2004, the ministry changed its name to the Ministry of Women's Empowerment and Family. There is little indication that the ministry recognizes that its protection mandate includes protection of lesbian and bisexual women and girls, in spite of the fact that they are among the most vulnerable. No lesbians interviewed by researchers had received assistance from the ministry, which has no policies or programs that explicitly serve lesbian and bisexual women and girls. Furthermore, researchers for this report sent a questionnaire to the ministry inquiring about programs and protections for lesbian and bisexual victims of violence.[130] At the time this report was written, the ministry had not responded.

No one interviewed for this report knew of a single case of arrest or prosecution of perpetrators in incidents of violence against individuals on the grounds of sexual orientation and/or gender expression. Researchers sent a letter asking the Ministry of Interior about existing disciplinary actions against police officers who participated in the abuses or failed to protect the victims, but did not receive a response.[131]

The problem of impunity extends beyond abuses against lesbian, gay, bisexual, and transgender people, but Charles Tombe, the human rights commissioner for southwest

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[128] Statement by the Special Rapporteur on Violence Against Women to the Commission on Human Rights, fifty-eighth session, April 10, 2002, available at http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf (accessed August 20, 2010), p. 38.

[129] UN Secretary General, "Ending Violence against Women, From Words to Action," 2006 available at http://www.un.org/womenwatch/daw/vaw/v-sg-study.htm (accessed September 22, 2010), p. 78.

[130] Letters from Alternatives-Cameroun, ADEFHO, IGLHRC, and Human Rights Watch, to Marie-Thérèse Abena, Ministry of Women's Empowerment and Family, Yaoundé, November 20, 2009 and April 29, 2010. Both letters went unanswered.

[131] Letters from Alternatives-Cameroun, ADEFHO, IGLHRC, and Human Rights Watch, Jean-Baptiste Bokam, State Secretary of the Gendarmerie, November 20, 2009 and April 29, 2010. Both letters went unanswered.

Cameroon, noted, "[i]t is the problem of the system and those who are vulnerable—women, poor people, homosexuals—suffer the most."[132]

Until the Ministry of Interior sends a public message to the police that ill-treatment on the grounds of sexual orientation and gender expression will not be tolerated, the police will continue to stand by or join the attackers.

In Hiding

> *"If you can't exist in your identity, you cannot seek to protect your rights."*
> -Anonymous, Yaoundé, September 21, 2009

To avoid being insulted, beaten, and shunned by family, some gay, lesbian, and bisexual Cameroonians believe the only solution for them is to hide their sexuality. The best way to avoid suspicion, interviewees said, is to have what they called a "cover-up"—a partner of the opposite sex in a sham relationship, where the other person in the relationship is not aware of their sexual orientation. This is common. For instance, Marius told researchers for this report that he has a girlfriend and that of his eight closest gay friends, five have girlfriends as well.

Agnes, 32, lives with her family in Yaoundé. "I have a boyfriend," she told researchers for this report. "It's not that I want one, but I am compelled to have sex with him. I have to show my family that I am with a man. That is also the reason that I had a child. My boyfriend has asked me about three times if I am a lesbian. I have denied it every time."[133]

Similarly, 23-year-old Martin has a girlfriend. He paints houses in Yaoundé for a living. He and his girlfriend have been together for two years and are expecting a baby. We asked Martin if he felt any difficulty having relationships with both men and women. He said, "I fear my family and my girlfriend. They would not be happy if they find out. They would shun me. My girlfriend would be very angry, and God knows what her parents would do to me! The way I see it is that I have to program myself. I have to hide and then it should be fine."[134]

Jean Louis, a 21-year-old history student in Buea, also has a girlfriend and a boyfriend. "My family suspects that I am gay," he said, "but I denied it. The pressure is there and I feel that I

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[132] Interview with Charles Tombe, Human Rights Commissioner, Buea, September 17, 2009.
[133] Interview with Agnes, Yaoundé, September 24, 2009.
[134] Interview with Martin, Yaoundé, September 19, 2009.

have to get married just to please my parents and friends. I wish it wasn't so, but it is, so I have been going out with a girl for a year."[135]

"I am very secretive," said 30-year-old Marthe, a professional soccer player, who also has a boyfriend and a girlfriend.

> I don't talk to anyone about my relationships or my life in general. I would like it to be different, I would like to express myself more freely, but it's impossible. I do this [have a relationship with another woman] because of my feelings. It is what I feel. Still, I have to have a boyfriend. I have been with one for four years and with my girlfriend for two and a half. My boyfriend is a cover. My family thinks that if you are athletic and you don't have a boyfriend then you are a lesbian. I cannot afford for them to think this about me. I am very Catholic, and in my church, they think this is sorcery.[136]

Fear of discovery also dictates people's behavior with their "cover up" partners. Forty-six-year old Joseph works as a trader and self-identifies as a bisexual man. He has been married for seven years. He told researchers,

> I got married because that is what you do in Cameroon. I worked and then it was time to find a wife. I do have sex with other men. The last time was three months ago. I don't like wearing a condom when I am with men and will only use it if they ask me to. With my wife, I would never use a condom! She's my wife! If I use a condom with her, she will think something fishy is going on.[137]

Alicia, a 40-year-old lesbian, pointed out the difficulties with negotiating condom usage from a women's perspective.

> It's not easy to play the submissive woman before a man when you don't want men to touch you. And yet, you have to be with them, have sex with men and have their children. You have to have sex with your husband without a condom to avoid suspicion and then you have sex with another woman on the side.[138]

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[135] Interview with Jean Louis, Buea, September 18, 2009.
[136] Interview with Marthe, Yaoundé, September 22, 2009.
[137] Interview with Joseph, Douala, October 2, 2009.
[138] Interview with Alicia, Yaoundé, September 24, 2009.

Neighbors, family members, and others police sexuality, so most people interviewed for this report told researchers that they seek to live their lives in secrecy, afraid of the consequences if they were discuss their sexualities publicly. In other instances, secrecy can easily translate into attacks and fear of seeking protection and redress. For lesbian, gay, bisexual, and transgender people in Cameroon, it becomes a losing situation. People are further driven underground and refuse to complain due to the history of attacks by police officers and the belief that authorities will not take the violence seriously.

Conclusion

Article 347 bis has been used and continues to be used against a particular group of Cameroonians that deserves equal treatment and respect under the law, not violence, abuse, and legal persecution. Violation to their fundamental rights begins when police use people's perceived or real sexual orientation as grounds for arrest and ill-treatment in custody. Individuals then go to prison, where they are subject to abuse by prison authorities and fellow inmates. Even outside the criminal justice system, the existence of a law criminalizing homosexual conduct makes people more vulnerable to attacks. When LGBT people are victims of family disputes, domestic abuse, rape, and even random street crime, they may fear reporting it because they could be accused and prosecuted for homosexuality. People live in constant fear, assuming rigid gender codes to cover up, and conducting relationships in secrecy. The only way Cameroon can protect these people is to end the criminalization of homosexuality and provide effective legal protections for lesbian, gay, bisexual, and transgender people under the law.

Specific Recommendations

To the President of Cameroon

- Decriminalize homosexual conduct by repealing Article 347 bis of the Cameroon Penal Code.
- End arrests, police harassment, and prosecutions for actual or perceived adult, consensual homosexual sex.
- End arrests and prosecutions for children under 18 for homosexual conduct or for their perceived sexual orientation.
- Publicly condemn all acts of violence, discrimination, and intolerance against individuals on the grounds of their real or perceived sexual orientation and/or gender identity.
- Amend the national HIV/AIDS strategic plan of Cameroon to explicitly include men who have sex with men and women who have sex with women.
- Condemn homophobic speech by all government officials.
- Allow for organizations doing work on sexuality, gender, sexual orientation and gender identity to register as such, ensuring their protection and participation as civil society.

To the Ministry of Interior

- Issue a directive to all levels of police to refrain from active investigation or pursuit of charges against consensual homosexual sexual activity.
- Gather data on arrests of individuals to date under Articles 346 and 347 bis, as well as reports of police misconduct, including violence, extortion, ill-treatment, and torture, and take disciplinary action against police personnel found guilty of misconduct.
- Introduce sensitivity and human rights training on sexual orientation, gender identity, and HIV/AIDS for police at all levels.
- Publicly denounce the targeting of vulnerable populations by police, including ending the surveillance of public places considered to be frequented by homosexuals.
- Promote campaigns to encourage people to report violence and arbitrariness by public authorities.

To the Ministry of Justice

- Train judges and prosecutors on human rights standards, including non-discrimination, sexual orientation and gender identity, with the aim of ending stigma and prejudice on these grounds.

- Investigate all convictions under Article 347 bis for violations of due process, including convictions in the absence of evidence, arrests without warrants, and forced confessions, and overturn all that do not fulfill procedural requirements.
- End the practice of forensic anal examinations and their use as evidence.
- Issue a directive to the general prosecutor to stop detentions and prosecutions under Article 347 bis until the said article is repealed.

To the Ministry of Women's Empowerment and Family

- Organize a consultation with lesbian, gay, bisexual, and transgender groups and women's rights organizations to address the needs of self-identified lesbian and bisexual women and girls, as well as women who have sex with women.
- Make clear that self-identified lesbian and bisexual women and girls, as well as women who have sex with women, are included in the ministry's mandate and in its policies and programs.

To the Ministry of Health

- Train all health care staff in all public clinics on sexual orientation and gender identity, including through identifying and training more peer educators for MSM and WSW;
- Increase the number public health clinics in remote areas that provide treatment and care for people, including MSM and WSW, living with HIV/AIDS.
- Ensure distribution of adequate amounts of condoms and lubricant in testing and treatment centers and prisons.
- Publicly and financially support the work of MSM and WSW peer educators and fulfill the commitments made in the National Strategic Plan to better incorporate these populations into HIV/AIDS outreach and prevention strategies.
- Step up general HIV/AIDS education, especially directed toward vulnerable populations.

To the National Human Rights Commission

- Investigate and respond to reports of violence against individuals on the grounds of sexual orientation and/or gender identity by state as well as private actors.
- Monitor and condemn speech that incites violence or hatred against individuals on the grounds of sexual orientation and/or gender identity.
- Condemn publicly attacks against individuals on the basis or perceived sexual orientation, gender identity, or HIV/AIDS status.
- Condemn publicly attacks and arrests against human rights defenders working on sexual rights.

To Police Authorities

- End arrests under Article 347 bis.
- Investigate all claims of verbal and physical abuse or threats against individuals on the grounds of sexual orientation and/or gender identity, and ensure fair and impartial investigations of the complaints that hold perpetrators accountable to the fullest extent of the law.

To Prison Authorities

- Issue detailed regulations to protect prisoners from abuse on the basis of real or perceived sexual orientation and gender identity.
- Strengthen grievance mechanism to punish prison officials and inmates who engage in, encourage, or condone ill-treatment of, or discrimination against, such prisoners.
- Allow the introduction of condoms in prisons and facilitate distribution.

To the Media

- Report on attacks against individuals on the basis of sexual orientation, gender identity or HIV/AIDS status without bias.
- Adopt a voluntary code of ethics for reporting on issues related to gender, sexual orientation and gender identity, and HIV/AIDS.
- Train editors and reporters to cover issues related to sexual orientation and gender identity, and HIV/AIDS, without bias.
- Establish regular meetings between editors and NGO representatives working to improve media representation of lesbian, gay, bisexual, and transgender people.

To Religious Leaders

- Refrain from engaging in rhetoric that incites followers to violence.
- Condemn publicly the attacks against individuals on the basis of their real or perceived sexual orientation, gender identity or HIV/AIDS status.
- For leaders of the Catholic Church: advocate for the decriminalization of homosexuality in Cameroon in accordance with the December 2008 statement at the UN by the Holy See supporting decriminalization around the globe.

To UNAIDS and Other UN Agencies

- Monitor and condemn violence against MSM, WSW, LGBT persons, and people living with HIV/AIDS or engaged in HIV/AIDS outreach and prevention.
- Assist the government of Cameroon to reformulate national and local policies and programs on HIV/AIDS frameworks to reduce stigma of vulnerable populations, such as MSM, WSW, LGBT persons, and people living with HIV/AIDS, including in prison settings.

To the European Union

- Raise and condemn human rights violations on the grounds of sexual orientation, gender identity and HIV/AIDS status in all bilateral discussions with the government of Cameroon.
- Implement the "Toolkit to Promote and Protect the Enjoyment of all Human Rights of LGBT people" in all embassies and consulates in Cameroon or in the regional hub.
- Specifically work toward decriminalization of consenting same-sex relations; monitor the human rights situation of LGBT people and denounce any forms of abuse or discrimination; and support and protect human rights defenders in Cameroon working on LGBT and HIV/AIDS issues.

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Finally, we are deeply grateful to all those people in Cameroon who shared their personal experiences with us.

Appendix I: International Legal Standards

Cameroon is bound by international human rights treaties and customary law, and is accountable to the international community for protecting and promoting the human rights of all its people. Cameroon acceded to the International Covenant on Civil and Political Rights (ICCPR) on June 27, 1984, and the African Charter on Human and Peoples' Rights (ACHPR) on June 20, 1989. Both treaties place obligations on Cameroonian authorities to protect and promote various human rights as well as protect and provide the conditions necessary for the realization of these rights. Cameroon also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on August 23, 1994 and the Maputo Protocol on May 28, 2009.

Right to Privacy

Article 17 of the ICCPR guarantees that "No one shall be subjected to arbitrary or unlawful interference with his privacy," and further guarantees the right to protection from such interference. In the 1994 case of Nicholas Toonen v. Australia, the UN Human Rights Committee, which monitors compliance with and adjudicates violations under the ICCPR, heard a complaint concerning a "sodomy law" punishing consensual, adult homosexual conduct in the Australian state of Tasmania. The committee held that such laws violate protections against discrimination in the ICCPR, as well as Article 17. Specifically, the committee held that "sexual orientation" was a status protected under the ICCPR from discrimination, finding that "the reference to 'sex' in articles 2, paras. 1 and 26 is to be taken as including sexual orientation."[139]

The Right to Freedom from Arbitrary Arrest and Detention

Article 9 of the ICCPR guarantees to all the "right to liberty and security of person" and protection from arbitrary arrest or detention. The right to security places an obligation upon the state to protect individuals against threats of physical violence. The UN Human Rights Committee has criticized states' failure to protect people from violence based on sexual orientation.[140]

The *travaux preparatoires* to Article 9 of the Convention make clear, in the words of one commentator, that "arbitrary" means not simply "unlawful" arrest or detention, but includes police or judicial actions that display "elements of injustice, unpredictability,

[139] Nicholas Toonen v Australia, 50th Sess., Communication No. 488/1992, CCPR/c/50/D/488/1992, April 14, 1994, para 8.7.
[140] Human Rights Committee, "Concluding Observations: El Salvador," CCPR/CO/78/SLV, July 22, 2003, para. 16.

unreasonableness, capriciousness and unproportionality," though the reason for the arrest may lie within the letter of the law. In particular, "the specific manner in which an arrest is made must not be discriminatory and must be able to be deemed appropriate and proportional in view of the circumstances of the case."[141]

Similarly, Articles 4 and 6 of the ACHPR declare that everyone is entitled to respect for her/his life and integrity of her/his person, that no one may be deprived of these rights arbitrarily, including through arrest and detention, and that everyone has the right to liberty and security of person.

Protection Against Torture, Inhuman, and Degrading Treatment

Articles 7 and 10 of the ICCPR protect against torture or "cruel, inhuman or degrading treatment or punishment" and stipulate that all persons shall be treated with humanity and dignity at all times, including while in detention or other official custody. Article 5 of the ACHPR likewise prohibits "torture, cruel, inhuman or degrading punishment and treatment" and guarantees the right to respect for the inherent dignity of persons.

The ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT—acceded by Cameroon in 1986) detail what states must do to enforce the prohibition, including the duty to investigate, prosecute, and provide effective remedies when violations occur.[142]

The Rights of Prisoners Under International Law

Under international human rights law, prisoners retain their human rights and fundamental freedoms, except for such restrictions on their rights required by the fact of incarceration; the conditions of detention should not aggravate the suffering inherent in imprisonment, except as necessary for justifiable segregation or the maintenance of discipline.[143] This rule cannot be dependent on the material resources available to the national government in question.[144] Cameroon is bound by this framework, as a party to the ICCPR.

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[141] Manfred Nowak, CCPR Commentary (Kehl: N.P. Engel, 1993), pp. 172-73.

[142] See for example Communication no. 322/1988, Rodriguez v Uruguay, adopted July 14, 1994; 328/1988, Blanco v Nicaragua, adopted July 20, 1994; 1096/2002, Kurbanov v Tajikistan, adopted November 6, 2003.

[143] UN Standard Minimum Rules, paras. 57-58; UN Human Rights Committee, General Comment 21, Article 10, Humane Treatment of Persons Deprived of Liberty (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.7 (1994), paras. 3-4; Basic Principles for the Treatment of Principles, principle 5; See also UN Standard Minimum Rules for the Treatment of Prisoners, paras. 57-58.

[144] HRC, General Comment 21, paras. 3-4.

The ICCPR also requires that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."[145] The African Charter also protects every individual's human dignity and prohibits "all forms of exploitation and degradation," including slavery, torture, and cruel, inhuman or degrading punishment and treatment.[146] Numerous international instruments provide further guidance on the protection and respect for the human rights of persons deprived of their liberty.[147]

The Right to the Highest Attainable Standard of Health

In its General Comment 14, the UN Committee on Economic, Social, and Cultural Rights, charged with overseeing the application of the International Covenant on Economic, Social and Cultural Rights, specifically noted that the said Covenant, to which Cameroon is party, should be read to bar "any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health."[148]

The Right to Freedom of Expression, Association, and Information

Article 19 of the ICCPR guarantees freedom of expression, and Article 21 secures all persons' freedom of assembly. Article 9 of the ACHPR guarantees everyone the right to information and the right to freedom of expression, and Article 10 provides everyone the right to free association.

The UN mechanisms also touch upon the right to freedom of expression for human rights organizations working on defending the human rights of LGBT people considering "that all citizens, regardless of, inter alia, their sexual orientation, have the right to express themselves, and to seek, receive and impart information."[149]

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[145] ICCPR, art. 10.

[146] African Charter, art. 5.

[147] The most comprehensive such guidelines are the United Nations Standard Minimum Rules for the Treatment of Prisoners. Other relevant instruments include the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Basic Principles for the Treatment of Prisoners, and, for juvenile prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

[148] Committee on Economic, Social and Cultural Rights, General Comment 14, The right to the highest attainable standard of health (Twenty-second session, 2000), UN Doc. E/C.12/2000/4 (2000), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.6 at 85 (2003), para. 18, available at http://humanrights.law.monash.edu.au/gencomm/escgencom14.htm (accessed May 2, 2010).

[149] Report of the Special Rapporteur on the Right to Freedom of Opinion and Expression, Mission to Colombia, E/CN.4/2005/64/Add.3, November 26, 2004, para. 75.

Non-discrimination and Equal Protection of the Law

Article 2 of the ICCPR requires that a state "ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind." Article 26 of the ICCPR guarantees that all persons are equal before the law and entitled to equal protection of the law. The UN Human Rights Committee has made clear on several occasions that sexual orientation is a status protected against discrimination under these provisions.[150] Article 2 of the ACHPR states, "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind." Article 3 guarantees that everyone is equal before the law and shall have equal protection of the law. Article 19 promises: "All peoples shall be equal; they shall enjoy the same respect and shall have the same rights."

The Human Rights of Women Under CEDAW and Maputo Protocol

CEDAW commits states in its Article 1 to the eradication of "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

The Convention also protects the rights of women to economic and social equality, including participating in both the planning and the benefits of development, as well as their right to "participate in all community activities" (Article 11, Article 14). It protects their right to equality in education, including the "elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education" (Article 10.c). And it mandates that states "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (Article 5.a).

These protections are violated when states reinforce stereotyped gender roles by heaping further stigma upon those who contravene them. They are violated when states encourage communities to discriminate against, or drive out, nonconforming women. They are violated when states

[150] The UN Human Rights Committee has urged states to pass anti-discrimination legislation that expressly includes sexual orientation, and to prohibit in their constitutions all discrimination based on sexual orientation and gender identity. Human Rights Committee, "Concluding Observations: Slovakia,"CRC/C/SVK/CO/2,June8, 2007, para. 28; "Concluding Observations: Namibia," CCPR/CO/81/NAM, July 30, 2004, para. 22; Concluding Observations: Trinidad and Tobago, CCPR/CO/70/TTO, November 3, 2000, para. 11; "Concluding Observations: Poland," 66th Session, CCPR/C/79/Add.110, para. 23.

condone an atmosphere of violence, in which women who do not conform to gender roles or other social expectations may be abused or raped, in public spaces or in the home.

The Convention requires states to act against abuse and discrimination in families and communities. The UN Special Rapporteur on Violence against Women has observed that communities:

> '[p]olice' the behaviour of their female members. A woman who is perceived to be acting in a manner deemed to be sexually inappropriate by communal standards is liable to be punished.... In most communities, the option available to women for sexual activity is confined to marriage with a man from the same community. Women who choose options which are disapproved of by the community, whether to have a sexual relationship with a man in a non-marital relationship, to have such a relationship outside of ethnic, religious or class communities, or to live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment.... Women "unprotected" by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of social ostracism and abuse.[151]

The Maputo Protocol provides similar protections for women against discrimination.[152] Article 13 on the right to dignity states: "[e]very woman shall have the right to respect as a person and to the free development of her personality." It also calls on states to adopt measures against all forms of violence, including sexual and verbal violence and provides a specific provision for remedies against abuses (Article 25).

The Human Rights of Children

The Convention on the Rights of the Child (ratified on September 25, 1990),[153] and The African Charter on the Rights and Welfare of the Child (ratified on May 9, 1997),[154] provide broad civil and political rights for children under 18, including due process rights under the penal law.[155]

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[151] "Report of the Special Rapporteur on violence against women, its causes and consequences," UN Doc. E/CN.4/1997/47, February 12, 1997.

[152] Maputo Protocol, adopted in Maputo on July 11, 2003; entered into force on November 25, 2005. It was ratified by Cameroon on May 28, 2009.

[153] Convention on the Rights of the Child, Adopted November 20, 1989, 1577 U.N.T.S.3 (entered into force September 2, 1990).

[154] African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), (entered into force November 29, 1999).

[155] Ibid, fn 154, Article 40.

Appendix II: Glossary

Biological sex: The biological classification of bodies as male or female based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

Bisexual: A person who is attracted to people of both sexes.

Gay: A synonym for homosexual. Sometimes used to describe only men who are attracted primarily to other men.

Gendarmes: A branch of the police in charge of the protection in small villages and towns.

Gender: The social and cultural codes (as opposed to biological sex) used to distinguish between what a society considers "masculine" or "feminine" conduct.

Gender-based violence: Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices. The term originally described violence against women but is now widely taken to include violence targeting both women and men because of how they experience and express their genders and sexualities.

Gender expression: The external characteristics and behaviors that societies define as "masculine" or "feminine"—including such attributes as dress, appearance, mannerisms, speech patterns, and social behavior and interactions.

Gender identity: A person's internal, deeply felt sense of being a woman or a man, or something other than or in between a woman or a man.

Heterosexual: A person attracted primarily to people of the opposite sex.

Homosexual: A person attracted primarily to people of the same sex.

Lesbian: A woman attracted primarily to other women.

LGBT: Lesbian, gay, bisexual, or transgender; an inclusive term for groups and identities sometimes also associated together as "sexual minorities."

Men who have sex with men: Men who engage in sexual behavior with other men, but do not necessarily identify as "gay," "homosexual" or "bisexual."

Pédé: French slang for homosexual, derived from “pédéraste,” that has a negative connotation.

Sexism: The belief or attitude that one gender or sex is inferior to, less competent than, or less valuable than the other. It can also designate prejudice towards either sex as a whole, or the application of stereotypes of masculinity in relation to men, or of femininity in relation to women.

Sexual orientation: The way in which a person's sexual and emotional desires are directed. The term categorizes according to the sex of the object of desire—that is, it describes whether a person is attracted primarily to people of the same or opposite sex, or to both.

Transgender: An umbrella term for people whose gender identity, expression or behavior is different from that typically associated with their assigned sex at birth, including but not limited to transsexuals, travestis, transvestites, transgenderists, cross-dressers, and gender nonconforming people. It may include people whose felt gender identity differs from the physical characteristics of their body at birth. Female-to-male (FTM) transgender people were assigned female at birth but identify primarily as men; male-to-female (MTF) transgender people were assigned male at birth but identify primarily as women. Transgender people may be heterosexual, lesbian, gay, or bisexual. Transgender as it is used in the US has limited resonance in many other countries. The term does not convey the multiple and diverse expressions of gender identity or the intersecting expressions of sexual desire, intimacy and gender nonconformity.

Transsexual: One who seeks to undergo or has undergone bodily modification such as sex reassignment surgery so that his/her physical sex corresponds to his/her felt gender identity.

Women who have sex with women: Women who engage in sexual behavior with other women, but do not necessarily identify as "gay," "homosexual," "lesbian" or "bisexual."