

Violence against Women in Cameroon

A Report to the Committee against Torture

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1. Preliminary Observations

The submission of information specifically relating to violence against women to the United Nations Committee against Torture forms part of OMCT's Violence against Women Programme which focuses on integrating a gender perspective into the work of the five "mainstream" United Nations Human Rights Treaty Bodies. The need to integrate the human rights of women into the work of the human rights treaty bodies was stressed at the 1993 Vienna World Conference¹ on Human Rights and the reiterated in the Beijing Platform for Action adopted in 1995 by the Fourth World Conference on Women.²

The current report is the second alternative report on violence against women in Cameroon submitted by OMCT to the Committee against Torture after having submitted one in November 2000. Like the second report reviewed in 2000, the third report submitted by Cameroon to the Committee against Torture (CAT/C/34/Add.17) in accordance with article 19(1) of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment provides once again no gender disaggregated information concerning torture and other forms of violence against women. OMCT regrets the lack of information provided as, in reality, violence against women at the hands of state agents as well as private individuals appears to be a widespread human rights violation in Cameroon.

In the light of the lack of information on gender-based torture and other forms of violence against women in the government report, this report will examine the effects of gender on the form that torture in Cameroon takes, the circumstances in which the torture occurs, the consequences of the torture, and the accessibility of remedies and reparations by women. In this report, OMCT will focus on violence against women in Cameroon, which is often met with impunity. Particular emphasis will be given to the legal, economic, and social status of women in Cameroon, violence at the hands of state officials, domestic violence, traditional practices, rape and trafficking in women, and reproductive rights of women.

1.1 Cameroon's International Legal Obligations

The Republic of Cameroon acceded to the Convention against Torture and

Other Cruel or Degrading Treatment or Punishment on 19 December 1986. On 12 October 2000, Cameroon declared with regard to article 21 of the Convention against Torture that it recognizes the competence of the Committee against Torture to receive and consider communications from a State Party claiming that the Republic of Cameroon is not fulfilling its obligations under the Convention. However, such communications will not be receivable unless they refer to situations and facts subsequent to this declaration and emanate from a State Party, which has made a similar declaration indicating its reciprocal acceptance of the competence of the Committee with regard to itself at least twelve (12) months before submitting its communication. With regard to article 22 of the Convention, Cameroon also declared on 12 October 2000, that it recognizes, in the case of situations and facts subsequent to this declaration, the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention.

Cameroon ratified the Convention on the Elimination of All Forms of Discrimination against Women on 23 August 1994. In 1992, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted General Recommendation 19 in which it confirmed that violence against women constitutes a violation of human rights. However, OMCT notes that Cameroon has not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Cameroon acceded to the International Covenant on Civil and Political Rights (ICCPR) on 27 June 1984. In March 2000, the Human Rights Committee adopted a new General Comment on article 3 of the ICCPR which deals with the equal right of men and women to enjoy all rights set forth in that Covenant. This General Comment 28 states that, in order to assess compliance with article 7 of the Covenant, which deals with torture, the Committee must receive information on national laws and practice with regard to domestic and other types of violence against women, including rape, on access to safe abortion for women who have become pregnant as a result of rape, and on measures to prevent forced abortion or forced sterilization.³ Cameroon has ratified the First but not the Second Optional to the ICCPR.

Furthermore, Cameroon acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 27 June 1984, and ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 24 June 1971. Cameroon has also been a State Party to the Convention on the Rights of the Child since 11 January 1993. Cameroon has only signed, but has not ratified, the two optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography on 5 October 2001. Further it ratified the Treaty of Rome establishing the International Criminal Court.

Cameroon has neither signed nor ratified the Convention on Protection of Rights of Migrant Workers, which entered into force on 1 July 2003.

At the regional level, Cameroon is a State Party to the African Charter on Human and People's Rights. This Charter, mirroring other international human rights instruments, protects all individuals against violence including torture or cruel, inhuman or degrading treatments and provides for the promotion of gender equality. Thus, article 2 of the Charter states that "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as ... sex, ...". Article 3 guarantees that all are "equal before the law" and that everyone is "entitled to equal protection of the law". Article 4 protects each human being's right to life and to physical and moral integrity followed by article 5 which forbids physical or psychological torture and cruel, inhuman or degrading treatment or punishment. Article 18(3) provides that States Parties shall ensure the elimination of all forms of discrimination against women as well as protection for the rights of women "as stipulated in international declarations and conventions."

On 11 July 2003, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was adopted by the Assembly of the African Union second summit in Maputo Mozambique. The Protocol will enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification. The Protocol will complement the African Charter in ensuring the promotion and protection of the human rights of women in Africa. Its provisions include the right to life, integrity and security of person, right to participation in the political and decision

making process, right to inheritance, right to food security and adequate housing, protection of women against harmful traditional practices and protection of women in armed conflict. Others include access of women to justice and equal protection before the law.

In Cameroon, human rights instruments are generally incorporated into national law simply by means of ratification. OMCT notes that article 45 of the Constitution of Cameroon states that duly approved or ratified treaties and international agreements have priority over national law. Nonetheless, the Committee against Torture argued, when it examined the implementation of the Convention against Torture by Cameroon in the year 2000, for greater protection of the of Cameroon's international commitments in its domestic law, so as to be more easily accessible to judges and lawyers.⁴ Also the Committee on the Economic, Social and Cultural Rights expressed its concern about the exact legal status of the Covenant in the Cameroonian legal system and whether it can be invoked in national courts of law.⁵

1.2 General Observations on the Human Rights Situation on Cameroon

Cameroon has more than 200 different ethnic groups, many of which are spread across neighbouring countries.⁶ French and English are the two official languages, but 270 different languages are spoken, representing 24 language groups. The country is dominated by three major religions: Christian (40%), Muslim (20%), indigenous believers (40%).⁷

Since its independence on 1 January 1960, Cameroon has been governed by the same party and since 1982, Paul Biya has been the head of state, in whom power is highly centralised. The Bulu ethnic group, to which the president belongs, and the related Beti groups dominate the civil service, the management of state-owned businesses, the security forces, the military and the ruling Cameroon People's Democratic Movement (CPDM).⁸

Cameroon is a poor country. In 2001, its Human Development Index was 0,499, ranking it at 142nd in the world.⁹ Between 1990 and 2001, 33.4% of the population was living below 1 USD a day.¹⁰

During the last session of the Committee against Torture in 2000, Cameroon admitted that its human rights record “left a good deal to be desired.”¹¹ The UN Committee against Torture cited in 2000 a number of problems relating to police custody, the independence of the judiciary, the supervision of prison conditions and the need to investigate all allegations of torture and ill-treatment.¹² Cameroon’s “concern with security and stability” apparently overrides “all other considerations, including some fundamental human rights.”¹³ In its Concluding Observations, the Committee against Torture expressed concern at, among others:

- (a) The fact that, despite the policy pursued by the Government, torture seems to remain a widespread practice;
- (b) The continuing practice of administrative detention, which allows the authorities reporting to or forming part of the executive branch (the Ministry of the Interior) to violate individual liberty, something which, under the rule of law, should come under the jurisdiction of the judiciary;
- (c) The gap between the adoption of rules in accordance with human rights standards, including those designed to prevent the practice of torture, and the findings made *in situ* by an independent entity such as the Special Rapporteur on the question of torture, who reports the existence of numerous cases of torture;
- (d) The imbalance between the large number of allegations of torture or ill-treatment and the small number of prosecutions and trials;¹⁴

No mention was made about gender-based human rights violations against women.

2. Status of Women in Cameroon

An analysis of the legal and socio-economic and political status of women in Cameroon shows the link between the high levels of violence against women in Cameroon and their low status in all aspects of life. Besides the fact that laws relating to women’s legal status reflect social attitudes that affect the human rights of women, such laws often have a direct impact on women’s ability to exercise those rights. The legal context of family life,

laws affecting women's socio-economic status, women's access to education, the labour market and politics contribute to violence against women and their access to redress and reparation.

As a result of the ethnic diversity, one can not distinguish the Cameroonian woman in a gender profile. However, all ethnic groups give great importance to local traditions, which widely detrimentally affect the status of women and their enjoyment of human rights.

Cameroon inherited two different legal systems; notably French law from the former Oriental Cameroon and British law from the former Occidental Cameroon, which coexist with local customary law. In addition to regional laws, there is a growing body of federal laws. While criminal *procedures* remain distinct between East and West Cameroon, criminal *law* itself was unified between 1965 and 1967 in one single Penal Code.¹⁵

Women in Cameroon experience high levels of discrimination, which despite Constitutional provisions recognising the human rights of women, is also enshrined in the law. No legal definition of discrimination exists.

However, civil law offers a more equal standard than customary law, another source of law in Cameroon, which is far more discriminatory against women. The broad persistence of customary law infringes the human rights of women, particularly in the areas of marriage and inheritance laws. Customary law varies depending on the ethnicity of the parties involved and the region.¹⁶ In cases where the two types of legal systems have equal weight, an individual can choose whether to bring the case before the statutory law courts or customary law courts. The traditional jurisdiction cites custom except when custom is opposed to law and order and good morals.¹⁷ The Supreme Court has sanctioned the primacy of contemporary law over traditional law.¹⁸ However, due to the importance attached to traditions and customs, laws protecting women are often not respected.¹⁹

The United Nations has on several occasions expressed concern about the lack of progress made by the Government of Cameroon in reforming laws and combating practices that discriminate against women and girls and violate their human rights.²⁰

In its Constitution signed on 2 June 1972, and revised by law No. 96/06

on 18 January 1996, Cameroon incorporated some provisions of the Universal Declaration of Human Rights as well as of the African Charter of Human and People's Rights in the Preamble. The Preamble states that the nation "shall protect women, the young, the elderly and the disabled." According to article 65 of the Constitution, the Preamble has legal force: "The Preamble shall be part and parcel of the Constitution." The Preamble of the Constitution of Cameroon includes several provisions that enshrine gender equality: "We the people of Cameroon declare that:

the State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble of the constitution;

the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights;

all shall have the same equal rights and obligation."

Concerning discriminatory written laws, Article 213 of the Civil Code designates the husband as the head of the family, and as such he is regarded the principal moral and financial manager. It is the husband who establishes the marital home, and the household expenses are his main responsibility. Articles 108 and 215 of the Civil Code grant the husband the sole right to determine the family domicile. According to articles 1421 and 1428 of the Civil Code, women are not fully entitled to use, enjoy or sell their property, although this right is stipulated in the Constitution. In this context, article 1421 grants the husband the right to administer communal property, thereby giving him the right to sell or mortgage the couple's property without the wife's consent. The husband also manages his wife's personal property, and exercises all rights to it.²¹

Article 7 of the Trade Code allows a husband to interrupt his wife's working activity through notification of his opposition to the Trade Tribunal. Article 223 of the Civil Code and article 74 of Ordinance 81/02 of June 1981 gives the husband the power to object to his wife's pursuit of a separate trade or profession.

When a marriage ends, the community property should in theory be shared equitably between the two ex-spouses, but in practice the women often must renounce her property rights.²² However, according to article 1449 of the Civil Code, the woman regains her personal property.

Articles 229 *et seq* of the Civil Code regulate all aspects of divorce. It only recognises fault-based divorce, on the grounds of adultery, the revocation of one spouse's civil rights resulting from an afflictive and defamatory penalty, or domestic abuse or injuries. According to the law, to be recognised as grounds for divorce, these actions, must constitute a serious or recurring violation of the marriage duty and obligations as well as make it intolerable to maintain the marriage bond. According to article 229, the first two grounds are mandatory; when proved, the judge must grant a divorce. The grounds of domestic abuse or injuries are optional; the granting of the divorce is discretionary for the judge. In the customary law of some ethnic groups, husbands not only maintain complete control over family property, but also can divorce their wives in a traditional court without being required to provide justification or give alimony.²³

Although, women have, according to the Civil Code, the same rights to inheritance as men, the reality is very different as the extent to which a woman may inherit from her husband is normally governed by customary law in the absence of a will, which vary from group to group. In fact, a married woman is considered part of her husband's "estate," grouped with his personal property and real estate.²⁴

Moreover, polygamy is permitted by law and tradition whereas polyandry is not.²⁵ In its General recommendation N° 20, the Committee on the Elimination of Discrimination against Women states that polygamy violates the rights of women.²⁶

Article 361 of the Penal Code defines the crime of adultery in terms more favourable to men than women. While a man may be convicted of adultery if the sexual acts take place in his home, a female may be convicted without respect to venue.

Also, under the law, men and women have the same right to enter into marriage and freely choose a spouse. However, OMCT is concerned by the difference between the minimum legal ages for marriage of boys (18 years) and that of girls (15 years), which is gender discriminatory and allows for the practice of early marriage, which is still widespread in Cameroon. A study carried out in Cameroon revealed that girls aged between 15 and 19 account for 24% of married women.²⁷ OMCT notes with particular concern that despite the law in certain communities, girls

are even married off at the age 12 years old.²⁸ In many of these cases, the girls are forced into marriage.

Often the parents of the bride are paid a “bride price” by the husband. The bride price is governed by the Civil Code, which, in articles 1540 and 1541, defines it as follows: “The dowry is the property which the wife brings to the husband for bearing the costs of the marriage. Everything that the wife brings with her or that is given to her under the marriage contract ..., unless otherwise stipulated.” However, in the current practice, the dowry may be defined as the goods, which a future husband contributes to the family of his future wife. This has led men to regard their wife as property for which they have paid and the men and his family feel entitled to the physical labour of the wife.²⁹ It makes it also extremely difficult for a woman to divorce her husband.

When the husband dies, the widow is often unable to inherit since she is considered to be part of the inheritance herself. A practice related to dowry payments is the forcing of a widow to marry one of the deceased’s brothers.

Moreover, early motherhood constitutes a serious health and emotional risk for young girls, many of whom are unable to take care of their babies or who die in the process of giving birth. Furthermore, an early marriage leads to girls dropping out of school and therefore to the vicious circle of poverty, lack of power and at the end, again, violence. It must be noted that the age at which women get married in urban areas is higher than in rural areas. Nevertheless, regardless of residence, it seems that entry into marriage at an older age has been the trend. This phenomenon is attributed to the increase in the school attendance rate of girls.³⁰

Women in Cameroon are also discriminated from a de facto point of view. 51% of the population in Cameroon live below the poverty line and poverty has an increasingly feminine face, affecting women in particular.³¹ As a result more and more women and girls enter prostitution and are thereby exposed to exploitation.

The pervasive poverty in the country impacts services such as health and education. According to UNICEF, in the year 2000, the adult literacy rate among men was 82% whereas the adult literacy rate of women was 69%.³² The net primary school enrolment of boys was 76% between 1992

and 2001 and that of girls 71%.³³ In addition, fewer girls are found in secondary schools; their gross enrolment between 1995 and 1999 was 17 % as opposed to 22% of that of boys.³⁴

Since the elections of February 2002, of the 180 seats in Parliament, only 16 (8.6%) are occupied by women.³⁵ This lack of opportunity for women to take decisions at the political level has serious implications for the advancement of women and their enjoyment of human rights.

3. Violence against Women Perpetrated by the State

3.1 Legal Safeguards to Prevent Torture

The Preamble of the Constitution provides for several safeguards against torture. With regard to torture, in particular, the preamble contains the following clause: “Every person has the right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment.” Moreover, the constitution includes the following provisions: “No person may be prosecuted, arrested or detained except in the cases and according to the manner determined by law,” “everybody has the right to a fair trial,” and “no person shall be harassed on grounds of his origin, religious, philosophical opinions or beliefs, subject to respect for public policy.”

OMCT welcomes the fact that in 1997 Cameroon adopted an article in the Penal Code concerning torture.³⁶ The definition presented in art. 132*bis* of the Penal Code is in line with the Convention against Torture. Art. 132*bis* section 5 (a) reads:

“[t]he term torture refers to any act by which pain or severe suffering, whether physical, mental or moral, is intentionally inflicted on a person by a public official or any other person acting in an official capacity or at his instigation or with his consent, whether explicitly or implicitly, for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has

committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind.”³⁷

Moreover, the same article states under section 5(c) and (d), in compliance with the Convention against Torture, that exceptional circumstances such as a state of war, a threat of war or internal political instability, and defence on the grounds of an order from a superior officer, are not admitted.

The Penal Code requires that all detainees are brought promptly before a magistrate. Where a case reaches trial, the Constitution provides for an independent judiciary.

The Constitution also provides for a number of other human rights including the inviolability of the home, protection against illegal search, the privacy of all correspondence, freedom of expression and the press and freedom of religion. However, the Penal Code contains libel laws that punish “defamation, abuse, contempt and dissemination of false news” with prison terms and heavy fines. Moreover, it prohibits public meetings, demonstrations and processions without prior government approval.

A 1992 Presidential Decree on prison conditions guarantees the right of every detainee to food, clothing, bedding, health, hygiene, wages for prison work, cultural and recreational activities and the right to file a complaint.³⁸

3.2 De Facto Situation

OMCT has received since its submission of its first report on violence against women in Cameroon in 2000 various credible reports on torture, arbitrary arrests and extra-judicial killings in Cameroon by security forces, including the Operation Command. OMCT has issued 2 urgent appeals on arbitrary arrests and detention following a demonstration,³⁹ 1 urgent appeal on the extra-judicial killings of three demonstrators and arbitrary arrests,⁴⁰ 1 urgent appeal on death in detention,⁴¹ and 1 urgent appeal on death threats against a victim of torture after having lodged a complaint.⁴²

OMCT is concerned about the persistence of torture and other cruel, inhuman and degrading treatment against prisoners and detainees by security forces. Torture and ill-treatment in prison in Cameroon reportedly includes gunshots, burns, strikes with machetes, strikes with the butt of a firearm, the ripping out of toe and finger nails, the withholding of medical care and adequate food supplies, overcrowding with inadequate sanitation facilities and beatings, especially on the soles of the feet, legs, arms and backs, sexual assault, forced nakedness, and electrical torture. On several occasions, this torture has resulted in the deaths of detainees.

Torture continues to be used to extract confessions and such confessions continue to be accepted as evidence in court.⁴³ Contrary to its commitment to the provisions of article 14 of the Convention against Torture, Cameroon still lacks legislative provisions for the compensation and rehabilitation of victims of torture.⁴⁴

Cases of torture and other forms of violence generally go unpunished in Cameroon. Many cases are not reported to the authorities because of fear of reprisal and ignorance. Despite legal protection, the judiciary is inefficient and subject to political influence and corruption.⁴⁵ Charting levels of corruption in 133 countries, Transparency International rated Cameroon as a very corrupt country by placing it at number 124.⁴⁶ Moreover, detainees are often not brought promptly before a magistrate.

3.3 Torture and Ill-treatment of Women

In violation of article 8 of the Standard Minimum Rules for the Treatment of Prisoners and article 20 of Decree 92/052 of 27 March 1992 which stipulates that “women must be strictly segregated from men,” female prisoners are often housed with male prisoners. The female prisoners are subjected to sexual violence by other prisoners as well as State officials.

Also during his mission, the Special Rapporteur on Torture found one woman in a cell with men in the Yaoundé criminal investigation unit, and she confirmed that she had always shared the cell with them, and one woman who had to sleep with her nine-month old child on a straw mattress in the entrance lobby of the police station.⁴⁷

Prisons are overcrowded. According to ACAT Littoral, there are only 40 beds and 2 showers for 85 female prisoners in the female prison of Douala.

In the calendar years 2000 and 2001, the Medical Foundation for the Care of Victims of Torture in London documented evidence of torture in a total of 60% refugees from Cameroon. Of these, 27 were women. Of the 27 Cameroonian women receiving treatment by the Medical Foundation, 25 women had been raped by agents of the Cameroonian State and/or while in custody of the State.⁴⁸ Women also variously reported to the Medical Foundation for the Care of Victims of Torture that they were housed naked in a mixed cell, stripped naked and forced to dance, their bodies insulted and mocked, forced to stand in the sun naked, or stripped and sexually assaulted.⁴⁹

The Medical Foundation for the Care of Victims of Torture also reported that one woman was raped repeatedly despite being pregnant. She was released from detention when she suffered a miscarriage in her cell. Another women was detained with her young child who had suffered a serious head injury during their arrest. After a few weeks in detention they were released in the middle of the night. The child died three days later.⁵⁰

3.4 Threats against Women Human Rights Defenders

Members of the Christian's Action for the Abolition of Torture (ACAT Cameroon, a member of the OMCT SOS-Torture network) in Douala continue to be under surveillance and constant pressure from the State authorities. Their movements are monitored by individuals who watch the front door of the organisation's premises, and the telephone is still tapped.

Ms Madeleine Afite, Co-ordinator of ACAT Littoral, received anonymous phone calls at home and on her cell phone in 2002. In April of that year, she was held at the airport by a police officer who berated her for an hour and confiscated her papers to intimidate her. In the end the papers were returned by another policeman, who told her in mocking tones to go and lodge a complaint wherever she liked.⁵¹

4. Violence against Women in the Family

Most violence against women takes place in the within the private sphere. State responsibility arising out of acts by private individuals lies at the heart of the gender-interpretation of the Convention against Torture. A growing body of international human rights law has recognised State responsibility for private acts when the state fails to exercise due diligence in preventing, investigating, prosecuting, punishing and repairing human rights violations. While it is obvious that not all violence against women can be qualified as torture within the meaning of the Convention against Torture, the mere fact that the perpetrator is a private individual rather than a state official should not automatically lead to the exclusion of the violence from the scope of the Convention against Torture as according to its article 1, torture means not only acts of sever pain and suffering by the a public official, but also at the instigation of or with the consent or acquiescence of a public official or other person acting in the official capacity. Depending on the severity of the violence and the circumstances giving rise to State responsibility, OMCT believes that violence against women perpetrated by private individuals can constitute a form of torture or cruel, inhuman or degrading treatment.

4.1 Woman Battering

Although there are no reliable statistics on domestic violence against women in Cameroon, reports indicate that it is a widespread problem in the country.

OMCT is gravely concerned by the lack of measures taken by the government to eliminate domestic violence against women, which is still regarded as culturally acceptable by certain sectors of society. The Government has failed to take decisive action to combat the problem, such as passing legislation specifically prohibiting domestic violence abuse or training officials so that they understand the complexities of issues surrounding this type of abuse. OMCT also notes with concern that the government has not initiated any awareness raising campaign in order to eliminate of domestic violence against women.

As there is no special law dealing with domestic violence, victims of this type of violence have to file a complaint under the assault provisions of

the Penal Code. However, the Penal Code negates the specific circumstances and needs that are involved in violence between domestic inmates. In fact, domestic violence continues to be seen as a private matter by the law enforcement officials.

It has been reported that domestic violence is encouraged by judges' acceptance of the principle that a man has "disciplinary rights" over his wife. This principle can come into play due to a wife's refusal to have sexual intercourse with her husband or due to his alcoholism.⁵² Moreover, as has been mentioned above, since husbands pay a "bride price" for their wives, it is difficult for women to divorce from their husbands, even in cases of domestic violence.

4.2 Marital Rape

It is not clear whether marital rape is considered a crime or not, since the doctrine is divided into two camps and the courts are careful not to take a decision in favour of either side.⁵³ However, it seems to be culturally accepted that consent to marriage constitutes consent to each request of sexual intercourse.

4.3 Female Genital Mutilation (FGM)

The practice of female genital mutilation constitutes a serious offence against the physical and psychological integrity of the girl child. This practice, which mainly affects young girls, still exists in some regions of Cameroon, especially in the extreme north, the south-west and the north-west of the country where the practice is said to affect 100% of Muslim girls and 63.6% of Christian girls.⁵⁴ According to the WHO and UNFPA, up to 20% of all women in Cameroon undergo the practice of female genital mutilation (FGM).

Reportedly, the following three forms of FGM occur in Cameroon: clitoridectomy; excision; and the most severe form, infibulation. The least extreme form, clitoridectomy, consists of removal of the clitoris, to varying degrees. The second type, excision, consists of clitoridectomy together with partial or total removal of the labia minora. Finally, the most extreme form, infibulation, involves the removal of the entire clitoris and

the labia minora, as well as at least two thirds of the labia majora. Most of the cases constitute genital mutilation of young girls between the ages of 6 and 8 years old. FGM is often performed without anaesthesia under non-hygienic conditions by untrained practitioners and sometimes leads to fatal or serious health complications.⁵⁵

Mbia Brokie, a woman from Akwaya village who has herself been circumcised, states: "A woman who is not mutilated is regarded as a pariah and is rejected by society."⁵⁶ It must be stated that in many cases the women themselves are supporting the continuation of female genital mutilation. Women regard female genital mutilation as a misfortune to which they have to inevitably succumb.

In 1999, the Human Rights Committee expressed its concern "at the fact that there is no specific law to prohibit female genital mutilation and that this practice continues in certain areas of Cameroon territory in violation of article 7 of the Covenant."⁵⁷ In its conclusions it recommended that the State set up a policy of eradication of female genital mutilation. Cameroon launched a campaign in the regions where the problem was most serious, but the Committee on Economic Social and Cultural Rights estimated that these measures were insufficient and inadequate.⁵⁸ Also the Committee on the Elimination of All Forms of Discrimination Against Women noted in the year 2000 with concern that, despite some efforts, there is no holistic approach to the prevention and the elimination of female genital mutilation.⁵⁹

OMCT welcomes growing opposition to FGM from members of the civil society and from national and international NGOs. Although the government supports the activities of the NGOs, it has still not adopted an effective and adequate policy or project to stop FGM. OMCT is particularly concerned by the fact that there is no law specifically prohibiting female genital mutilation in Cameroon and no educational programmes.

OMCT would like to note that Professor Kooijmans, the first Special Rapporteur on torture, argued in 1986, that "the authorities' passive attitude regarding customs broadly accepted in a number of countries (i.e. sexual mutilation and other tribal traditional practices) might be considered as 'consent and acquiescence' particularly when these practices are not prosecuted as criminal offences under domestic law, probably because the State itself is abandoning its function of protecting its citizens from any kind of torture."⁶⁰

5. Violence Against Women in the Community

5.1 Rape

Rape is punishable under article 296 of the Penal Code and punishable by a term of five to ten years imprisonment and is defined as “Whoever by force or moral ascendancy compels any female whether above or below the age of puberty to have sexual intercourse with him.”

Article 297 of the Penal Code deals with subsequent marriage and provides that “Marriage freely consented between the offender and the victim if over puberty at the time of commission shall have on any offence under either of the two last forgoing sections the effect of section 73 (1) to (4) of this Code”. Article 73(1) to (4) of the Penal Code deals with amnesty; in other words, the rapist will be exonerated when he marries the rape victim.

OMCT is gravely concerned about the exemption from punishment of the rapist when he marries the victim, as it allows the rapist’s criminal responsibility to be extinguished, thus treating rape as a crime distinguished from other crimes against a person, and it undermines the woman’s free and full consent to marriage since she is often put under pressure in order to save her and the family’s “honour”.

5.2 Trafficking and Exploitation of Prostitution of Women

Due to its geographic location within the sub-region, Cameroon is a centre for international trafficking, serving as a country of source, transit and destination,⁶¹ but trafficking also occurs within the country. Contributing factors are traditions, cultural values and poverty. An important social tradition is the practice of placement, which is a tool of community help and social promotion. Poor family members would send their children to live with wealthy family members or with other families who lived in the city. In exchange for an education or money sent back to the family the children are expected to provide various services to the foster family. This intra-family help system is used by traffickers for creating networks of trafficking. The Cameroonian people also have ancient migration traditions, which make it easy for traffickers to hide themselves and their

victims in the large population flows. Additionally, women and children are perceived as objects owned by the male members of the family, in wide ranges of society. In order to escape poverty, young and uneducated Cameroonians especially seek to go abroad and are easy prey for traffickers.⁶²

5.2.1 Cameroonian and International Laws Dealing with Trafficking

According to Article 293 (1) of the Penal Code “(a) Any person who reduces a person to or maintains a person in slavery, or (b) engages, even occasionally, in trafficking in human beings, shall be punished with imprisonment of ten to twenty years.”

Moreover, procuring is criminalized under article 294 which provides that “(1) Any person who causes, aids, or facilitates the prostitution of another individual or who shares, even occasionally, in the proceeds of the prostitution of another individual or receives subsidies from a person engaging in prostitution shall be punished with imprisonment of six months to five years and fine of 20.000 (US\$ 34.24) to 1.000.000 francs (US\$ 1712.21). (2) Any person who lives with an individual engaging in prostitution and who cannot provide proof of sufficient resources to enable him to provide for his own needs shall be presumed to be receiving subsidies.”

Also prostitution is a punishable offence. Article 343 states, “(1) Any person of either sex who habitually engages, for compensation, in sexual acts with others, shall be punished with imprisonment for six months to five years and a fine of 20.000 (US\$ 34.24) to 500.000 (US\$ 856.11) francs (2) Any person who publicly recruits individuals of either sex through gestures, words, writings or any other means, for purposes of prostitution or debauchery shall be punished with the same penalties.”

Additionally, Article 292 criminalizes forced labour. It states that “any person, who in order to satisfy his personal interests, imposes on another person any work or service obligation for which that person has not freely applied shall be punished with imprisonment of five to ten years and/or a fine of 10.000 (US\$ 17.12) to 500.000 (US\$ 856.11) francs.”

Cameroon has ratified the ILO Convention on the Abolition of Forced Labour and the UN Supplementary Convention on the Abolition of

Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Cameroon signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, adopted by resolution A/Res/55/25, on 13 December 2000, but as of 09 October, 2003 had not ratified it.

OMCT notes with concern that it is the prostitute who is punished rather than the client who goes free. As many prostitutes do not prostitute themselves of their free will, they are doubly victimised through these punishments.

5.2.2 Trafficking for labour and sexual exploitation

Human trafficking, especially trafficking in children is widespread in Cameroon. Children are usually trafficked for labour purposes and sexual exploitation internally, to and from neighbouring countries, but also to Europe and the US. An ILO study revealed that trafficking accounted for 83% of child labourers.⁶³ There are reports from the northwest Cameroonian town of Bafoussam that indicate that trafficking is a business, with the girls regarded as just another product to be bought and sold for thousands of dollars.⁶⁴ However, it is difficult to deal with the issue since children and parents are reluctant to come forward out of fear.

According to the National Commission on Human Rights and Freedoms (NCHRF) there are reports of farm-to-city trafficking of girls, who were promised jobs in the city, but instead were forced into prostitution or other labour.⁶⁵ Furthermore, it is reported that Cameroonian nationals living abroad – mainly in the US – enslave Cameroonian children and teenagers after making false promises of education and care.⁶⁶ Reports also indicate that women are being trafficked for prostitution to European countries, including France and Switzerland.⁶⁷

In one case, a poor family gave one of their daughters to the girl's aunt, who claimed she was living in France. However, she was running a small bar in Benin, where she exploited the girl, using her as a waitress and placing her in prostitution.⁶⁸ In another case, a girl who wanted to escape an abusive marriage was offered a job in a London restaurant, but when she arrived she was forced to work in a brothel.⁶⁹

OMCT welcomes the commitment by the Cameroonian Government to engage in legislative and policy-based activities for the prevention of trafficking and for the provision of assistance to victims of trafficking. The government is currently participating in a two-part ILO trafficking project with Benin, Burkino Faso, Cote D'Ivoire, Ghana, Mali, Nigeria, Senegal and Togo and is working with Equatorial Guinea, the Central African Republic, Gabon, Chad, and Congo-Brazzaville to develop a sub-regional instrument to govern anti-trafficking actions on border control, extradition, and penalties. There are also plans to implement an anti-trafficking training for the police in late 2003. The government has also started to provide shelter and medical care to trafficking victims. Nevertheless, much work still needs to be done, especially in terms of effectively punishing traffickers. Prosecution remains marginal.⁷⁰

6. Sexual and Reproductive Rights: Abortion Policy

Abortion is forbidden in Cameroon (art. 337 of the Penal Code). There are two exceptions to this rule laid down under article 339 of the Penal Code: when a woman becomes pregnant after rape or when the woman's health is in great danger because of the pregnancy. Anyone performing an illegal abortion is subject to one to five years' imprisonment and a fine of 100,000 to 2 million CFA francs. A woman who procures or consents to her own abortion is subject to imprisonment for fifteen days to one year and/or a fine of 5,000 to 200,000 CFA francs. Penalties applied to medical professionals who perform illegal abortions shall be doubled and they may be prohibited from carrying out their obligations or be subject to having their professional premises closed.

The UN Human Rights Committee stated in 1999, in its concluding observations concerning the human rights situation in Cameroon, that: "The Committee is concerned that the criminalization of abortion leads to unsafe abortions which account for a high rate of maternal mortality."⁷¹ According to the World Bank, the maternal mortality rate in 1999 was at 430 for 100.000 living births.⁷² The Human Rights Committee stated further that "The State Party must take measures to protect the life of all persons, including pregnant women."⁷³

Although exact numbers of abortions are not available, abortions are known to be commonplace in Cameroon. A 1991 study showed that 40% of all urgent gynaecological operations were linked to abortions.⁷⁴ Clandestine abortions are extremely frequent. The complications resulting from clandestine abortions carried out by non-professionals constitute a serious problem in Cameroon, particularly among adolescents and among married women whose husbands forbid them to use contraception. Because of a lack of medical knowledge and the carelessness of the person performing the abortion, the procedure is life threatening and there is a high risk of HIV-infection.

A national population policy was adopted by the Government in 1992 and an information and education programme on the benefits of responsible parenthood is being implemented. However, obstacles to an increase in contraceptive prevalence include pro-natalist attitudes, poor communication infrastructure in some areas of the country and insufficient family planning facilities.⁷⁵

7. Conclusions and Recommendations

OMCT is concerned about reports of the poor human rights situation in Cameroon which is especially detrimental to the most vulnerable groups of society, such as women. Although the Cameroonian Constitution appears to be based on gender-equality, OMCT observes the persistence of gender-discriminatory provisions in several laws and the discriminatory customary law, as well as the prejudices and stereotypical attitudes concerning the role of women and men in the family and society. These roles are based on the notion of the superiority of men and the subordination of women. The low socio-economic status of women, which is partly manifested by the high illiteracy rate among women and low representation of women in politics, leaves women more vulnerable to violence at the public and private levels in Cameroon.

OMCT is extremely concerned about the persisting reports of torture and ill-treatment of prisoners by state officials, arbitrary arrests and detention, and extra-judicial killings and the impunity with which these human rights violations are met.

Women in detention centres are particularly subjected to gender-specific forms of torture such as rape and sexual harassment by both prison guards and other inmates. In this regard, OMCT is concerned about reports that women and men are detained in the same cells, which contributes to the underlying sexual violence against women in detention. When the method of torture consists of rape or sexual assault, it is less likely that the victim will complain out of fear and shame, thus leading to the negation of this violation and the impunity of the torturer.

Moreover, OMCT is gravely concerned about the reports of women human rights defenders who are threatened because of their human rights activities.

OMCT would insist that the physical and psychological integrity of the people in Cameroon be guaranteed by putting an end to torture and inhuman, cruel and degrading treatment and punishment, extra-judicial killings, arbitrary arrest and detention as well as the high level of impunity. OMCT would urge the government to guarantee an impartial and exhaustive inquiry into such events, identify those responsible, bring them before a competent and impartial civil tribunal and apply the penal, civil and/or administrative sanctions provided by law.

Moreover, OMCT would strongly recommend that Cameroon strengthen the prevention, investigation and punishment of human rights abuses against women in the private and public sphere and it would call for gender-disaggregated information on torture and other cruel, inhuman or degrading treatment or punishment.

OMCT would urge the government of Cameroon to ensure in all circumstances respect for human rights and fundamental freedoms in accordance with national laws and international human rights standards. It would urge the implementation of the Standard Minimum Rule for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, the Basic Principles for the Treatment of Prisoners, as they set fundamental rules and safeguards protecting arrested and detained persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment.

OMCT would call upon Cameroon to take steps to address the inequality of and discrimination against women both in law and reality. OMCT would urge Cameroon to prohibit customs and practices which violate the rights of women and to take active measures to combat such laws and practices by all means. Government action should especially focus on the elimination of polygamy, early and forced marriages, the practice of bride prices, and female genital mutilation.

OMCT regrets the lack of measures taken to eliminate domestic violence against women, which is still considered as culturally acceptable by certain sectors of society. OMCT is further concerned by the lack of clarification on the part of the legislation and the judiciary as to whether marital rape is criminalized.

OMCT would recommend that the government of Cameroon enhance its strategies and programmes aimed at combating domestic violence, including marital rape. In this regard, OMCT would urge Cameroon to enact special legislation on domestic violence along the lines of the guidelines submitted by the United Nations Special Rapporteur on violence against women to the fifty-second session of the United Nations Commission on Human Rights (U.N. doc. E/CN.4/1996/53, Add.2), to criminalize marital rape, establish mechanisms to identify incest and prosecute perpetrators, and also to combat this problem through awareness-raising campaigns and educational programmes.

OMCT is also gravely concerned by the fact that no specific law is enacted to prohibit female genital mutilation and that this practice continues in certain areas of Cameroon. OMCT would recommend that Cameroon takes all measures, including legislation and educational programmes, to combat and eradicate the practice of female genital mutilation.

With regard to rape, OMCT is concerned about the fact that a rapist can be exonerated of his criminal responsibility by marrying the victim. OMCT would recommend that the authorities repeal the provision of the Penal Code that allows a man who rapes a woman to avoid prosecution if he marries her.

OMCT expresses grave concern about the exploitation of prostitution of women and trafficking of women and children. OMCT commends the government's commitment in legislative and policy-based activities for

the prevention of trafficking and for the provision of assistance to victims of trafficking. However, it notes at the same time with concern that trafficking and the exploitation of prostitution continues to happen with virtual impunity. Prostitutes themselves are on the other hand at risk of being arrested and detained.

OMCT urges the Government to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the UN Convention against Transnational Organized Crime. OMCT would also urge the government of Cameroon to assure that programmes are established to alleviate poverty so that women and girls do not have to resort to prostitution, to reintegrate prostitutes into society and to raise awareness and prevent such exploitation, instead of doubly victimising prostitutes by prosecuting and punishing them for prostitution.

OMCT also expresses concern about the criminalisation of abortion which leads to unsafe abortions that account for a high rate of maternal mortality. OMCT would urge the government of Cameroon to review its abortion laws and to develop programmes to protect mothers and children.

Finally, OMCT would strongly insist on the need to implement all provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Rules and Platform for Action and the Declaration on the Elimination of Violence Against Women, as they are the most relevant international instruments concerned with all forms of violence against women.

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- 1 Vienna Declaration and Platform for Action, UN Doc. A/CONF.157/23, Part II, para 42.
 - 2 Beijing Declaration and Platform for Action, Fourth World Conference on Women, UN Doc. A/CONF.177/20, Annex II, para 222.
 - 3 UN Doc. CCPR/C/21/Rev.1/Add.10.

- 4 UN Committee against Torture, Summary Record of the 448th meeting: Cameroon, 23/11/2000, UN Doc. CAT/C/SR.448, para 37.
- 5 Concluding Observations of the Committee on Economic, Social and Cultural Rights, UN Doc. E/C.12/1/Add.40.
- 6 Three main cultural groups can be distinguished, “the Bantu, in the South, Littoral, South-West, Centre and South-East provinces; the Bantoid or semi-Bantu, in the West and North provinces; and the Sudanese, in the Adamaoua, North and far North provinces. The pygmy population, which is not included in these large groups, lives in the South, East and Centre provinces” quoted in: All Treaty-Based Committees’ core document on Cameroon, UN Doc. HR/CORE/1/Add.109, June 2000.
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- 8 Medical Foundation for the Care of Victims of Torture, “*Every morning, just like coffee,*” *Torture in Cameroon*, 2002; US Department of State, *Reports on Human Rights Practices for Cameroon*, 1998, 1999, 2000.
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- 10 *Ibid.*
- 11 UN Committee against Torture, Summary Record of the 448th meeting: Cameroon, 23/11/2000, UN Doc. CAT/C/SR.448, para 11.
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- 13 *Ibid.*, para. 26.
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- 16 UK Home Office, *Country Assessment of Cameroon*, 2001.
- 17 Order CS No.28 /CC of December 1981, No.35/Ccof November 25, 1982 (cited in: Center for Reproductive Rights, *Women of the World, Ibid.*, p. 69).
- 18 *Ibid.*, p. 70.
- 19 Afro Gender Profiles, available at www.Afrol.com.
- 20 E.g. Committee on Economic, Social and Cultural Rights, Concluding Observations 1999, UN Doc. E/C.12/1/Add.40 paras 13 and 14. and the Committee on the Elimination of All Forms of Discrimination against Women, Concluding Observations, UN Doc. A/55/38 paras. 45 and 53.
- 21 Article 1428 of the Civil Code.
- 22 Center for Reproductive Rights, *Women of the World, Ibid.*, p. 80.
- 23 Afro Gender Profiles, available at www.Afrol.com.
- 24 Center for Reproductive Rights, *Women of the World, Ibid.*, p. 80.
- 25 The Civil Code does not discuss polygamy, nor does it polyandry. The legal status of polygamy must be interpreted or deduced from Order 81/02 of 6/29/81 and the Penal Code. This interpretation makes it evident that polyandry, which allows a woman to have several husbands, is prohibited, whereas polygamy, which allows a man to have several wives, is permitted. Also the Supreme Court ruled in this

- manner, (CS order ASSO an others) (cited in Center for Reproductive Rights, *Women of the World, Ibid.*, p. 79).
- 26 Committee on the Elimination of Discrimination against Women, General Recommendation No 20, UN Doc. HRI/GEN/1/Rev.3.
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- 41 Case CMR 151002.
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Committee against Torture

THIRTY-FIRST SESSION – 10-21 NOVEMBER 2003

**CONSIDERATION OF REPORTS SUBMITTED
BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**CONCLUDING OBSERVATIONS BY THE COMMITTEE AGAINST TORTURE:
CAMEROON**

1. The Committee considered the third periodic report of Cameroon (CAT/C/34/Add.17) at its 585th, 588th and 590th meetings, held on 18, 19 and 20 November 2003 (CAT/C/SR.585, 588 and 590), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the third report of Cameroon, which was prepared in conformity with the Committee's guidelines and contains responses to the Committee's previous recommendations. It nevertheless notes that the report, which was submitted at the end of 2002, covers only the period 1996-2000. The Committee welcomes the presence of a delegation of high-level experts to reply to the many questions put to them.

B. Positive aspects

3. The Committee takes note with satisfaction of the following:
 - (a) The State party's efforts to pass legislation to give effect to the Convention;

- (b) The dissolution, in 2001, of the Douala operational command responsible for combating highway robbery, as recommended by the Committee;
- (c) The increase in the number of police officers, in conformity with the Committee's recommendation;
- (d) The plan to build additional prisons in order to remedy prison overcrowding, and the collective pardon granted in November 2002 enabling 1,757 detainees to be immediately released;
- (e) The assurance given by the delegation that the verification of the individual situations of detainees and appellants will eventually result in the release of the range of persons held in pre-trial detention, notably juveniles, women and sick persons;
- (f) The proposed restructuring of the National Committee on Human Rights and Freedoms to make it more independent of the executive and give it greater prominence.
- (g) The current finalization of a law against violence against women;
- (h) The establishment of the Ad Hoc Technical Committee for Implementation of the Rome Statute of the International Criminal Court, with a view to ratification of that Statute;
- (i) The establishment of nine new courts in 2001.

C. Subjects of concern

4. The Committee recalls that, in 2000, it found that torture seemed to be a very widespread practice in Cameroon, and expresses concern at reports that this situation still exists. It is troubled by the sharp contradictions between consistent allegations of serious violations of the Convention and the information provided by the State party. In particular, the Committee declares serious concern about:
 - (a) Reports of the systematic use of torture in police and gendarmerie stations after arrest;

- (b) The continued existence of extreme overcrowding in Cameroonian prisons, in which living and hygiene conditions would appear to endanger the health and lives of prisoners and are tantamount to inhuman and degrading treatment. Medical care reportedly has to be paid for, and the separation of men and women is not always ensured in practice. The Committee notes with particular concern the large number of deaths at Douala central prison since the beginning of the year (25 according to the State party, 72 according to non-governmental organizations);
 - (c) Reports of torture, ill-treatment and arbitrary detention perpetrated under the responsibility of certain traditional chiefs, sometimes with the support of the forces of law and order.
5. The Committee notes with concern that:
- (a) The draft code of criminal procedure has still not been adopted;
 - (b) The period of police custody may, under the draft code of criminal procedure, be extended by 24 hours for every 50 kilometres of distance between the place of arrest and the place of custody;
 - (c) The time limits on custody are reportedly not respected in practice;
 - (d) The periods of police custody under Act No. 90/054 of 19 December 1990 to combat highway robbery (15 days, renewable) and Act No. 90/047 of 19 December 1990 on states of emergency (up to 2 months, renewable) are too long;
 - (e) The use of registers in all places of detention has not yet been systematically organized;
 - (f) There is no legal provision establishing the maximum duration of pre-trial detention;
 - (g) The system of supervision of places of detention is not effective, responsibility for prison administration lies with the Ministry of Territorial Administration. The prison supervisory commissions have been unable to meet regularly and, according to some reports, public prosecutors and the National Committee on Human Rights and Freedoms seldom visit places of detention;

- (h) The concept of a “manifestly illegal order” lacks precision and is liable to restrict the scope of application of article 2, paragraph 3, of the Convention;
 - (i) Appeals to the competent administrative court against deportation orders are not suspensive, and this may lead to a violation of article 3 of the Convention.
6. The Committee, while welcoming the effort made by the State party to transmit information relating to the prosecution of State officials responsible for violations of human rights, is concerned about reports of the impunity of perpetrators of acts of torture. It is particularly worried about:
- (a) The fact that gendarmes can be prosecuted for offences committed in the line of duty only with the authorization of the Ministry of Defence;
 - (b) Reports that proceedings have actually been initiated against perpetrators of torture only in cases where the death of the victim was followed by public demonstrations;
 - (c) The fact that the case of the “Bépanda nine” remains unsolved;
 - (d) The reluctance of victims or their relatives to lodge complaints, through ignorance, distrust or fear of reprisals;
 - (e) Reports that evidence obtained through torture is admissible in the courts.
7. The Committee is also concerned about:
- (a) The jurisdiction given to military courts to try civilians for offences against the laws on military weapons and weapons assimilated thereto;
 - (b) The absence of legislation banning female genital mutilation;
 - (c) The fact that the Criminal Code permits the exemption from punishment of a rapist if he subsequently marries the victim.

D. Recommendations

8. The Committee urges the State party to take all necessary measures to end the practice of torture on its territory. It recommends that the State party should:
 - (a) Immediately end torture in police and gendarmerie stations and prisons. It should ensure effective supervision of these places of detention, permit NGOs to visit them and give more authority to the prison supervision commissions. The National Committee on Human Rights and Freedoms and public prosecutors should pay more frequent visits to all places of detention;
 - (b) Immediately launch an independent investigation into the deaths at Douala central prison since the beginning of the year and bring those responsible to justice;
 - (c) Adopt urgent measures to reduce overcrowding in prisons. The State party should enact a law establishing the maximum duration of pre-trial detention, and consider immediately releasing offenders or suspects imprisoned for the first time for petty offences, particularly if they are under 18 years of age; such persons should not be imprisoned until the problem of prison overcrowding has been solved;
 - (d) Guarantee free medical care in prisons, ensure the right of prisoners to adequate food in practice, and effectively separate men and women;
 - (e) Immediately end the torture, ill-treatment and arbitrary detention perpetrated under the responsibility of the traditional chiefs in the north. The Committee notes the delegation's assurance that proceedings have been brought in such cases and urges the State party to step up its efforts in this direction. The peoples concerned should be duly informed of their rights and of the limits on the authority and powers of these traditional chiefs.

9. The Committee further recommends that the State party should:
 - (a) Adopt, as a matter of great urgency, and ensure the effective implementation of a law establishing the right of all persons held in

police custody, during the initial hours of detention, of access to a lawyer of their choice and an independent doctor, and to inform their relatives of their detention. The Committee remarks that any extension of detention in custody ought to be approved by a judge;

- (b) Abandon the notion, in its draft code of criminal procedure, of extending the period of police custody depending on the distance between the place of arrest and the place of custody, and ensure observance of the time limits on custody in practice;
 - (c) Ensure that detention in custody under the Act on states of emergency conforms to international human rights standards and is not prolonged beyond what the situation requires. The State party should abolish administrative and military custody as options;
 - (d) Systematically organize, as a matter of great urgency, the use of registers in all places of detention;
 - (e) Separate the police from the prison authorities, e.g. by transferring responsibility for prison administration to the Ministry of Justice;
 - (f) Clarify the concept of a “manifestly illegal order”, so that State employees, in particular police officers, members of the armed forces, prison guards, magistrates and lawyers, are clearly aware of the implications. Specific training on this point should be offered;
 - (g) Allow appeals by foreigners against decisions by the administrative court to confirm deportation orders to stay execution.
10. The Committee recommends that the State should greatly increase its efforts to end the impunity of perpetrators of acts of torture, in particular by:
- (a) Removing all restrictions, notably by the Ministry of Defence, on the prosecution of gendarmes and by giving the ordinary courts jurisdiction to try offences committed by gendarmes in the line of policy duty;
 - (b) Pursuing its inquiry into the case of the “Bépanda nine”. The Committee also recommends a thorough investigation of the activities of the Douala operational command while it was in operation

and, by extension, the activities of all anti-gang units that are still functioning;

- (c) Ensuring that its authorities immediately undertake an impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed. The Committee recommends an independent body with the authority to receive and investigate all allegations of torture and other ill-treatment at the hands of State employees;
- (d) Ensuring the protection of victims and witnesses against any intimidation or ill-treatment, and by informing the public of their rights, notably with regard to complaints against State employees;
- (e) Adopting, as soon as possible, and ensuring the practical enforcement of a law making evidence obtained under torture inadmissible in all proceedings.

11. The Committee further recommends that the Cameroonian authorities should:

- (a) Reform the National Committee on Human Rights and Freedoms with a view to closer conformity to the Principles relating to the status of national institutions for the promotion and protection of human rights (the “Paris Principles”);
- (b) Restrict the jurisdiction of the military courts to military offences only;
- (c) Enact a law banning female genital mutilation;
- (d) Revise its legislation to end the exemption from punishment of rapists who marry their victims;
- (e) Consider ratifying the Optional Protocol to the Convention against Torture.

12. The Committee recommends that the present conclusions and recommendations, together with the summary records of the meetings devoted to consideration of the third periodic report of the State party, should be widely disseminated in the country in the appropriate languages.

13. The Committee recommends the inclusion in the next periodic report of detailed information on the current minimum safeguards governing court supervision and the rights of individuals in custody, and on how they apply in practice.
14. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 8 (b) and (c), 9 (c) and (d) and 10 (a) above. It wishes in particular to be given information about any prosecutions of traditional chiefs, on what charges, and the sentences handed down. It also looks forward to a detailed account of the situation at Douala central prison.

