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 **NOTICE ON THE IMPLMENTATION OF THE MANDATE OF THE CHRC AS THE NATIONAL MECHANISM FOR THE PREVENTION**

**OF TORTURE (NMPT)**

The National Mechanism for the Prevention of Torture in Cameroon (NMPT) has several functions, including visiting and reporting (I), consultation (II), following up on recommendations (III) and cooperating in the area of prevention of torture (IV).

1. **VISITING AND REPORTING**
2. **Visiting detention places**

 The mandate and missions of the NMPT are defined in Law No. 2019/014 of 19 July 2019 relating to the establishment, organisation and functioning of the Cameroon Human Rights Commission (CHRC). Section 1(3) of the 2019 Law effectively provides that ‘[t]he *Commission shall also serve as* ***the Cameroon National Mechanism for the Prevention of Torture, abbreviated as "NMPT"’***. Section III of Chapter 2 specifies the mandate and missions respectively, of CHRC in the area of torture prevention, especially the visit to places of detention.

1. **Mandate and missions of the NMPT**

Section 8 of the above-mentioned Law states that ‘[a]*s a mechanism for the prevention of torture, the Commission shall carry out regular visits to all places of detention’*.

With respect to the visit of places of detention, Sections 9 and 10 specify the missions of the NMPT.

**Section 9.-** As part of its torture prevention missions, the Commission shall:

* carry out regular, impromptu or notified visits to penal institutions and any other place of detention in the presence, where necessary, of either the State Counsel, State Prosecutor in a Military Tribunal or his representative, or the head of the place of detention concerned. ln any case, the State Counsel or the State Prosecutor in a Military Tribunal, where applicable, shall be informed of the planned visit;
* conduct private interviews, with or without witnesses, with detainees, or any other person or entity deemed relevant. Information obtained during these interviews shall remain confidential and may under no circumstances be made public.

**SECTION 10.-** Visits to places of detention shall focus on detention conditions.

1. **Visits carried out between 2021 and 2023**

The Cameroonian legislator has adopted a broad definition of places of detention, which is as extensive as that given by the United Nations Subcommittee on Prevention of Torture based on the Optional Protocol to the Convention against Torture (OPCAT). In fact, according to Article 4 of that Protocol, places of detention may be referred to as any “*public or private custodial setting* […] *where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence”*.

In 2021, the CHRC visited 116 places of detention, including 21 prisons, 93 custody units, 48 police units and 45 national gendarmerie units as well as two other places of detention, namely the Jamot Psychiatric Hospital in Yaoundé (Centre Region) and the Disarmament, Demobilisation and Reintegration Centre in Meri (Far North Region).

The CHRC subsequently intensified its visits to various places of detention, including: 379 visits in 2022 and 614 in 2023.

1. **Producing and disseminating an annual report on the prevention of torture**

Pursuant to Section 42(2) of its Enabling Law, the Commission shall

[…] *produce* [an] *annual report on the prevention of torture in places of detention in Cameroon. Such* [a] *report shall be forwarded to the President of the Republic, the Ministers in charge of justice, territorial administration, defence and public health and to the Delegate General for National Security, as well as any other relevant government service*.

Pursuant to Article 23 of the OPCAT, ‘[t]*he States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms’.*

However, in line with Section 40(2) of the 2019 Law,‘*recommendations and opinions made following visits to places of detention shall be exclusively forwarded to the competent authorities’* referred to in Section 42(2) of the same law.

The 2*021 CHRC Report on the prevention of torture in places of detention in Cameroon* was produced in the two official languages of Cameroon (with 114 and 116 pages in English and French respectively) and transmitted to the aforementioned authorities.

1. **CONSULTATION**

The CHRC effectively supports the Government in its efforts to comply with its human rights obligations, in terms of promotion and protection, by reminding it of these duties and providing it with advice and opinions generally based on the texts ratified by the State or on non-binding instruments the State has adopted. This assistance takes the form of correspondence, advocacy, and statements along with recommendations.

1. **What the law says**

**SECTION 8.- (1)** As a mechanism for the prevention of torture, the Commission shall […] initiate constructive dialogue with the authorities in charge of the administration and management of places of detention or any other authority.

**SECTION 9.-** As part of its torture prevention missions, the Commission shall[…]

* *make recommendations* to the competent authorities to improve the treatment and situation of detainees and to prevent torture […],
* at the request of the Government, make *remarks on* existing or draft *legislation* on the prevention of torture.
1. **Actions taken**

The CHRC, as a NMPT provides advisory services through:

* its contribution to the *State Report within the framework of the 4th cycle of the Universal Periodic Review*
* its contribution to *the State Report within the framework of the 6th Periodic Report of Cameroon to the Committee against Torture* on 14 October 2021
* its recommendations to the Government, public administrations and other relevant stakeholders in its statements, press releases and reports
* its opinions to human rights promotion and protection mechanisms, in particular through the statement made by the Chairperson of the CHRC on 26 March 2024 before the United Nations treaty bodies, during which he stated that the Commission has strongly advocated a change in the Government's position on the recommendations relating to the abolition of the death penalty, ratification of the Convention against Torture and full respect for human rights in the fight against terrorism; He stated that the Commission remains determined to support the Government in implementing the accepted recommendations and intends to carry on this process in cooperation with all the parties concerned.
1. **FOLLOWING UP ON RECOMMENDATIONS**
2. **What the law says**

 As part of its torture prevention missions, the CHRC shall, according to Section 9 (5th indent) of the 2019 Law ‘*participate in monitoring the implementation of the remarks made by the United Nations Subcommittee on Prevention of Torture’*.

Similarly, according to Section 7 (9th indent) of the same law, the CHRC can ‘*participate in monitoring the implementation of recommendations made by international and regional human rights mechanisms, including bodies whose treaties have been ratified by Cameroon’.*

1. **Actions taken**

 Communication with all African and universal human rights mechanisms in the field of torture.

1. The CHRC has participated in the implementation of the recommendations addressed to the State of Cameroon by the Committee against Torture. This specifically includes the Commission’s participation in a validation workshop on 1 September 2021 for Cameroon’s 6th draft Report to the United Nations Committee against Torture, held at the conference room of the Ministry of Justice.
2. The CHRC monitors the UPR and Committee Recommendations by cataloguing them for their dissemination to the stakeholders concerned, that is: the Government, public administrations, companies, CSOs and all other relevant actors, inviting them to inform the CHRC of the measures taken or envisaged, each in its own area, with a view to giving full effect to each of the recommendations accepted by the State. The transmission of these Recommendations is accompanied by a deadline for the addressees to react.
3. **COOPERATING IN THE PREVENTION OF TORTURE**
4. **What the law says**

 Pursuant to Section 9 (6th indent) of the 2019 Law, the CHRC shall ‘*cooperate with the United Nations Subcommittee on Prevention of Torture, foreign national mechanisms for prevention of torture and other national, regional and international mechanisms for prevention of torture*’.

Communication with the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) is mandated in Section 9 (5th and 6th indents) of the 2019 Law. However, this interaction is not yet possible, as Cameroon has not yet completed ratification process of OPCAT. The CHRC advocated for this ratification on 23 June 2021.

The steps taken towards the full ratification of the OPCAT are illustrated in the appended table below.

1. **Cooperation actions carried out**
* Participation in a regional seminar organised by the Office of the High Commissioner for Human Rights and the SPT from 10 to 12 October 2023 in Yaoundé.
* Audience granted by the Chairperson of the CHRC to Mr Luc Ahouangnimon of the Association for the Prevention of Torture (APT) in June 2022.
* Organisation of a two-day workshop to render the CHRC operational in its role as an NMPT, from 24 to 25 May 2022 during which its members and senior staff were equipped for this mandate. For this workshop, the CHRC was able to count on its strategic partner, the United Nations Centre for Human Rights and Democracy in Central Africa and on the collaboration of the Ministry of Justice (MINJUSTICE), the NHRIs and NMPTs of Morocco, Togo and Mauritius, the Association for the Prevention of Torture and the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).
* Receipt of donations from UNDP as part of the Peace-building Project, including 510 books, 10 laptops, 15 window blinds, 15 air conditioners, 1 braille printer, 7 desks and 1 column, with a total estimated value of 14,298,500 FCFA.
* Receipt of an important consignment of books comprising 200 books on the prevention and fight against torture offered by the Association for the Prevention of Torture (APT).

**Appendix. - Table showing the steps taken towards the full ratification of the OPCAT.**

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| **No.** | **DATES** | **STEPS IN THE ADVOCACY PROCESS** | **OBSERVATIONS** |
|  | 4 March 2019 | Letter No.460/19/CNDHL/SG/MEY/Zol of 4 March 2019 relating to the transmission of the **first advocacy document** for Cameroon to deposit its instruments of ratification of the OPCAT at the Secretariat General of the United Nations. The letter was sent to the Minister of State, Secretary General of the Presidency of the Republic, the Minister, Secretary General of the Prime Minister’s Office, the President of the Senate, the Speaker of the National Assembly, the Minister of External Relations and the Minister of Justice, Keeper of the Seals.  | In this advocacy document, the NCHRF highlighted Cameroon's achievements in the fight against torture and recalled the benefits of finalising the country's ratification of the Protocol. |
|  | 1 October 2019 | An unfavourable opinion given by the NHRI to maintaining the declaration of deferment for the ratification of the OPCAT.*Interministerial meeting on the ratification of the OPCAT* to discuss whether or not to maintain the **declaration of deferment** that must accompany the instrument of ratification of the OPCAT, according to the provisions of its Article 24. | The meeting took place in the Legal Affairs and International Obligations Department of MINREX. It was held following the promulgation of Law No. 2019/014 of 19 July 2019 relating to the establishment, organisation and functioning of the CHRC, which makes it the NMPT.*The representatives of MINJUSTICE and the NCHRF, who attended this meeting*, expressed in writing their opposition to maintaining the declaration of deferment. MINREX was then asked to consolidate the views of the various parties and bring them to the very high attention of the President of the Republic.  |
|  | 8 October 2019 | Letter No. 286/19/CNDHL/SG/SCD/MEY/Zol of 8 October 2019, addressed to the Minister of External Relations, concerning the interest in *making a declaration of deferment for the deposit of the instrument of ratification of the OPCAT*. | In this letter, the NHRI proposed that the State of Cameroon should deposit the instrument of ratification of the OPCAT without signing the Declaration of deferral, at the risk of the NHRI losing its A status and Cameroon's ineligibility for OPCAT funds and the United Nations Voluntary Fund for Victims of Torture.The letter also highlights that countries that made this declaration at the time of ratifying the OPCAT did so in order to postpone the designation of their NMPT rather than with the aim of delaying the implementation of the provisions relating to the deployment of the United Nations Subcommittee on Prevention of Torture (SPT) in States Parties. It is also worth noting that this choice can be justified by the fact that *the assistance provided by the SPT offers advantages in terms of preventive diplomacy and technical and financial support*. |
|  | 23 June 2021 | Letter No. 686/21/CDHC/SP/SCD/Zol of 23 June 2021 to the Minister of External Relations concerning the transmission of the second advocacy document in favour of the deposit of the instruments of ratification of the OPCAT by Cameroon | This letter aimed at re-launching advocacy through a new argument, in which the CHRC reviewed all the progress made by Cameroon in preventing and combating torture, but also the significant progress made in the protection of human rights in general. The CHRC reiterated its unfavourable opinion on the declaration of deferral, stressing that in the current security context, such a declaration could undermine the credibility of the process leading to the reform of the NHRI, and give the impression that the State was concealing allegations of abuses by the defence and security forces.  |
|  | 13 December 2022 | Letter No. 2504/L/22/CDHC/SP/ SCDR/Saj/td of 13 December 2022, concerning **the relaunch of the process to complete the ratification of the OPCAT**, addressed to:* the Minister of State, Secretary-General of the Presidency of the Republic,
* the Minister for External Relations and
* the Minister of State, Minister of Justice, Keeper of the Seals.
 | In this new letter, the institution proposed that the State should take advantage of the celebration of the **20th anniversary of the adoption of the OPCAT on 18 December 2022 and Cameroon undergoing the 4th cycle of the UPR in 2023** to solemnly deposit its instruments of ratification.In addition, on the recommendation of the APT, the Commission proposed that the State should **subscribe to the reservation permitted by Article 24 of the OPCAT in order to postpone the mandate of the SPT**. This letter received a positive response from the SGPR, who, on the instructions of the Head of State, referred the matter back to the Ministry of Justice for an opinion. |
|  | 30 January 2023 | Copy of letter from MINETAT, SGPR No. A520/SG/PR dated 30 January 2023, addressed to MINJUSTICE, requesting its opinion on *the interest of depositing the instrument of ratification of the OPCAT, with a Declaration of deferral of the obligation relating to the mandate of the Subcommittee for the Prevention of Torture*.  | This reaction reassures us that the highest State authorities intend to bring this process to a positive conclusion. |
|  | 7 March 2023 | Copy of Letter No. 1998/DIPL/D8/SDASEI/SAM/bma dated 7 March from MINREX to SGPR (for the Very High Information of the Head of State) requesting High Instructions on this matter. | In this letter, MINREX recalls the steps taken so far and concludes that, **as a consensus has been reached by all the structures involved in this process, the instruments of ratification can be deposited**. |
|  | 23 mars 2023 | Letter No. 1266/L/23/ CDHC/SP/SCDR/Saj from the Chairperson of the CHRC to the Minister of External Relations concerning advocacy for the completion of the ratification of instruments relating to the promotion and protection of the rights of vulnerable groups, particularly the OPCAT. | In this letter, the CHRC encourages the government to deposit the instruments of ratification of six conventions when Cameroon was undergoing its 4th cycle of the Universal Periodic Review (UPR) in November 2023. The arguments used in the plea for ratification of the OPCAT are highlighted in this letter for the other instruments. |