



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations on the fifth periodic report of Cameroon\*

1. The Committee against Torture considered the fifth periodic report of Cameroon (CAT/C/CMR/5) at its 1574th and 1577th meetings (see CAT/C/SR.1574 and 1577), held on 8 and 9 November 2017, and adopted the present concluding observations at its 1604th and 1605th meetings, held on 29 November 2017.

#### A. Introduction

2. The Committee notes the submission of the fifth periodic report of Cameroon prepared under the optional reporting procedure, which favours a more focused dialogue between the State party and the Committee.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the report.

#### B. Positive aspects

4. The Committee welcomes the State party's ratification, in February 2013, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

5. The Committee welcomes the legislative measures taken by the State party to give effect to the Convention, including:

(a) The adoption, in 2010, of Act No. 2010/14, amending and supplementing Act No. 2004/016 on the establishment, organization and functioning of the National Commission on Human Rights and Freedoms, which revokes the voting privileges of Commission members who represent government bodies;

(b) The adoption, in 2011, of Act No. 2011/024 on combating smuggling and trafficking in persons;

(c) The adoption, in 2011, of Decree No. 2011/389 on the organization and functioning of the bodies responsible for managing refugee status, which became operational in 2016;

(d) The adoption, in 2012, of Decree No. 2012/339 on the organization of the Ministry of Justice linking prison health-care services to the national health-care system;

\* Adopted by the Committee at its sixty-second session (6 November–6 December 2017).



(e) The adoption, in 2016, of Act No. 2016/007 on the Criminal Code, which criminalizes female genital mutilation, breast ironing (under the offence of damage to the growth of an organ) and early marriage; rescinds the exemption from punishment for rapists who marry their victim; and introduces alternatives to imprisonment.

6. The Committee also welcomes other steps taken by the State party to give effect to the Convention, including:

(a) The adoption, in 2011, of the National Strategy to Combat Gender-based Violence and its updating in 2016;

(b) The adoption, in 2011, of the National Plan to Combat Female Genital Mutilation, whereby local committees are set up to combat female genital mutilation in endemic areas, and its updating in 2016;

(c) The establishment, pursuant to Order No. 81/CAB/PM of 2011, of the Interministerial Committee on follow-up to recommendations and/or decisions of international and regional human rights mechanisms;

(d) The adoption, in 2014, of the National Gender Policy, whose specific objective is to reduce the prevalence of violence against women and, in 2016, of the associated multisectoral action plan for its implementation;

(e) The adoption, in 2015, of the National Action Plan to Promote and Protect Human Rights in Cameroon (2015–2019), which provides for the establishment of a witness and victim protection system;

(f) The establishment, pursuant to a 2016 ordinance, of a commission on compensation for unlawful detention or police custody;

(g) The development, in 2017, of a memorandum of understanding with UNICEF regarding the care of children linked to the terrorist group Boko Haram with a view to their rehabilitation.

7. The Committee expresses its appreciation for the standing invitation extended by the State party, in September 2014, to the special procedures mandate holders of the Human Rights Council.

## **C. Main areas of concern and recommendations**

### **Pending issues concerning the follow-up procedure**

8. The Committee finds it regrettable that the information on the implementation of the recommendations made in its previous concluding observations (CAT/C/CMR/CO/4) — namely, in paragraphs 14 (pretrial detention), 18 (journalists and human rights defenders), 19 (events of February 2008) and 25 (acts regarding the state of emergency and the maintenance of law and order) — should not have been provided within the time frame indicated (para. 38) so that it could be reviewed as part of the follow-up procedure. The Committee also finds it regrettable that the recommendations on the use of pretrial detention and the harassment of journalists and human rights defenders, which had been identified for follow-up in the previous concluding observations, have not yet been implemented.

### **Extrajudicial executions and enforced disappearances during counter-insurgency operations**

9. The Committee deplores the serious offences and acts of violence that the terrorist group Boko Haram has committed in the Far North region of Cameroon since 2014, as documented in the report of the United Nations High Commissioner for Human Rights (A/HRC/30/67, para. 78) and referred to by the State party during the dialogue. It is furthermore deeply concerned that, according to that report, the Cameroonian defence forces killed more than 70 people during cordon-and-search operations and disposed of their bodies in a mass grave in Mindif. Also according to the report, over 200 persons were arrested in Doublé and Magdemé on 27 December 2014 and taken to the gendarmerie

station in Maroua, where 25 of them died later that day after having ingested chemicals, and over 100 persons were reported missing. The Committee notes that the commander of the gendarmerie unit in Maroua was relieved of his duties and tried before a military court following the death of 25 persons while in custody, but finds it regrettable that the State party did not indicate whether investigations had been launched to establish the whereabouts of the individuals reported as missing or killed during cordon-and-search operations. The Committee is alarmed at the reports received from credible sources that 7 persons had been killed by the rapid intervention battalion during an operation in Bornori in November 2014, that at least 30 persons had been killed by the army in Achigachiya in January 2015 and that 17 additional enforced disappearances had been reported between April 2015 and February 2016. Although the Committee had asked specific questions in this regard, the State party did not provide sufficient details concerning any investigations into those deaths and disappearances (arts. 2, 12, 14 and 16).

**10. The Committee recommends that the State party:**

(a) **Take immediate steps to strengthen the protection provided to civilians and exercise strict control over the security forces to prevent them from carrying out extrajudicial executions, enforced disappearances or arbitrary detentions;**

(b) **Fully honour its obligation to ensure that impartial investigations are conducted into all alleged serious offences and abuses allegedly attributed to Boko Haram and certain government forces, including extrajudicial, arbitrary or summary executions and enforced disappearances, and that those responsible are punished;**

(c) **Promptly station guards at all suspected sites of mass graves and begin the process of exhumation, analysis and identification of bodies, as applicable;**

(d) **Take all appropriate measures to establish the whereabouts of the persons reported as missing, in particular those who went missing after their arrest by the security forces, and ensure that all persons who had suffered any sort of harm resulting directly from the enforced disappearance of a family member are afforded access to any and all available information that could be helpful in determining the whereabouts of the missing or disappeared person;**

(e) **Systematically gather disaggregated data on persons who have been victims of abuse by Boko Haram, indicating the type of violation, the harm caused and, if possible, the identity of the presumed perpetrators, so that it can fully discharge its obligations once it has re-established control over the country's Far North region, and ensure that those responsible are prosecuted and held accountable for their actions;**

(f) **Provide effective redress to all victims, including fair and appropriate compensation and rehabilitation to the fullest extent possible.**

**Widespread use of torture at incommunicado detention centres**

11. Although it acknowledges the State party's legitimate duty to protect the population against terrorist attacks, the Committee is deeply concerned by reports from credible sources that the security forces are making widespread use of torture in the course of its counter-terrorism efforts. The Committee takes note of the information received whereby between 2013 and 2017 many people from the Far North region, who were suspected of supporting Boko Haram, were held incommunicado by the regular army and by members of the rapid intervention battalion in at least 20 unofficial detention centres, such as the battalion's military camp in Salak or the centre operated by the Directorate General of External Research (DGRE), known as DGRE Lac. According to those same reports, the individuals in question were subjected to various forms of torture and inhuman conditions of detention that had led to dozens of deaths. Senior DGRE officials reportedly took part in the torture sessions. In the light of such detailed allegations, the Committee is gravely concerned by the fact that the State party did not clarify whether investigations were being or had been launched into these allegations of torture and incommunicado detention, despite the questions asked by the Committee during the dialogue (arts. 2, 12, 13, 15 and 16).

**12. The Committee calls urgently on the State party:**

(a) To make a public announcement by the highest authorities emphasizing the absolute nature of the ban on torture and that whosoever commits such acts, orders that they be committed, is an accomplice to their commission or tacitly allows them to be committed shall be held personally accountable before the law;

(b) To ensure that prompt, effective and impartial investigations are conducted into all allegations of torture or ill-treatment, incommunicado detention or death while in custody; that the suspected perpetrators of and accomplices to such acts, including persons in positions of command, are prosecuted and sentenced to punishment commensurate with the seriousness of their actions; and that victims receive appropriate redress;

(c) To end the use of incommunicado detention and ensure that no one is ever held in a place that is secret or one that is not officially recognized, including ungazetted military detention centres. The State party should conduct an inquiry into the existence of such places and any persons held there should be released or transferred to official detention centres;

(d) To establish a central register of all persons placed under arrest or otherwise detained that is accessible to detainees' families such that the place of detention is known for all persons taken into custody;

(e) To authorize, without delay, unhindered access for human rights observers to all places of deprivation of liberty, whether official or not, in particular for the National Commission on Human Rights and Freedoms, the International Committee of the Red Cross and non-governmental organizations active in the defence of human rights.

#### **Fundamental guarantees and arbitrary arrests**

13. The Committee takes note of the existence of fundamental guarantees under the law and of the amendment of the Anti-Terrorism Act (Act No. 2014/028) by Act No. 2017/012 limiting the time a person may be held in police custody, but it remains concerned by reports of violations of the right of any person taken into custody to notify family members of his or her arrest, to be informed of the reasons for the arrest and of any charges, and to have a lawyer present as from the moment of detention. The Committee is also concerned by credible reports of mass arrests being carried out without a warrant, often on the basis of thin evidence, as part of counter-terrorism operations. The Committee finds it regrettable that the State party did not respond to the requests for information regarding the number of persons who had been subjected to arbitrary arrest and the number of State officials who had been punished for such acts (arts. 2 and 16).

#### **14. The State party should:**

(a) Ensure that all persons taken into custody enjoy, in practice, all fundamental legal guarantees as from the beginning of the deprivation of their liberty, in particular the right to be promptly informed, in a language that they understand, of the reasons for their arrest, any charges they face and their rights; the right to notify family members of their arrest; and the right to prompt access to an independent lawyer, in particular during questioning by the police;

(b) Take all steps necessary to ensure that the time a person is held in police custody, regardless of the reason or the type of jurisdiction, does not exceed a maximum of 48 hours, which may be extended once for a similar period if there are exceptional circumstances duly justified by tangible evidence, and that once that period has elapsed, the person is brought to appear physically before a judge who is independent and impartial in relation to the matters in question;

(c) Undertake an immediate review of the legality of arrests performed during counter-terrorism operations, release persons who are being detained arbitrarily and guarantee the right to a fair trial for all persons arrested and held in detention so that they may obtain redress, as applicable, under the recently established Commission on Requests for Redress;

(d) **Verify systematically that State officials respect, in practice, all legal guarantees and the strict keeping of registers; and order punishment for any derelictions of duty detected and for persons responsible for arbitrary detentions.**

#### **Legal assistance**

15. Recalling its previous recommendation (see CAT/C/CMR/CO/4, para. 12), the Committee continues to be concerned by the fact that the free legal assistance provided for under Act No. 2009/014 of 2009 remains limited to persons who are facing possible life imprisonment or the death penalty and is only available during the trial. The Committee is also concerned about the low percentage of requests for legal assistance that are granted. Even though the Cameroon Bar Association has launched an initiative to provide legal advice free of charge to indigent defendants during the period 2016–2018, this solution is time-bound (art. 2).

16. **The State party should amend Act No. 2009/014 to make legal assistance available to all indigent defendants, regardless of any sentences they face and from the time of initial questioning, in cooperation with the Cameroon Bar Association. The authorities should allocate the necessary resources for this activity.**

#### **Forced return to the Far North of Cameroon**

17. While noting that the State party had granted *prima facie* refugee status to several Nigerians who had fled from violence perpetrated by the terrorist group Boko Haram, the Committee is concerned by information from credible sources whereby, since June 2015, tens of thousands of Nigerians, including children, have been forcibly returned to the border, sometimes being subjected to violence, without having been able to avail themselves of the procedure for seeking asylum. The Committee is similarly concerned by reports of alleged arbitrary detention, ill-treatment, acts of violence, sexual exploitation and extortion of asylum seekers in the Far North of Cameroon by military personnel, who had allegedly taken them to be members of Boko Haram. The Committee is further concerned about the very poor living conditions at the Minawao refugee camp caused by overcrowding and the inadequate supply of water, food and medical care (arts. 2 and 3).

18. **The State party should:**

(a) **Issue clear instructions to military and police personnel deployed in the Far North of Cameroon to cease the forcible expulsion of Nigerians, which is a violation of the principle of non-refoulement;**

(b) **Ensure that effective investigations are conducted and that access to recourse is available to refugees and asylum seekers who were subjected to cruel, inhuman or degrading treatment or extortion by military personnel;**

(c) **Establish procedures for the registration and identification of asylum seekers, including mobile registration teams in border areas, in order to ensure that they have access to asylum procedures;**

(d) **Step up its efforts to provide, in a systematic way, all police, military and border-guard personnel deployed in the Far North of Cameroon with training in asylum procedures and respect for the principle of non-refoulement;**

(e) **Improve the living conditions for refugees at the Minawao camp and in neighbouring communities.**

#### **Social crisis in the north-western and south-western regions (the “Anglophone crisis”)**

19. The Committee takes note of the State party’s position that the use of force was both necessary and proportionate in order to suppress the separatist, corporatist claims of the Anglophone social movement during the protests that took place in November and December 2016 and on 1 October 2017 in north-western and south-western Cameroon. According to various sources, however, a number of people were severely beaten by members of the security and defence forces, at least 17 persons died from gunshot wounds, over 500 persons were arrested without a warrant, sometimes even while in hospital, and at

least 362 persons were tried for terrorism before military courts. While noting that some of the protesters were released by order of the President and that investigations were launched into the deaths that had occurred, the Committee finds it regrettable that the State party did not reply to its requests for information on the number of protesters still in detention, the status of the investigations launched and whether other investigations are planned or have been launched into the excessive use of force at the protests and into arbitrary detentions (arts. 2, 12, 13 and 16).

**20. The State party should:**

(a) **Ensure that impartial investigations are conducted into all allegations of excessive use of force, extrajudicial execution, ill-treatment or arbitrary arrest by State officials during or after the protests in the Anglophone area; that those responsible are prosecuted and, if found guilty, punished; and that victims receive redress;**

(b) **Ensure that all persons taken into custody are brought promptly before an independent civilian court, are informed of the charges against them and are aware of and have access to the legal procedures that would allow them to challenge the legality of their detention;**

(c) **Refrain from invoking the Anti-Terrorism Act or military jurisdiction to prosecute persons who have availed themselves of the right to protest peacefully;**

(d) **Ensure that the responsibility for public security is entrusted to civilian bodies, and step up efforts to systematically provide all members of the security forces with training in the use of force, in particular at protests, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Definition of torture as a crime and appropriate punishment**

21. While noting that article 277-3 of the new Criminal Code of 2016 contains a definition of torture that is in conformity with article 1 of the Convention, the Committee is concerned that the article does not provide for appropriate punishment inasmuch as, according to the scale of punishments established, the minimum punishment for an act of torture that results in the victim being unable to work for a period of less than 30 days is 2 years of imprisonment, which means that the sentence could be suspended. The Committee is further concerned that, pursuant to articles 90 and 91 of the Criminal Code, the sentence for an act of torture could be reduced to 1 year of imprisonment in cases where the court acknowledges attenuating circumstances. In this regard, the Committee notes with concern that, according to the information provided in the State party's report, most of the sentences handed down for acts of torture were very light. The Committee finds it regrettable as well that the State party has failed to make torture an offence that is not subject to the statute of limitations (arts. 1 and 4).

**22. The Committee urges the State party to amend article 277-3 of the Criminal Code to make the crime of torture subject to punishment commensurate with the gravity of the offence, in accordance with article 4 (2) of the Convention. The State party should also amend its legislation to ensure that acts of torture are not subject to the statute of limitations and that attenuating circumstances cannot be invoked for the crime of torture.**

**Impunity for acts of torture and ill-treatment**

23. While acknowledging the statistics provided by the State party delegation for 2016, whereby 20 per cent of prosecutions of law enforcement officers ended in a finding of guilty, the Committee finds it regrettable that the data were not disaggregated by type of offence and notes that there were no figures regarding the sentences handed down or the number of reported acts of torture or ill-treatment that were subsequently investigated. Upon reviewing the information provided by the State party, by way of illustration, on the criminal and disciplinary sanctions imposed on State officials, the Committee notes with concern that the sentences were much lighter than those provided for in the Criminal Code for the crime of torture. Recalling its previous observations (see CAT/C/CMR/CO/4, para.

22) concerning the lack of independence of the body responsible for monitoring the police (the “police’s police”), the Committee finds it regrettable that the State party has not yet taken steps to establish an investigative body that is independent of the police. The Committee is similarly concerned by the lack of independence of the gendarmerie units that perform the criminal investigation function in each of the combat brigades. While appreciating the State party’s commitment to setting up a witness protection programme, the Committee finds it regrettable that such a programme is not yet in place (arts. 2, 12, 13 and 16).

24. **The Committee calls on the State party to:**

(a) **Ensure that all reported acts of torture or ill-treatment are investigated promptly and impartially by an independent body; that there is no institutional or hierarchical relationship between the investigators and the suspected perpetrators; and that suspected perpetrators are duly brought before a court and, if found guilty, sentenced to punishment commensurate with the gravity of their acts;**

(b) **Ensure that the authorities launch an investigation whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**

(c) **Ensure that suspected perpetrators of an act of torture or ill-treatment are relieved of their duties immediately and for the duration of the investigation, especially if there is a risk that they could commit further acts such as those of which they are suspected, seek retaliation against the presumed victim or obstruct the investigation;**

(d) **Establish promptly a protection programme for witnesses and victims of torture, as set out in the National Action Plan to Promote and Protect Human Rights in Cameroon (2015–2019);**

(e) **Compile disaggregated statistics on the reports filed, investigations conducted, prosecutions launched and convictions handed down in cases involving torture or ill-treatment.**

#### **Independence of the judiciary**

25. Recalling its earlier recommendation (see CAT/C/CMR/CO/4, para. 24), the Committee remains concerned about possible interference by the executive branch with the independence of the judiciary, inasmuch as article 64 of the Code of Criminal Procedure still allows the termination of prosecution proceedings by decision of the Ministry of Justice for reasons of “social interest” or “public order” (arts. 2, 12, 13 and 16).

26. **The State party should take the necessary legislative measures to ensure that article 64 of the Code of Criminal Procedure can never be invoked to terminate prosecution proceedings in cases where there are reasonable grounds for believing that an act of torture has been committed.**

#### **Competence of military courts**

27. The Committee notes with concern that Act No. 2014/028 on the repression of terrorist acts attributes competence for cases involving such acts to the military courts. It also notes with concern that the competence of the military courts to try civilians was further broadened by Act No. 2017/12 of 12 July 2017 on the Code of Military Justice (arts. 2 and 12).

28. **The State party should amend its legislation to revoke the competence of military jurisdictions to try civilians, including in cases involving acts of terrorism.**

#### **Inadmissibility of confessions obtained through torture**

29. While taking note of article 315 of the Code of Criminal Procedure on the inadmissibility of evidence obtained under duress, the Committee remains concerned by reports that judges have been regularly disallowing alleged cases of torture or ill-treatment without requesting that an investigation be conducted. The Committee also notes with

concern that there have never been any cases in which the court has declared evidence obtained through torture or under duress to be inadmissible (art. 15).

**30. The State party should take effective steps to ensure that article 315 of the Code of Criminal Procedure is strictly applied in practice. The Committee therefore calls on the State party to ensure that:**

(a) **When it is alleged that a confession was extracted through torture or ill-treatment, a thorough investigation is promptly launched into the allegations and the presumed victim is subjected to a forensic medical examination;**

(b) **Any State officials who extract a confession in this way are brought before a judge and that the confession is deemed inadmissible;**

(c) **Judges receive training in how to verify the admissibility of a confession and that those who do not take the appropriate measures during judicial proceedings are punished.**

#### **Excessive use of deprivation of liberty**

31. The Committee is concerned about the number of persons being held in pretrial detention, inasmuch as they accounted for 59 per cent of the prison population at 31 August 2015 according to the State party's report. It also notes with concern that 80 per cent of the children in custody were being held in pretrial detention. The Committee reiterates its concern (see CAT/C/CMR/CO/4, para. 15) that several persons are being held in pretrial detention beyond the maximum time allowed by law. It notes with concern that such violations have a direct negative impact on prison overcrowding (arts. 2, 11, 12 and 16).

**32. The State party should:**

(a) **Make greater use of alternatives to detention and continue its efforts to better familiarize judicial personnel with the use of such measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(b) **Refrain from placing juveniles in pretrial detention or ensure that this measure is used only as a last resort, in full compliance with the law and for the shortest possible period, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);**

(c) **Strengthen court supervision of registers to ensure that non-custodial measures do not extend beyond the period established by the competent authority in accordance with applicable legislation.**

#### **Conditions of detention**

33. While noting the State party's efforts to improve conditions of detention, the Committee is concerned by the chronic overcrowding of prisons, which stood at an average rate of 162 per cent in September 2017 but reached 500 per cent at the prison in Maroua, according to information provided by the State party. Overcrowding has reportedly lain at the root of several riots and is linked to the fact that persons being held in pretrial detention are not separated from convicted prisoners. The Committee is also concerned by reports of deplorable conditions in prisons and inadequate medical care, owing to very inadequate medical staffing. It also notes with concern that Decree No. 92/052 on the prison system provides for the use of chaining as a disciplinary measure for up to 15 days (arts. 2, 11 and 16).

**34. The Committee urges the State party to step up its efforts to bring detention conditions at prisons and police stations into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), in particular that it:**

(a) **Address the situation of prison overcrowding, in particular at the prison in Maroua, by making greater use of alternatives to detention;**



(b) **Continue to implement plans aimed at improving and further developing prison infrastructure and at ensuring strict separation of persons held in pretrial detention from convicted prisoners and their appropriate care;**

(c) **Further increase the resources allocated to improving conditions in places of detention and access to professional medical care at all prisons and police stations in the State party;**

(d) **Amend Decree No. 92/052 on the prison system to prohibit the use of chains.**

#### **Deaths while in custody**

35. While taking note of the statistics provided on the number of persons who died between 2010 and 2014 while in custody, which averaged 148 deaths per year, the Committee regrets the lack of clarity on the number of deaths resulting from violence either between or against prisoners, as well as the absence of information on the outcome of any investigations launched in that regard. While welcoming the adoption in 2017 of a national prisoner health plan, the Committee remains concerned by the high percentage of deaths linked to health problems, in particular at the prison in Maroua (arts. 2, 11, 12, 13 and 16).

36. **The State party should take all necessary steps to ensure that:**

(a) **All deaths in detention are investigated promptly and impartially by an independent investigation unit with no institutional or hierarchical ties with the authority overseeing the detention;**

(b) **All investigations into deaths in custody have a forensic component, including an autopsy where necessary;**

(c) **Persons held to be responsible for a death in custody are brought to justice and, if found guilty, are appropriately punished, and that the victim's beneficiaries receive appropriate reparation;**

(d) **The budget allocated to detainee health continues to rise, in particular to facilitate transfers to external hospitals where needed.**

#### **National Commission on Human Rights and Freedoms**

37. Although the State party has taken legislative (see para. 5 (a) above) and budgetary measures to strengthen the independence of the National Commission on Human Rights and Freedoms, the Committee remains concerned that several of the Commission's members, including its president, represent government entities. In addition, while the budget has been increased, it remains insufficient, as acknowledged by the State party in its report. The Committee is particularly concerned by the fact that the Commission has been denied access to unofficial places of detention (art. 2).

38. **The State party should take the necessary measures, including at the legislative level to:**

(a) **Modify how members of the National Commission on Human Rights and Freedoms are appointed and make them more independent of the executive branch;**

(b) **Guarantee the Commission's financial autonomy and endow it with additional resources to enable it to discharge its mandate effectively;**

(c) **Allow the Commission to conduct regular and unannounced visits to all places of detention, civilian and military alike, including unofficial ones.**

#### **Ratification instrument for the Optional Protocol to the Convention**

39. While it welcomes the completion of the domestic ratification process in relation to the Optional Protocol in 2010 and the commitment shown by the State party in this regard at the universal periodic review, the Committee regrets that the State party has not yet deposited the ratification instrument.

40. **The State party should speed up the process of depositing the ratification instrument for the Optional Protocol to the Convention and start the procedure for setting up a national preventive mechanism.**

**Acts of intimidation and lawsuits against journalists and human rights defenders**

41. The Committee reiterates earlier concerns (see CAT/C/CMR/CO/4, para. 18) about acts of intimidation carried out by the authorities against human rights defenders and journalists, especially when they are reporting abuses involving Cameroonian authorities. The Committee is also concerned that many journalists are tried by military courts for failing to report situations likely to undermine State security and that some, like Ahmed Abba, are allegedly subjected to torture while in detention (arts. 2 and 16).

42. **The State party should:**

(a) **Refrain from prosecuting human rights defenders and journalists for performing their work and publicly recognize that they are essential to ensuring that Convention obligations are fulfilled;**

(b) **Take any legislative and other necessary measures to define acts of terrorism and acts undermining national security in more precise terms;**

(c) **Ensure that all violations committed against human rights defenders and journalists, including the alleged acts of torture against Ahmed Abba, are investigated thoroughly and impartially, that the perpetrators are prosecuted and punished and that victims receive reparation;**

(d) **Authorize as soon as possible the visit requests of special procedures mandate holders of the Human Rights Council, for instance the Special Rapporteur on the situation of human rights defenders.**

**Violence on grounds of sexual orientation or gender identity**

43. The Committee is concerned that consensual relations between same-sex adults are still an offence in the State party. It is also concerned by reports that cases of violence, harassment, “corrective rape” and murder against lesbian, gay, bisexual and transgender (LGBT) persons, and against the human rights defenders who report these violations, are not subject to thorough investigation (arts. 2, 12, 13 and 16).

44. **The State party should:**

(a) **Repeal article 347-1 of the Criminal Code criminalizing consensual relations between same-sex adults and, in the interim, declare a moratorium on its enforcement;**

(b) **Take all necessary steps to protect LGBT persons, especially in places of detention, and the human rights defenders who provide them with assistance;**

(c) **Ensure that allegations of violations on grounds of sexual orientation or gender identity, including acts of torture, ill-treatment and “corrective rape”, are investigated promptly, thoroughly and impartially.**

**Redress**

45. The Committee is concerned at reports that civil claims for compensation for harm resulting from acts of torture cannot be filed until a criminal court has ruled on the claimant’s allegations, which hinders access to compensation given the lack of effective investigations. The Committee regrets that the delegation failed to provide information on the redress awarded to victims of torture or their families during the reporting period. While it takes note of the holistic rehabilitation programme set up by Trauma Centre Cameroon, the Committee regrets the lack of State programmes (art. 14).

46. **Recalling its general comment No. 3 (2012) on the implementation of article 14 by States parties, the Committee urges the State party:**

(a) To take the necessary legislative and administrative measures to ensure that victims of acts of torture and ill-treatment have access to effective remedies and redress, including in cases where the perpetrator has not been identified or found guilty of an offence;

(b) To fully assess the needs of victims of acts of torture and ensure that specialized, comprehensive rehabilitation services are available and swiftly accessible by either directly providing services in this area or by funding other services, including those run by non-governmental organizations.

#### **Sexual and gender-based violence**

47. While the Committee welcomes the legislative measures and other efforts made by the State party to combat violence against women, in particular through female genital mutilation and other harmful traditional practices (see paras. 5 (e), 6 (a), (b) and (d)), it is concerned at the rate of gender-based violence, especially rape and incest, and at the lack of a legal provision explicitly criminalizing domestic violence and marital rape. The Committee appreciates the statistical data provided by the delegation for 2015 and 2016 that show a higher conviction rate for indecent assault followed by rape; however, it regrets the lack of information on the penalties handed down and of statistics on other types of violence (arts. 2, 12, 13, 14 and 16).

48. **The State party should:**

(a) Ensure that domestic violence, including marital rape, is made a criminal offence;

(b) Ensure that all the cases of sexual and gender-based violence are investigated thoroughly and impartially, that perpetrators are prosecuted and punished in proportion with the seriousness of their actions and that victims receive reparations;

(c) Pursue its efforts to provide victims of sexual and gender-based violence with assistance, including medical care, psychosocial counselling, access to shelters and legal aid;

(d) Compile disaggregated statistical data on complaints, investigations, prosecutions and convictions in cases of gender-based violence, including female genital mutilation.

#### **Follow-up procedure**

49. The Committee requests the State party to provide, by 6 December 2018, information on follow-up to the Committee's recommendations relating to the widespread use of torture at incommunicado detention centres, forced return to the Far North of Cameroon, the "Anglophone crisis" and the deposit of the ratification instrument for the Optional Protocol to the Convention (see paras. 12, 18, 20 and 40 respectively). In the same context, the State party is invited to inform the Committee about its plans for implementing, within the forthcoming reporting period, some or all of the remaining recommendations in the concluding observations.

#### **Other issues**

50. The Committee invites the State party to consider ratifying the other United Nations human rights instruments to which it is not yet party, including:

(a) The Optional Protocol to the Convention against Torture;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance;

(d) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(f) The Convention on the Rights of Persons with Disabilities.

51. The State party is requested to disseminate widely the reports submitted to the Committee and the Committee's concluding observations, in the appropriate languages, through official websites, the media and non-governmental organizations.

52. The State party is invited to update its common core document (HRI/CORE/CMR/2013) in accordance with the instructions contained in the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).

53. The Committee invites the State party to submit its next periodic report, which will be its sixth, not later than 6 December 2021. To that end, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its sixth periodic report under article 19 of the Convention.

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