



Cameroon Human Rights Commission
Commission des Droits de l'homme du Cameroun

THEMATIC REPORT ON IMPLEMENTATION MONITORING
RECOMMENDATIONS MADE IN CAMEROON BY UNIVERSAL AND
REGIONAL MECHANISMS MONITORING OF HUMAN RIGHTS WITH
RESPECT TO PREVENTION AND THE FIGHT AGAINST TORTURE.

In accordance with the 9th indent of Article 7 of Law No. 2019/014 of 19 July 2019 establishing, organizing and operating the Cameroon Human Rights Commission (CHRC), the Commission “participate in monitoring the implementation of recommendations made by international and regional human rights mechanisms, including treaty bodies ratified by Cameroon”. The CDHC puts this prerogative in motion because of its status as a National Mechanism for the Prevention of Torture (MNPT).

As such, it cooperates with relevant actors involved in the prevention of torture, such as the Committee Against Torture. Thus, respecting its mission to prevent torture, the CDHC has compiled recommendations relating to the prevention and fight against cruel, inhuman or degrading treatment, as well as the prevention and fight against torture, from the most recent reviews of Cameroon (between 2014 and 2018) by human rights monitoring mechanisms, as part of the implementation of the country’s commitments under the ratified Regional and Universal Conventions.

This compilation allowed the National Human Rights Institution (INDH) of Cameroon to assess their level of implementation and to transmit its contribution to the Ministry of Justice which prepared, between September and November 2021, the 6th Periodic Report of Cameroon to be submitted to the Committee against Torture (CAT).

The purpose of this Thematic Report is to report on the results of the CHRC's analysis of the implementation of the recommendations made by six (6) regional and universal human rights mechanisms, namely:

At African regional level

- the African Committee of Experts on the Rights and Welfare of the Child (ACRWC).

At the universal level

- the Committee Against Torture (CAT)
- the Committee on the Elimination of Discrimination against Women (CEDAW);
- the Committee on the Rights of the Child (CRC);
- the Human Rights Committee (HRC);
- the Universal Periodic Review (UPR).

The recommendations taken into account for this analysis were selected because of their more or less recent nature, in that they stemmed from Cameroon's last passages before the treaty bodies at the origin of their formulation. Thus, the status of implementation will be reviewed – in chronological order of publication:

- Concluding Observations from the consideration of the Single Report of the 4th and 5th Periodic Reports of Cameroon (CEDAW/C/CMR/4-5) before the Committee for the Elimination of Discrimination against Women, adopted at its 1189th and 1190th meetings on 12 February 2014;
- Concluding Observations from the Review of Cameroon's Initial Report to the African Committee of Experts on the Rights and Welfare of the Child (CoAEDBEE) in January 2017;
- Concluding Observations from the consideration of the Report as Cameroon's Third and Fifth Periodic Reports (CRC/C/CMR/3-5) before the Committee on the Rights of the Child, adopted at its 2221st meeting, on 2 June 2017;
- Concluding observations from the examination of the 5th Periodic Report of Cameroon (CCPR/C/CMR/5) before the Human Rights Committee, adopted at its 3444th session on 6 November 2017;

- Concluding Observations from the examination of the 5th Periodic Report of Cameroon (CAT/C/CMR/5) before the Committee against Torture (CAT), adopted at its 1604th and 1605th sessions, on 29 November 2017;
- Concluding observations from the transition of Cameroon to the 3rd cycle of the Universal Periodic Review from 10 to 28 September 2018.

I. **Status of implementation of the recommendations of the African Committee of Experts on the Rights and Welfare of the Child (CoAEDBEE)**

Following the presentation of Cameroon's Initial Report to this African Human Rights Mechanism, the concerns raised and recommendations made on issues related to torture of children were as follows:

Protection against abuse and torture

16. The Committee is appreciative of the State Party's effort to fight against torture, inhumane or degrading treatment and sexual violence against children. Notwithstanding, the Committee is deeply concerned with the unrelenting practice of ill treatment against children and is deeply concerned that alleged cases of torture against children are not duly investigated and perpetrators not brought to justice. The Committee is further concerned over the lack of legislation to prohibit and put in place measures for the punishment of perpetrators.

Administration of Juvenile Justice

24. The Committee welcomes the achievements of the State Party in the administration of juvenile justice, particularly with the provision of legal assistance to children in conflict with the law. However, the Committee is concerned about the living conditions, wellbeing and education of children in detention.

The Committee therefore urges the State Party to:

- *Ensure access to education for children in detention;*
- *Improve the living conditions of detained children by providing more rooms and playgrounds as well as ensuring environmental hygiene.*

In the opinion of the CDHC, these recommendations have been partially implemented in light of the following observations.

On the establishment of a legal framework for the prosecution of perpetrators of torture and cruel, inhuman and degrading treatment or punishment, law enforcement officers were reminded that torture and cruel treatment inhuman and degrading are prohibited, through Circular Letter no. 190256/DV/MINDEF/01 of 18 January 2019 from the Minister of Defence, relayed by Note no. 00000153/MRP/GN/244 of 23 January 2019 from the Secretary of State to the Minister of Defence in charge of the National Gendarmerie. These guidelines remind the violating SDF that their responsibility would be engaged in case of the commission of acts of torture.

Regarding the measures taken to prevent acts of torture and cruel, inhuman and degrading treatment or punishment, the INDH acts as MNPT. As such, she conducted visits to places of deprivation of liberty to prevent cases of torture.

As for the measures taken to establish an alert and complaint mechanism for children victims of abuse, torture and cruel, inhuman or degrading treatment, including through the creation of a toll-free number, the CDHC notes the existence of the green line 116, Assistance line for children, set up by MINPROFF. Although it is not yet functional, the call center dedicated to its operation is already equipped. The CDHC Green Line, 1523, is a functional alert mechanism, which can also be used by children.

Regarding the implementation of protocols for assistance for children victims of sexual violence and guarantees of reparation for children victims of torture, this recommendation has not been implemented.

In addition, although there is no formal education system in prison, there are facilities for children to take classes and take official exams.

In 2018, out of 47 candidates deprived of liberty presented to the various exams organized by the Ministry of Basic Education and the Office of the Baccalaureate, 33 were admitted, most of whom were from the Socio-educational Center of the Central Prison of Yaoundé. During the academic year 2018-2019, at the Garoua Central Prison, the 10 children applying for the Certificate of Primary Studies were all admitted. In 2020, out of 45 candidates who presented the official exams in prison in Cameroon, 23 were admitted.

Inmates in Kondengui Central Prison registered 100% success in BAC, 99% in Probatoire as one candidate failed, 100% success in BEPC and CEP during the academic year 2020-2021.

II. Status of Implementation of Committee Recommendations for the elimination of discrimination against women

In 2014, the Committee on the Elimination of Discrimination against Women was deeply concerned about exploitation, the mistreatment and deprivation of liberty of women employed as domestic workers *and the absence of legislation expressly protecting domestic workers.*

This concern has been partially addressed by the Government of Cameroon.

Domestic work is governed in Cameroon by Decree No. 68/DF/253 of 10 July 1968, as amended by Decree No. 76/162 of 22 April 1976. This legislation does not take into account issues of protection against sexual harassment and abuse.

In addition, Cameroon has not ratified International Labour Organization (ILO) Conventions 189 and 190 on domestic workers, violence and harassment respectively.

III. Status of implementation of Committee Recommendations on the Rights of the Child

During the proceedings of its 2221st meeting on 2 June 2017, the Committee on the Rights of the Child formulated fifteen recommendations in Cameroon related to the issue of ill-treatment and torture against children.

The Committee Against Torture welcomed the adoption of Article 277-3 of the revised Penal Code prohibiting torture. However, it expressed **deep concern** about the violence committed by the police against children, particularly in the context of investigations and prolonged provisional detention, in particular against children who have participated in demonstrations or are suspected of association with Boko Haram, and who could constitute acts of torture or other cruel, inhuman or degrading treatment or punishment.

In response, the Committee referred Cameroon to its General Comment No. 13 (2011) on the right of the child to be protected from all forms of violence. It also met target 16.2 of the Sustainable Development Goals (SDGs), which is to end all forms of violence against children.

The Committee recommended to Cameroon

- 1. give prompt direction to the police regarding the child's right to be protected from all forms of violence, in particular torture and other cruel, inhuman or degrading treatment or punishment;*
- 2. to instruct the Public Prosecutor's Office to diligently investigate reported cases of torture of children by the police, to prosecute perpetrators and ensure that they are severely punished and that child victims receive compensation and rehabilitation services.*

(See Recommendation No. 23)

The CDHC is of the view that these recommendations have been partially implemented as...

On the issue of the Administration of Justice for Minors, the Committee expressed **serious concern** that children in conflict with the law continue to be under-protected by law and justice. The Committee specifically noted its concerns about:

- 1. the very low age of criminal liability set at 10 years;*
- 2. the fact that children are arbitrarily detained by the police and that unofficial fees are charged for their release, including by court-appointed lawyers;*
- 3. lack of juvenile courts, long periods of pre-trial detention and limited access to legal aid;*

4. *the absence of alternative detention measures for children in conflict with the law;*
5. *the fact that the sanitation facilities and services provided for children in detention centers are inadequate and insufficient and that children are not systematically separated from adults.*

Referring to its General Comment No. 10 (2007) on the Rights of the Child in the Juvenile Justice System, ***the Committee urged the State Party to bring its juvenile justice system into full compliance with the Convention and other applicable standards***, in particular:

1. *raising the minimum age of criminal liability to a level acceptable to international standards as soon as possible;*
2. *bringing to justice police officers who arbitrarily detained children and demanded bribes for their release, as well as court-appointed lawyers who charged unofficial fees;*
3. *establishing courts and specialized judicial procedures for minors as soon as possible, allocating them sufficient human, technical and financial resources and appointing specialized judges to administer them;*
4. *ensuring that children in conflict with the law receive legal and legal aid from qualified and independent lawyers, including legal assistants, from the outset and throughout the proceedings;*
5. *encouraging the use of measures other than judicial proceedings, such as diversion, probation, mediation, psychological support or community service, to deal with cases of children accused of violating the criminal law wherever possible, using alternative measures to the conviction and ensuring that detention is used as a last resort, for as short a time as possible and reviewed at regular intervals with a view to being lifted;*
6. *ensuring, where detention is unavoidable, that children are systematically separated from adults and that their conditions of detention comply with international standards, This includes access to education and health services.*

(See Recommendation No. 23)

Referring to its General Comment No. 10 (2007) on the Rights of the Child in the Juvenile Justice System, *the Committee urged the State Party to bring its juvenile justice system into full compliance with the Convention and other applicable standards.*

These recommendations are very partially implemented.

With respect to the age of criminal responsibility set at 10 years, the CDHC believes that

On the issue of the arbitrary detention of children, the fees they must pay to court-appointed lawyers, as well as the unofficial fees required to be released, the CDHC believes that

As for the absence of juvenile courts, long periods of pre-trial detention and access to legal aid for children, the CDHC informs that Title XV of the Code of Criminal Procedure provides for measures applicable in the prosecution and judgment of minors. Supervised release delegates are provided for in the same text and the courts are designed to provide for the treatment of matters specific to minors.

In addition, the existence of rehabilitation and reintegration centres for minors that accommodate children in conflict with the law makes it possible to address the Committee's concern about the absence of alternative measures to detention for children in conflict with the law.

Furthermore, regarding the installation of basic sanitation and social services for detained children, it is noted that although there is no formal education system in prison, There are facilities for children to take lessons and take official exams. The number of meals also increased from 1 to 3 meals per day.

The CDHC also states that visits to places of deprivation of liberty have established that children are detained in neighbourhoods separated from adults in accordance with Article 20 (1) Decree No. 92-052 of 27 March 1992 on penal regime in Cameroon.

The Committee also undertook, during the above-mentioned examination, to recall the need to ratify human rights instruments relating to the prevention and fight against torture.

The Committee recommended that the State Party consider ratifying the following fundamental human rights instruments to which it is not yet a party, in order to further strengthen respect for the rights of the child. These are:

- the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- the Second Optional Protocol to the International Covenant on Civil and Political Rights to abolish the death penalty.

This recommendation is not implemented as none of these instruments have yet been ratified.

The CHRC has called for the completion of the ratification process of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In March 2021, the updated advocacy document, was forwarded to the Ministry of External Relations and to the Prime Minister's Office to remind that the ratification of this instrument was necessary for the full operationalization of the MNPT that the CDHC serves. This approach was relaunched in 2022, including with the Minister of State, Secretary General at the Presidency of the Republic (SGPR). The last reaction of the SGPR by which the observations of the Minister of Justice were solicited regarding the deposit of the instruments of ratification without subscribing to the reservation prescribed in article 24 of this instrument (mandate of the Subcommittee for the Prevention of Torture) of these authorities reassure as to the final ratification of this instrument.

The CDHC also called for a moratorium on the death penalty. She is advocating with the NGO Ensemble contre de la peine de mort, ACAT-Cameroon and the Network of Lawyers Against the Death Penalty (RACOPEM).

IV. Status of implementation of Human Rights Committee recommendations

The presentation of Cameroon's 5th Periodic Report to the Human Rights Committee resulted in a list of concerns followed by the formulation of a dozen recommendations related to the prevention and fight against torture.

The Committee noted that, in the context of the fight against terrorism, **it is particularly concerned** about the allegations that:

- numerous cases of torture and cruel, inhuman or degrading treatment perpetrated in the places of detention of the Rapid Response Brigade and the Directorate-General for External Research, resulting in death or serious handicaps; and
- the existence of secret detention centres beyond control (Art. 2 and 7).

The Committee recommended to Cameroon:

- *ensure that suspected cases of torture and ill-treatment by State agents, including those of the Rapid Response Brigade and the Directorate-General for External Research, are thoroughly investigated, and ensure that those responsible are prosecuted and, if found guilty, sentenced to appropriate sentences, and that victims are provided with redress, including rehabilitation;*
- *prohibit and suppress secret detention or unofficial places of detention; and*
- *establish a national mechanism to prevent torture.*

(See Recommendation No. 28)

From the CDHC's perspective, **this recommendation has been partially implemented**, as follows:

- the National Mechanism for the Prevention of Torture was set up within the Cameroon Human Rights Commission, through Law No. 2019/014 of 19 July 2019 establishing, organizing and operating the CDHC;
- In 2021, the General Inspectorate responsible for the Special Control Division of the National Security Services conducted 175 investigations into human rights violations perpetrated by police officers. These figures, which are significantly higher than those recorded in 2020, are broken down as follows: 90 cases of violence and assault, 7 cases of rape and

indecent exposure, 19 cases of confinement, 34 cases of abandonment of incapable, 13 cases of abusive detention and 12 cases of torture;

- on February 11, 2021, in the locality of Ndu, North-West Region, 2 gendarmes, 2 soldiers and 4 policemen were arrested at the Territorial Gendarmerie Brigade of Ndu and disciplinary, administrative and judicial investigations opened for cruel treatment, inhuman and degrading. The same is true of the sentencing on December 6, 2021 to prison terms of 5 police officers serving at the Police Station of the 10th district of the city of Yaoundé, who filmed and relayed on social networks the inhuman treatment, inflicted on a person suspected of theft from September 15 to 16, 2021.

The CDHC *recommends* that all allegations of torture or prohibited treatment be systematically investigated, that perpetrators be punished and that victims be compensated.

However, the CDHC *regrets* that redress mechanisms for victims of abusive detention, torture and inhumane treatment are very inaccessible.

It *recommends* that redress mechanisms include restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence.

The CDHC also recommends expressly prohibiting secret detention (in a place kept secret) and secrecy (without being able to contact anyone) that does not comply with the minimum rules of detention.

With regard to **conditions of detention**, *the Human Rights Committee expressed its deep concern* about poor conditions of detention in almost all prisons in Cameroon, in particular:

- the very high rate of prison overcrowding;
- deaths in custody and violence between detainees;
- the absence of separation between defendants and convicts and between minors and adults in many institutions; and
- difficulties encountered by families in visiting their detained relatives, in particular for those sentenced by military courts requiring authorization from the military prosecutor (Art. 6, 7, 10 and 23).

The Human Rights Committee *recommended* to Cameroon:

- to continue its efforts to improve the living conditions and treatment of detainees;
- Continue to address overcrowding in prisons in accordance with the United Nations Minimum Rules for the Treatment of Detainees (Nelson Mandela Rules);
- to continue its efforts to use alternative measures rather than deprivation of liberty;
- take the necessary measures to separate detainees according to age, sex and detention regime; and
- ensure that families can systematically visit their relatives in detention.

(See recommendation no. 30)

Based on the findings listed below, the CDHC considers **this recommendation to be partially implemented.**

- The situation of pre-trial detention remained worrying during 2021;
- the prison map reveals that 79 prisons are operational and 12 construction projects are underway, the State has continued its efforts to rehabilitate and equip the prisons but the problem of adequate equipment of the infirmaries persists;
- the daily food ration per inmate increased from 290 FCFA to 408 FCFA, then to 421 FCFA per inmate per day in 2021;
- in almost all prisons in Cameroon, there are separate wards for adults, women and minors;
- As for visits of detainees by their relatives, this is possible, according to the schedules set by the managers of prisons, these visits are governed by Articles 37(1), 38, 39 and 41 of the Decree on prison regime in Cameroon.

The CDHC *regrets* that the decree implementing Articles 18-1, 26 and 26-1 of the Penal Code on alternative sentences has not yet been adopted and recommends that the process relating to them be accelerated.

The Commission also *recommends* that measures be taken to improve conditions of detention in all places of deprivation of liberty in Cameroon.

V. Status of implementation of recommendations in the 3rd cycle of the Universal Periodic Review

In September 2018, Cameroon received ten (10) recommendations from the examining countries on the issue of cruel, inhuman and degrading treatment and torture.

Ratify the Optional Protocol to the Convention against Torture and create a national prevention mechanism accordingly (Senegal, Georgia, Czech Republic, Ukraine, New Zealand, Finland, Burkina Faso, Tunisia, DRC, Austria);

121.106 Work to prevent torture and improve prison conditions (Morocco)

121.107 Release all arbitrarily detained persons, spare no effort to ensure that the fundamental rights of detainees are fully respected and to ensure that the practices of torture and unlawful detention are stopped (New Zealand)

121.111 Investigate allegations of torture and ill-treatment of detainees, prohibit incommunicado detention and enact laws to prevent torture in places of detention (Czech Republic)

121.112 Thoroughly investigate all cases of excessive use of force against protesters and participants in public gatherings, and all cases of torture and unlawful detention by security forces (Poland)

121.117 Work to end the use of arbitrary arrests and detentions of citizens and the use of torture and other cruel treatment (Botswana)

Incommunicado detention and conditions of detention

121.101 Considering reasonable time limits for pre-trial detention (France)

121.105 Take appropriate measures to bring conditions of detention into conformity with international standards (Italy)

121.109 End Incommunicado Detention and Ensure that No Person is Deprived of Freedom or Held in Unofficial Places of Detention (Republic of Korea)

121.110 End the practice of incommunicado detention and ensure that no person is detained in a secret or unofficially recognized place, including unregistered military detention centres (Austria)

In the opinion of the CDHC, these recommendations have been partially implemented.

On the prevention of torture and the improvement of prison conditions, in addition to the training provided to the FMO and the SDF on Human Rights, visits to places of deprivation of liberty by the CDHC, which has acted as MNPT since 2021, are an important indicator in preventing inhuman and degrading torture and cruel treatment.

Regarding the release of arbitrarily detained persons, during its visits in 2021, the CDHC obtained the release of thirteen (13) arbitrarily detained persons.

Regarding the conduct of investigations in the context of excessive use of force by the SDF and MFO in the context of public demonstrations- No information

Regarding the prohibition of incommunicado detention, although the government declares that it is unaware of the existence of secret detention centres on its territory, The CDHC notes that incommunicado detention in unofficial places is a practice that persists in Cameroon. It is generally used in proceedings involving suspected terrorists. It recommends expressly prohibiting secret detention (in a place kept secret) and secrecy (without being able to contact anyone) that does not comply with the minimum rules of detention.

On the issue of timeliness in remand, some police units do not meet those timelines.