



Stakeholder submission of Commonwealth Human Rights Initiative (CHRI) for the 2013
Universal Periodic Review of Cameroon

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Commonwealth Human Rights Initiative (CHRI) stakeholder submission for the Universal Periodic Review of Cameroon (2013)

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1. This UPR stakeholder submission for Cameroon includes information on cooperation with UN mechanisms, restrictions on the freedom of expression, including on the media, and the criminalisation of same-sex sexual conduct. Information contained in this submission is from secondary sources.
2. **Cooperation with UN mechanisms**
3. During its last UPR Cameroon accepted recommendations that required the country to: consent to the visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; extend an open invitation to all UN Special Procedures; and ratify the International Convention for the Protection of All Persons from Enforced Disappearance. All of this is yet to take place.
4. **Recommendations**
5. The Government of Cameroon should:
 - a. Issue a standing invitation to the Special Procedures of the United Nations Human Rights Council
 - b. Allow the visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
 - c. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance
6. **Restrictions on freedom of expression**
7. During its last review, Cameroon stated that its laws prohibited discrimination with regards to persons, groups or organisations and claimed that press freedom was guaranteed, however, little has been done to protect such liberties in the following years.
8. The reporting period saw journalists, human rights defenders and political party opponents being mistreated for criticising government policies and corruption. It is reported that many journalists and media outlets practised self-censorship.¹ Journalists who criticised government policy were threatened, harassed, detained or denied equal treatment.
9. In 2009, a private radio station was closed down for “recurring violations of legal and administrative regulations” of media law, allegedly due to a programme that allowed callers to air grievances.²
10. In one particular case that occurred in 2010, a journalist who was investigating corruption charges died in prison due to lack of medical treatment.³ A peaceful protest was organised as a reaction to his death, which was later suppressed by police wielding clubs.⁴ Similarly, in 2011, a Cameroonian writer was charged with contempt and unlawful assembly after writing a book about the President’s wife and attempting to hold a public reading of the offending text.⁵

¹ Committee to Protect Journalists, “Attacks on the Press 2010 – Cameroon” (15 February 2011) at <http://www.unhcr.org/refworld/docid/4d5b95d528.html> (last accessed on 5 June 2012).

² Committee to Protect Journalists, “Cameroon Shuttters Radio Station Over Talk Programme” (19 August 2009) at <http://cpj.org/2009/08/cameroon-shuttters-radio-station-over-talk-program.php> (last accessed on 22 October 2010).

³ Agence France Press, “Cameroon says detained journalist dies of ‘infections’” (29 April 2010) at <http://www.google.com/hostednews/afp/article/ALeqM5ibnCCmrzUeBYVahGdut93D4zUYjg> (last accessed on 11 August 2010).

⁴ *The Epoch Times*, “Protesting Journalists in Cameroon Stopped by Police” (3 May 2010) at <http://www.theepochtimes.com/n2/content/view/34645/> (last accessed on 11 August 2010).

⁵ International PEN, “CAMEROON: Author jailed for insulting President’s wife” (25 March 2011) at <http://www.penusa.org/ran-1211> (last accessed on 5 June 2012); Amnesty International, “Urgent Action: Cameroonian Author held in harsh conditions” (12 April 2011) at: <https://www.amnesty.org/en/library/asset/AFR17/001/2011/en/6ae34dfc-7e9b-4367-8a1a-47e856c42e35/af170012011en.pdf> (last accessed on 5 June 2012).

11. In 2011, the editor of a weekly publication was charged with criminal defamation and given a six-month suspended prison sentence, a fine of 185,200 CFA francs and one million CFA in damages after publishing articles related to the alleged embezzlement of public funds by the Director General of the Cameroon urban transport company and his wife.⁶ Furthermore the publication's Twitter feed was suspended by a mobile phone provider on the orders of the government.⁷
12. It is reported that the government also selectively spent official funds to support private press outlets that were less critical of it and instructed them to provide favourable reporting.⁸ It also reportedly prohibited rural community radio stations with funding from UNESCO and foreign countries from discussing politics.⁹
13. It is reported that suppression of freedom of expression extended to political opponents and human rights defenders. In February 2009, a teacher was arrested for criticism about a presidential visit in which the roadblocks hampered economic activity. His brother was later kidnapped and the teacher was told not to talk about the incident.¹⁰
14. In August 2010, security officers disrupted a press conference in Yaounde organised by the Republican Forum, a newly created opposition party. The officers harassed the organisers,¹¹ while claiming that the conference was unpaid for and unauthorised.¹²
15. In September 2010, members of the secessionist group, the Southern Cameroons National Council (SCNC), faced arrest and imprisonment as the government continued to curtail their activities.¹³
16. Following a public demonstration organised by the trade union Central syndicale du secteur public (CSP), in front of the Prime Minister's Office in Yaoundé demanding improvements in working and living conditions in November 2010, seven trade union members were arrested and charged with offences relating to an unauthorised demonstration.¹⁴
17. In February 2011, demonstrations organised by political leaders and civil society groups demanding freedom, democracy, free and fair elections, respect for human rights and rule of law, and for the resignation of President Paul Biya, who had been in power for 29 years, were according to reports brutally suppressed and the demonstrators tortured by the police, gendarmes and military personnel.¹⁵

⁶ Committee to Protect Journalists, "Cameroonian editor charged with criminal libel" (22 March 2011) at: <http://www.cpi.org/2011/03/cameroonian-editor-charged-with-criminal-libel.php> (last accessed on 5 June 2012); International Federation for Human Rights, "Steadfast in Protest - Annual Report 2011 – Cameroon" (25 October 2011) at: <http://www.unhcr.org/refworld/docid/4ea7b3f02.html> (last accessed on 5 June 2012).

⁷ Reporters sans frontières, "Bloqué depuis plus de dix jours, le service Twitter SMS est-il en passe d'être rétabli?" (22 March 2011) at: http://fr.rsf.org/cameroun-bloque-depuis-dix-jours-le-service-22-03-2011_39845.html (last accessed on 5 June 2012).

⁸ Human Rights Committee, "Concluding observations of the Human Rights Committee: Cameroon" (4 August 2010) by International Covenant on Civil and Political Rights, Geneva (last accessed on 5 June 2012).

⁹ *Supra*.

¹⁰ *The Post*, "Biya Urged to Release Incarcerated Teacher" (27 February 2009) at <http://allafrica.com/stories/200903020450.html> (last accessed on 22 October 2010).

¹¹ *The Sun*, "Hotels officials disrupt launching of new political party" (12 September 2010) at: http://the-news-from-cameroon.com/article.php?category_id=32&article_id=1670 (last accessed on 5 June 2012).

¹² International Trade Union Confederation, "2011 Annual Survey of violations of trade union rights – Cameroon" (8 June 2011) at: <http://www.unhcr.org/refworld/docid/4ea6621cc.html> (last accessed on 5 June 2012).

¹³ Amnesty International, "Country Report 2011 –Cameroon" at: <http://www.amnesty.org/en/region/cameroon/report-2011> (last accessed on 5 June 2012).

¹⁴ International Trade Union Confederation, "2011 Annual Survey of violations of trade union rights – Cameroon" (8 June 2011) at: <http://www.unhcr.org/refworld/docid/4ea6621cc.html> (last accessed on 5 June 2012).

¹⁵ Cameroon Centre for Democracy and Human Rights, "CCDHR condemns government barbarism on peaceful demonstrators in Cameroon: Calls for international investigation" (24 February 2011) at: <http://picam.org/press-releases/2011/02-24-GovernmentBarbarismonPeacefulDemonstrators.htm> (last accessed on 5 June 2012).

18. Recommendations

19. The government of Cameroon should:

- a. Advance the right to freedom of expression and freedom of the press by ensuring that national press legislation is in conformity with international human rights standards.
- b. In conformity with international standards, adopt all necessary measures to ensure that freedom of expression is not hindered.

20. Criminalisation of same-sex sexual conduct

21. The Penal Code of Cameroon, Section 347(bis) criminalises any person who has “sexual relations with a person of the same sex”, and the penalty is a prison term of six months to five years and a fine between 20,000 to 200,000 CFA francs.¹⁶
22. During its last session of the Universal Periodic Review in 2009, Cameroon rejected recommendations to decriminalise homosexuality.¹⁷ In 2010, during the 99th session, the Human Rights Committee also recommended that Cameroon repeal the law that criminalises consensual same-sex sexual conduct between adults.¹⁸
23. As a state party to the ICCPR Cameroon has an obligation under Article 17 to protect individuals against “arbitrary or unlawful interference” with their “privacy, family, home or correspondence” and this renders the above sections incompatible with this obligation.¹⁹ The criminalisation of same-sex conduct is also incompatible with Cameroon’s obligation under Article 26 of the ICCPR, which requires Cameroon to treat individuals equally before the law.²⁰
24. Cameroon also has an obligation under Article 12 of the ICESCR to promote the highest standard of health that is impeded by the criminalisation of same-sex conduct.²¹ Criminalisation fosters discrimination and stigma, and thereby creates barriers to services, particularly access to health.
25. The criminalisation of same-sex conduct has entrenched homophobia and institutionalised the harassment of the lesbian, gay, bisexual and transgender (LGBT) community in Cameroon.
26. Due to stigma and prejudice towards homosexuality, the LGBT community faces discrimination. The law is used to threaten and intimidate the community with impunity, and law enforcement officials are known to extort and blackmail persons based on their real or perceived sexual orientation.²² Officials have failed to prevent events, such as “Gay Hate days” from taking place, which are materially contributing towards the climate of homophobia on members of the LGBT community in Cameroon.²³

¹⁶ State sponsored homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults, ILGA report, May 2012, <http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf (last accessed 4 October 2012).

¹⁷ Report of the Working Group on the Universal Periodic Review, Addendum –Cameroon, 9 June 2009, A/HRC/11/21/Add.1 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.21.Add.1.pdf>

¹⁸ Human Rights Committee, Concluding observations of the Human Rights Committee, Cameroon, CCPR/C/CMR/CO/4, 4 August 2010 < http://www.bayefsky.com/pdf/cameroon_t4_ccpr_99.pdf> Accessed 4 October 2012

¹⁹ The Human Rights Committee in *Toonen v Australia* held that the criminalisation of same sex conduct was incompatible with a state party’s obligations under Article 17.

²⁰ Human Rights Committee, Concluding observations of the Human Rights Committee Barbados, U.N. Doc. CCPR/C/BRB/CO/3, 11 May 2007, para. 13.

²¹ CESCR, General Comment No. 14 (2000): The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), U.N. Doc. E/C.12/2000/4, 11 August 2000, para. 18.

²² Charles Gueboguo and Marc Epprecht. ‘Extortion and Blackmail on the Basis of Sexual Orientation in Africa: A Case Study From Cameroon,’ *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*, Eds. Ryan Thoreson and Sam Cook. International Gay and Lesbian Human Rights Commission, 2011. pp. 89-110. Available at <http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/484-1.pdf>, accessed 16 July 2012.

²³ C Brocklebank ‘Ga Hate Day Taking Place in Cameron Today’ *Pink News* 21 Aug 2012 <http://www.pinknews.co.uk/2012/08/21/gay-hate-day-taking-place-in-cameroon-today/>

27. Arbitrary arrests and detention of people implicated in same sex conduct are commonplace, and due process safeguards are often not complied with.²⁴ Persons arrested for example, are often denied their basic rights and are held longer than the time stipulated by the law.²⁵
28. Persons detained or imprisoned in penal institutions on account of their real or perceived sexual orientation face ill-treatment; and are threatened with homophobic violence by inmates, police and prison officials.²⁶ Detainees are also sometimes subjected to anal examinations to prove a history of same-sex sexual conduct.²⁷
29. In September 2010, for example, Roger Efaaba and Marc Bata were both arrested on suspicion of theft, but instead accused and charged with same-sex sexual conduct. They were subjected to forced anal medical examinations.²⁸
30. Law enforcement officials have in recent years used the anti-homosexuality law broadly to prosecute individuals.
31. In April 2011, Roger Jean-Claude Mbede was arrested and detained for seven days, before being charged for homosexuality and convicted for three years. His arrest was based on a text message he sent to a male acquaintance.²⁹ In August 2011, four men were arrested and one of them was reported to have been subjected to an anal examination by a military medical doctor.³⁰
32. In November 2011 three men, Frankie Ndome, Jonas Kimie and Hilaire Nguiffo were sentenced to five years in prison and fined 200,000 CFA francs for same-sex conduct.³¹
33. The threat of arrest and prosecution has created a climate of fear and secrecy in society, and leaves the LGBT community vulnerable to social persecution.

34. Recommendations

35. CHRI recommends that Cameroon should:

- a. Impose a moratorium on arrests and prosecutions for same-sex sexual conduct.
- b. Repeal Section 347(bis) of the Penal Code.
- c. Promote and facilitate constructive dialogue on sexual orientation with stakeholders, including government ministries, police and prison officials, civil society actors and religious leaders.
- d. Prevent harassment, abuse and violence against persons based on their real or perceived sexual orientation while holding perpetrators accountable.

²⁴ Human Rights Watch, *Criminalizing identities: Rights abuses in Cameroon based on sexual orientation and gender identity*, 2010, <<http://www.hrw.org/sites/default/files/reports/cameroon1010WebVersion.pdf>> Accessed 4 October 2012.

²⁵ Human Rights Watch, *Criminalizing identities: Rights abuses in Cameroon based on sexual orientation and gender identity*, 2010, <<http://www.hrw.org/sites/default/files/reports/cameroon1010WebVersion.pdf>> Accessed 4 October 2012.

²⁶ Human Rights Watch, *Criminalizing identities: Rights abuses in Cameroon based on sexual orientation and gender identity*, 2010, <<http://www.hrw.org/sites/default/files/reports/cameroon1010WebVersion.pdf>> Accessed 4 October 2012.

²⁷ Human Rights Watch, *Criminalizing identities: Rights abuses in Cameroon based on sexual orientation and gender identity*, 2010, <<http://www.hrw.org/sites/default/files/reports/cameroon1010WebVersion.pdf>> Accessed 4 October 2012.

²⁸ Amnesty International, *Annual Report 2011, Country report: Cameroon* <<http://www.amnestyusa.org/research/reports/annual-report-cameroon-2011?page=show>> Accessed 4 October 2012.

²⁹ Prisoner of Conscience, *Imprisoned for Homosexuality*, *Amnesty International*, Available at <http://www.amnestyusa.org/our-work/cases/cameroon-jean-claude-roger-mbede>, accessed 16 July 2012 and 'Campaign to free Cameroon man jailed for homosexuality', *The Guardian*, 9 June 2011 <<http://www.guardian.co.uk/world/2011/jun/09/campaign-cameroon-man-jailed-homosexuality>> Accessed 4 October 2012.

³⁰ Alternatives Cameroun et al, *Joint Open Letter to President Paul Biya: Cameroon, Stop Criminalizing Same-sex conduct*, 30 September 2011 <<http://www.hrw.org/es/node/102054>> Accessed 4 October 2012.

³¹ 'Cameroon jails men over gay sex' *BBC News*, 24 November 2011. <<http://www.bbc.co.uk/news/world-africa-15871386>> Accessed 4 October 2012.