



**CENTRE POUR LA PROMOTION DU DROIT (CEPROD)**  
Center For the Promotion of Law

**Cameroon's Compliance with the Convention on the Rights of the Child  
Suggested List of Issues Relating to Children in Conflict with the Law and  
Protection & Care of Children Affected by Armed Conflict**

Submitted by

**The Advocates for Human Rights,**

a non-governmental organization in special consultative status with ECOSOC since 1996

and

**Centre Pour La Promotion Du Droit (CEPROD)**

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**Reporting Organizations**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates promotes human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women and children around the world and has published human rights reports on children's rights in Ethiopia, Haiti, Iran, Mexico, Uganda, and the United States.

**Centre Pour La Promotion Du Droit** (Center for the Promotion of Law or CEPROD) was founded in 2010 and established as a legal entity in March of 2012 after receipt of declaration number 375/RDA/JO6/BAPP. The association is governed by law number 90/053 of December 10, 1990 regarding freedom of association in the Republic of Cameroon. As an organization, its purpose is to defend Human Rights on a national level. CEPROD's primary mission is to *"promote the belief in and commitment of the people to the importance of law as an instrument of peace and justice, by ensuring legal and civil implementation for the benefit of the public interest."*

## EXECUTIVE SUMMARY

1. The Government of Cameroon has failed to uphold its obligations under Articles 37 and 40 of the Convention on the Rights of the Child to protect the rights of children in conflict with the law, as well as its obligation under Article 38 to take all feasible measures to ensure protection and care of children involved in armed conflict.
2. Many serious problems continue to plague the administration of juvenile justice in Cameroon. Although the Government reports that children do not incur full criminal responsibility until age 18, the Cameroonian Penal Code provides that a minor as young as 10 can be subject to special measures provided by law. Despite the Government's efforts to develop public institutions and reform the Penal Code, measures to prevent juvenile delinquency and create alternative detention mechanisms remain woefully inadequate and short of technical, financial, and human resources.
3. Cameroon still lacks specialized courts for children, as well as adequately trained specialized judges and staff. The absence of specific jurisdiction for minors results in delays in the judicial process and lengthy pre-trial detention for juveniles. Furthermore, children deprived of liberty continue to be detained with adults in violation of Cameroonian law. Children experience dangerous and unsanitary conditions in Cameroonian detention centers, including the serious problems of inadequate medical care, chronic overcrowding, malnutrition, lack of access to potable water, and lack of access to education.
4. The Government has failed to protect children from the armed group Boko Haram's increasing abduction and exploitation of Cameroonian children, subjecting them to abuse, forced marriage, and recruitment as child soldiers, human shields, and suicide bombers. Moreover, the Government lacks a system for demobilization, recovery, and reintegration for children involved in armed conflict in Cameroon. Many children who return home are rejected from family and community members because of the fear that they were radicalized in captivity. Girls bearing the children of Boko Haram fighters in particular suffer from discrimination due to the stigma of sexual violence.

### **Cameroon fails to uphold its obligations under the Convention on the Rights of the Child (CRC)**

5. Regarding the administration of juvenile justice, the Committee on the Rights of the Child (Committee) has stated unequivocally that States parties are obligated to apply systematically the general principles contained in articles 2, 3, 6 and 12 of CRC, as well as the fundamental principles of juvenile justice enshrined in articles 37 and 40. In General Comment No. 10, the Committee provided detailed guidance and recommendations for States parties to the CRC to develop and implement a comprehensive juvenile justice policy.<sup>1</sup>
6. Since Cameroon last reported to the Committee on the Rights of the Child (Committee), the Government has taken some positive steps for the promotion and protection of the human rights of children. The National Action Plan for the Promotion and Protection of Human Rights in Cameroon, created from 2015 to 2019, aims to achieve the integration of a human

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<sup>1</sup> Committee on the Rights of the Child, *General Comment No. 10 (2007)*, (April 25, 2007), U.N. Doc. CRC/C/GC/10.

rights culture within Cameroonian society. It seeks to put into effect the objectives defined in the Strategy Document for Growth and Employment. The section on juvenile justice provides for:

- Harmonization of the pedagogic vision of the institutions for the re-education of minors
  - Training of personnel on juvenile justice and sexual abuse of children
  - Pursuit of the consideration of the superior interest of the child in sectorial policies
  - Specialization of judges and police officers in juvenile justice
  - Creation of specific courts for minors
  - Pursuit of the creation and equipment of rehabilitation centers
  - Internalization of the CRC
  - Adoption of a Code for the protection of the child
  - Creation of a strategy for the promotion and protection of the rights of the child<sup>2</sup>
7. However, while the Cameroonian Government has demonstrated an intention to prioritize the issue of juvenile justice, it has yet to implement the necessary changes. Many serious problems continue to exist in the administration of juvenile justice in Cameroon.

## **I. Children in Conflict with the Law (Articles 37 & 40)**

### **A. Cameroon Fails to Comply with International Standards Regarding Criminal Responsibility for Juveniles**

8. During Cameroon's last review in 2010, the Committee urged the Government of Cameroon to raise the minimum age of criminal responsibility to at least 12 years.<sup>3</sup> In its Periodic Report, the Cameroonian Government stated that children do not incur full criminal responsibility until the age of 18, a response that was also included in its reply to the List of Issues in 2009.<sup>4</sup>
9. Article 80 of the Cameroonian Penal Code, however, specifically provides the following:
- A minor under 10 years of age is not criminally liable.
  - A minor between 10 and 14 years of age can only be subject to special measures provided by law.
  - A minor over 14 but under 18 is criminally liable, yet may benefit from the mitigating circumstance of being a minor.

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<sup>2</sup> Ministry of Justice of Cameroon, *National Plan of Action for the Promotion and Protection of Human Rights in Cameroon*, Dec. 15, 2015, 103–104, [http://www.minjustice.gov.cm/pdf\\_download/droit\\_homme/plan\\_action/minjustice\\_national\\_plan\\_of\\_action\\_englis\\_h\\_version.pdf](http://www.minjustice.gov.cm/pdf_download/droit_homme/plan_action/minjustice_national_plan_of_action_englis_h_version.pdf) (accessed Jun. 30, 2016).

<sup>3</sup> Committee on the Rights of the Child, *Concluding Observations: Cameroon* (hereinafter referred to as “Concluding Observations”) (Feb. 18, 2010), U.N. Doc. CRC/C/CMR/CO/2, ¶ 80(a).

<sup>4</sup> Committee on the Rights of the Child, *Periodic Report on the Implementation of the United Nations Convention on the Rights of the Child: Cameroon* (hereinafter referred to as “Periodic Report”) (Oct. 30, 2015), U.N. Doc. CRC/C/CMR/3-5, ¶ 211; Committee on the Rights of the Child, *Written Replies by the Government of Cameroon to the List of Issues Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Second Periodic Report of Cameroon* (Dec. 8, 2009), U.N. Doc. CRC/C/CMR/Q/2/Add.1, ¶ 6.

- An adult, over 18, is fully liable.<sup>5</sup>

10. The Cameroonian Penal Code also contains specific provisions relating to “relégation,” defined in article 37 as imprisonment, for a period of 5 to 20 years under a working and social re-adaptation regime during which the individuals are separated from convicts. It applies mainly to repeat offenders. However, when computing the previous convictions in contemplation of a potential “relegation,” the convictions pronounced against a minor under 18 at the time of the crime are not taken into account.<sup>6</sup>

### **B. Measures to Prevent Juvenile Delinquency Are Inadequate**

11. In 2010, the Committee recommended that the Cameroonian Government take preventive measures to help eradicate the social conditions that lead children into contact with the criminal justice system.<sup>7</sup> In its latest Periodic Report, the Government stated that actions taken by the Ministry of Social Affairs (MINAS), the Ministry of Women Empowerment and the Family (MINPROFF), and the Ministry of Youths and Civic Education (MINJEC) contribute to raising awareness of children’s needs among families and communities.<sup>8</sup>

12. The Government of Cameroon has developed some public institutions of supervision and rehabilitation, placed under the authority of MINAS, for the prevention, social adaptation, and resocialization of minors whose morality, security, and/or education are compromised. Those centers, however, mainly take in abandoned children, distressed minors, and minors in moral danger or with criminal behavior.<sup>9</sup> UNICEF has reported that the centers are often full and are inadequate to cover the child protection needs at a national level.<sup>10</sup> Furthermore, some judges have reported that when a child convicted of crime is assigned to one of the centers, the child’s family must pay up to CFA francs 20,000 (\$40) for the registration, which acts as a deterrent to placement.<sup>11</sup>

### **C. Alternatives to Detention for Juveniles Are Inadequate**

13. In 2010, the Committee recommended that the Government of Cameroon develop alternatives to detention, such as probation, mediation, community service orders, or suspended sentences.<sup>12</sup> The Committee also recommended that the Government allocate the

<sup>5</sup> PENAL CODE art. 80 (Cameroon).

<sup>6</sup> PENAL CODE art. 39(6) (Cameroon). Communication to The Advocates for Human Rights from CEPROD (Jun. 27, 2016).

<sup>7</sup> Concluding Observations, ¶ 80(b).

<sup>8</sup> Periodic Report, ¶ 212.

<sup>9</sup> Communication to The Advocates for Human Rights from CEPROD.

<sup>10</sup> Joshua Dankoff, *An Assessment of Cameroon’s Justice System for Children: Formal and Traditional Responses to Children in Conflict with the Law and Child Victims* (hereinafter referred to as “UNICEF Report on Cameroon’s Justice System for Children”), Jan. 17, 2011, 28, [http://www.unicef.org/wcaro/Joshua\\_Dankoff\\_CICWL\\_Cameroon\\_Final\\_Assessment\\_17.1.11.pdf](http://www.unicef.org/wcaro/Joshua_Dankoff_CICWL_Cameroon_Final_Assessment_17.1.11.pdf) (accessed Jun. 30, 2016).

<sup>11</sup> *Ibid*, 28.

<sup>12</sup> Concluding Observations, ¶ 80(d). Note that the Committee against Torture has also urged Cameroon to develop alternative detention centers for minors away from prisons. Committee against Torture, *Concluding Observations: Cameroon* (May 19, 2010), U.N. Doc. CAT/C/CMR/CO/4, ¶ 15.

necessary human, technical, and financial resources to establishing additional alternative detention mechanisms.<sup>13</sup>

14. The Periodic Report notes that Cameroon's Criminal Procedure Code provides for measures such as handing the children over to their families, admitting them into a specialized institution, and placing them on probation.<sup>14</sup>
15. Cameroon is currently in the process of adopting reforms to the Penal Code. One of the main innovations of the reform is the creation of sentences other than imprisonment, to relieve the prisons and limit short penalties involving deprivation of liberty. Article 26 of the draft law would therefore create a penalty of community service applicable to offenses punishable by imprisonment less than two years or a fine. Such sentences would be executed in favor of a public entity, a private entity charged with a public service mission, or any organization able to implement public service operations. Should it become part of the Penal Code, this alternative will assist judges in avoiding the systematic sentencing of minors to years of imprisonment.<sup>15</sup>
16. The draft law also provides for a "compensation sanction" as an alternative, which would be a penalty applicable to offenses punishable by less than two years, to compensate the damage suffered by the victim. Most children involved in criminal behavior, however, come from underprivileged environments, and it is thus questionable whether they can raise the resources to compensate the victim.<sup>16</sup>
17. Regarding the Committee's recommendation to allocate resources to implement alternative detention measures, the Government stated in its Periodic Report that mobilizing resources for this purpose is a challenge. Specialized structures for placement and care of incarcerated minors are lacking, there is no framework to regulate the functions of assessors and probation officers, and human and financial resources to support alternative detention mechanisms are inadequate. The Government claims that it will make efforts to adopt a code of conduct for prison staff, redeploy probation officers in courts, and construct institutions for the placement of minors.<sup>17</sup>
18. In spite of these claims, children in Cameroon continue to experience negative effects from the lack of specialization of personnel in charge of the implementation of the law for the administration of juvenile justice. Specialized training seminars for judges, judicial police officers, and counsels have been organized by the Government, UNICEF, civil society organizations, and development partners, but they remain inadequate.<sup>18</sup>

#### **D. Cameroon Lacks Specialized Juvenile Courts**

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<sup>13</sup> Concluding Observations, ¶ 80.

<sup>14</sup> Periodic Report, ¶ 215.

<sup>15</sup> Communication to The Advocates for Human Rights from CEPROD.

<sup>16</sup> Ibid.

<sup>17</sup> Periodic Report, ¶¶ 219–222.

<sup>18</sup> Communication to The Advocates for Human Rights from CEPROD.

19. In 2010, the Committee urged the Government of Cameroon to establish specialized juvenile courts throughout the country and to “ensure that the juvenile justice system fully integrates and implements international juvenile justice standards.”<sup>19</sup> The Committee also recommended that the Government provide these specialized courts with trained specialized judges and staff, including prosecutors, lawyers, law enforcement officials, and social workers, in particular those working with child victims of exploitation, rape, and other abuse.<sup>20</sup>
20. **Cameroon has not established specialized juvenile courts.** In its Periodic Report, the Government of Cameroon concedes that there are no special courts for children.<sup>21</sup> In cases involving minors, the court includes in its composition two appointed assessors with interest in issues of childhood. For the purpose of training judicial officials, schools and training centers of the National Gendarmerie as well as the National School of Administration and Magistracy introduced teaching modules on human rights and international human rights law. Training for prison administration staff has reportedly focused on the rights of the child.<sup>22</sup>
21. The absence of specific jurisdiction for minors results in delays in the judicial process, as well as prison overcrowding for children in provisional detention who are awaiting trial.<sup>23</sup>

#### **E. Cameroon Continues to Comingle Children with Adults in Detention Facilities**

22. In 2010, the Committee expressed deep concern that “children and adults are not separated in prisons despite Penal Code provisions which call for their separation.”<sup>24</sup> The Committee urged the Government of Cameroon in particular to “[e]nsure that children are always separated from adults in all detention facilities, including in police cells.”<sup>25</sup> Both the Human Rights Committee<sup>26</sup> and the Committee against Torture<sup>27</sup> have also made strong recommendations to Cameroon regarding the separation of children and adults in detention.
23. Cameroon’s Penal Code mandates the separation of minors, specifying that those under the age of 18 should serve their sentence in a special establishment, or in the absence of such establishment, in quarters separated from offenders over 18.<sup>28</sup> The Periodic Report states that in 2013, only 36 of 88 prisons had sections for minors, while 15 additional prisons had “other premises for minors.”<sup>29</sup>

<sup>19</sup> Concluding Observations, ¶ 80.

<sup>20</sup> Ibid, ¶ 80(c).

<sup>21</sup> Periodic Report, ¶ 213.

<sup>22</sup> Periodic Report, ¶¶ 213–214.

<sup>23</sup> Communication to The Advocates for Human Rights from CEPROD.

<sup>24</sup> Concluding Observations, ¶ 79(a).

<sup>25</sup> Ibid, ¶ 80(g).

<sup>26</sup> Human Rights Committee, *Concluding Observations: Cameroon* (Aug. 4, 2010), U.N. Doc. CCPR/C/CMR/CO/4, ¶ 21.

<sup>27</sup> Committee against Torture, *Concluding Observations: Cameroon* (May 19, 2010), U.N. Doc. CAT/C/CMR/CO/4, ¶ 15.

<sup>28</sup> Journal Officiel de la République du Cameroun, Penal Code, n° 67/LF/1, Jun. 12, 1967, Article 29, [http://www.vertic.org/media/National%20Legislation/Cameroon/CM\\_Code\\_Penal\\_Cameroun.pdf](http://www.vertic.org/media/National%20Legislation/Cameroon/CM_Code_Penal_Cameroun.pdf) (accessed Jun. 30, 2016).

<sup>29</sup> Periodic Report, ¶ 217.

24. **Children are not effectively separated from adults in most prisons in Cameroon.** In practice, even at facilities that purport to separate children, the extent of separation varies significantly.<sup>30</sup> For instance, the children's quarter (which houses only boys) in Yaoundé Central Prison is separated only by a door that often opens to the adult section.<sup>31</sup> Girls are detained with adult women in all prisons throughout Cameroon.<sup>32</sup>
25. Non-governmental organizations such as CEPROD report that this cohabitation with adults in detention has the tendency to accentuate juvenile delinquency for minors, who are subjected to all kinds of violence or other negative influence by adult detainees.<sup>33</sup>
26. The separation of minors from adults is even less strictly followed in police and gendarmerie stations. Officials are known to routinely hold men, women, and juveniles together in temporary holding cells.<sup>34</sup>
27. Furthermore, although Cameroon's Criminal Procedure Code stipulates the separation of detainees awaiting trial from those found guilty,<sup>35</sup> pre-trial juveniles continue to be housed together with the convicted.<sup>36</sup>

#### **F. Children in Custody Lack Access to Adequate Healthcare**

28. In 2010, the Committee recommended that Cameroon provide children deprived of their liberty with adequate and sufficient healthcare services.<sup>37</sup> The Periodic Report does not provide specific details about the healthcare services that the Government provides to children in custody, noting only that the National Commission on Human Rights and Freedoms (NCHRF), civil society organizations, and charity organizations regularly visit prisons to meet identified needs. The Periodic Report does not specify what those needs are.<sup>38</sup>
29. Decree No. 92-052 of 27 March 1992 provides in article 33 that all penitentiary institutions must have an area dedicated to the healthcare of detainees. Yet, in practice, the access to healthcare in prisons is mediocre and precarious: insufficient equipment, lack of medicine, lack of patient care, etc. The health care situation is also affected by weak financial resources.<sup>39</sup>

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<sup>30</sup> UNICEF Report on Cameroon's Justice System for Children, 32.

<sup>31</sup> *Ibid*, 38.

<sup>32</sup> *Ibid*, 36.

<sup>33</sup> Communication to The Advocates for Human Rights from CEPROD.

<sup>34</sup> United States Department of State, *Cameroon 2015 Human Rights Report* (hereinafter referred to as "Department of State Human Rights Report"), 7 (accessed Jun. 30, 2016).

<sup>35</sup> Cameroon Criminal Procedure Code, Law N°2005, Jul. 27, 2005, Article 553(1), [http://oceansbeyondpiracy.org/sites/default/files/Cameroon\\_Criminal\\_Procedure\\_Code.pdf](http://oceansbeyondpiracy.org/sites/default/files/Cameroon_Criminal_Procedure_Code.pdf) (accessed Jun. 30, 2016).

<sup>36</sup> UNICEF Report on Cameroon's Justice System for Children, 32.

<sup>37</sup> Concluding Observations, ¶ 80(f).

<sup>38</sup> Periodic Report, ¶ 216.

<sup>39</sup> Communication to The Advocates for Human Rights from CEPROD.

30. Disease and illness are endemic in detention centers throughout Cameroon, leading to a rising death toll among detainees.<sup>40</sup> While the reporting organizations do not have information specific to the child detainee population, it is well-documented that the major medical problems in Cameroonian prisons include malaria, tuberculosis, and HIV/AIDS,<sup>41</sup> as well as numerous other untreated conditions, including bronchitis, infections, parasites, dehydration, and diarrhea.<sup>42</sup>
31. Despite the prevalence of disease in prisons, resources for treatment are wholly lacking. In 2014, the national budget allocated for prisoner health was CFA francs 157,740,000 (\$255,000), representing an average of CFA francs 6,572 (\$10) per detainee.<sup>43</sup> In addition, each region has only one prison doctor, with nurses dispatched to the individual prisons.<sup>44</sup> UNICEF reported that according to prison officials, one child who was being treated for tuberculosis was likely going to die because the prison did not have enough money to provide him adequate treatment.<sup>45</sup>
32. Additionally, when Cameroonian detainees are sick, they are not systematically and promptly separated from the others due to the lack of facilities.<sup>46</sup> For instance, as of March 2015, Garoua Central Prison, which holds more than 1,600 detainees, had one single-patient room for both contagious and noncontagious diseases.<sup>47</sup> Moreover, inadequate separation of minors and adults favors the transmission and spread of contagious diseases, exposing children to serious infections.<sup>48</sup>
33. The deplorable hygiene and sanitation conditions in prisons exacerbate the health of detainees, putting their lives at even greater risk. In overcrowded conditions where there is frequent skin-to-skin contact, even previously healthy prisoners can easily acquire skin disorders like scabies.<sup>49</sup>
34. Furthermore, although Cameroonian law stipulates that incarcerated women who are pregnant should be given temporary liberty for six weeks to give birth, or the judge should provide a safe place for the newborn,<sup>50</sup> there are reports that babies are born in prison

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<sup>40</sup> Amnesty International, *Human Rights under Fire: Attacks and Violations in Cameroon's Struggle with Boko Haram* (hereinafter referred to as "Amnesty International Report") (Sept. 16, 2015), 52, <https://www.amnesty.org/en/documents/afr17/1991/2015/en/> (accessed Jun. 30, 2016).

<sup>41</sup> UNICEF Report on Cameroon's Justice System for Children, 33. Note that a prison doctor reported to UNICEF that at least one of the children in the prison where he worked was HIV positive. *Id.*

<sup>42</sup> Department of State Human Rights Report, 6.

<sup>43</sup> *Ibid.*

<sup>44</sup> UNICEF Report on Cameroon's Justice System for Children, 33.

<sup>45</sup> *Ibid.*, 38.

<sup>46</sup> Department of State Human Rights Report, 6.

<sup>47</sup> *Ibid.*

<sup>48</sup> Communication to The Advocates for Human Rights from CEPROD.

<sup>49</sup> Amnesty International Report, 51.

<sup>50</sup> Journal Officiel de la République du Cameroun, Penal Code, n° 67/LF/1, Jun. 12, 1967, Article 27, [http://www.vertic.org/media/National%20Legislation/Cameroon/CM\\_Code\\_Penal\\_Cameroun.pdf](http://www.vertic.org/media/National%20Legislation/Cameroon/CM_Code_Penal_Cameroun.pdf) (accessed Jun. 30, 2016).



facilities and remain there with their mothers. UNICEF has reported observing two babies living in the women's sections of prisons.<sup>51</sup>

### **G. Conditions of Detention Do Not Meet International Standards**

35. In 2010, the Committee expressed concern over the alarming rate of child torture while in detention or prison.<sup>52</sup> The Committee noted “the persistence of ill-treatment of children”<sup>53</sup> and stated that it was “deeply concerned that alleged cases of torture against children are not duly investigated and perpetrators not brought to justice.”<sup>54</sup> The Committee also expressed deep concern about the extremely poor conditions of detention in Cameroon, recommending that the Government address the problem of overcrowding in prisons and establish special prisons for children with conditions suited to their age and needs.<sup>55</sup> Both the Human Rights Committee<sup>56</sup> and the Committee against Torture<sup>57</sup> have expressed similar concerns in their reviews of Cameroon.
36. In its Periodic Report, the Cameroonian Government states that families are allowed to bring food to detained relatives to supplement rations and that negotiations are being made with international organizations to find ways of meeting the needs of incarcerated children, including through the creation of separate prison wards for imprisoned boys and girls, the opening of schools in prison wards so that detained children can attend classes and receive vocational training, as well as the setting up of libraries and recreation areas.<sup>58</sup>
37. In addition, in the city of Douala, the Government proposes transforming the shelter in Bépanda into a pilot institution where children in need of special protection measures (orphans, vulnerable children, street children, children in conflict with the law, and children who have been victims of slavery and trafficking) can be treated at a single location. Funding for its effective implementation, however, needs to be mobilized.<sup>59</sup>
38. Human rights organizations have documented the dangerous and unhealthy conditions in Cameroonian detention centers, including the serious problems with chronic overcrowding, malnutrition, lack of access to water, and inadequate medical care.<sup>60</sup> The increase in arrests of suspected Boko Haram followers since mid-2014 has further aggravated detention conditions to extreme levels in the Far North region.<sup>61</sup> Amnesty International concluded that

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<sup>51</sup> UNICEF Report on Cameroon's Justice System for Children, 33.

<sup>52</sup> Concluding Observations, ¶ 36.

<sup>53</sup> *Ibid.*, ¶ 35.

<sup>54</sup> *Ibid.*

<sup>55</sup> Committee on the Rights of the Child, *Concluding Observations: Cameroon* (Nov. 6, 2001), U.N. Doc. CRC/C/15/Add.164, ¶¶ 66, 68.

<sup>56</sup> Human Rights Committee, *Concluding Observations: Cameroon* (Aug. 4, 2010), U.N. Doc. CCPR/C/CMR/CO/4, ¶ 21.

<sup>57</sup> Committee against Torture, *Concluding Observations: Cameroon* (May 19, 2010), U.N. Doc. CAT/C/CMR/CO/4, ¶ 15.

<sup>58</sup> Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Cameroon* (Oct. 22, 2009), U.N. Doc. CRC/C/CMR/2, ¶ 68.

<sup>59</sup> *Ibid.*

<sup>60</sup> Amnesty International Report, 50.

<sup>61</sup> *Ibid.*

the conditions in the prison and hospital facilities it visited in Maroua in May 2015 amounted to cruel, inhuman, and degrading treatment.<sup>62</sup>

39. **Overcrowding remains a pervasive problem for prisons in Cameroon.** According to the Minister of Justice, the country's prisons, which have an intended capacity of 17,000, had 26,702 inmates in August 2015.<sup>63</sup> In some prisons, the number of inmates is as much as four to five times the intended capacity.<sup>64</sup> Detainees are forced to sleep "like sardines" with no space in between, and the extreme heat in places like the Far North of Cameroon adds to the immense discomfort of living in cramped conditions.<sup>65</sup>
40. Specific information regarding juvenile housing capacity in Cameroon is lacking because many children are still incarcerated with adult detainees against the law.<sup>66</sup> Yet overcrowding was evident even in some of the separate children's quarters visited by UNICEF.<sup>67</sup> The children's quarter in Yaoundé Central Prison held 177 children in a space built for 60.<sup>68</sup> The cells were lined with three levels of bunk-beds, and one cell kept 27 children in a room intended for 10.<sup>69</sup>
41. **The amount and quality of food provided to all detainees, including children, are inadequate in prisons throughout Cameroon.** Detainees' families are expected to bring food for their family members.<sup>70</sup> In 2014 the national budget allocated for feeding prisoners was CFA francs 2,313,799,000 (\$3.8 million), amounting to an average daily food allocation of CFA francs 263 (\$0.43) per detainee.<sup>71</sup> UNICEF reported that children detained at six prisons they visited complained of insufficient amount and quality of food.<sup>72</sup> Most children were able to eat once a day and only those with family nearby could afford a second or third meal.<sup>73</sup> Prison doctors also reported that one direct impact of juvenile detention conditions is malnutrition in child detainees.<sup>74</sup>
42. Access to potable water is an additional problem. Amnesty International reported that Maroua Central Prison had no running water at the time of their visit in May 2015.<sup>75</sup> While another NGO was helping efforts to transport water to the prison, water supply levels were low and prisoners were rarely able to wash.<sup>76</sup>

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<sup>62</sup> Ibid.

<sup>63</sup> Department of State Human Rights Report, 5.

<sup>64</sup> Ibid.

<sup>65</sup> Amnesty International Report, 51.

<sup>66</sup> UNICEF Report on Cameroon's Justice System for Children, 32.

<sup>67</sup> Ibid, 38.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Department of State Human Rights Report, 6.

<sup>71</sup> Ibid.

<sup>72</sup> UNICEF Report on Cameroon's Justice System for Children, 32.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Amnesty International Report, 51.

<sup>76</sup> Ibid.

43. **In addition, the vast majority of children in detention still have no access to education.**<sup>77</sup> The Ministry of Education does not provide teachers for incarcerated juveniles.<sup>78</sup> Overall, the Government has failed to ensure adequate education for children in detention, as most prisons do not have schools and the instructive programs currently in place for some prisons are entirely organized by NGOs with limited coordination and capital. In the Littoral Region of Cameroon, only the New Bell Prison in Douala has an educational program, which is run by adult prisoners who are trained teachers and external NGOs.<sup>79</sup> Similarly, at Yaoundé Central Prison, a number of private associations provide educational support to children.<sup>80</sup> Only some of those children have access to income generating workshops, including art, tailoring, and computer classes.<sup>81</sup> The Bamenda Central Prison holds the sole Ministry of Basic Education recognized school within a prison in the entire country.<sup>82</sup> This Juvenile Reformatory School has three full-time teachers, a library, and classrooms, but it still suffers from a dearth of resources.<sup>83</sup>

44. **Suggested questions/recommendations for the Government of Cameroon.** The Committee should pose the following questions to the Government of Cameroon:

- How does Cameroon intend to reform the organization of juvenile justice in order to create the appropriate jurisdictions for minors?
- What measures are being considered to help judges and police officers become specialized in the specificities of juvenile justice?
- What measures are being considered to reinforce personnel capacities involved in juvenile justice in Cameroon?
- What measures are being considered in order to ensure juvenile detainees have adequate and sufficient health care?
- What measures are being considered to build prisons for minors in Cameroon, both in the short and medium term?
- Other than temporary and planned training, what strategy does Cameroon intend to develop in order to organize continued training for the entire community of juvenile justice administrators?
- While awaiting the availability of prisons for minors, what are the specific measures that Cameroon intends to take in order to fight against the issue of prison overcrowding in general, and specifically for minors, in order to create a real separation between minors and adult detainees so that no contact is possible?

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<sup>77</sup> UNICEF Report on Cameroon's Justice System for Children, 36.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> UNICEF Report on Cameroon's Justice System for Children, 38.

<sup>82</sup> Ibid, 37.

<sup>83</sup> Ibid.

## II. Children Involved in Armed Conflict (Article 38)

45. Recruiting or using children in hostilities constitutes a violation of Article 38 of the CRC.<sup>84</sup> In addition, under the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC), which was ratified by Cameroon in February 2013, States must not compulsorily recruit persons below the age of 18 into their armed forces,<sup>85</sup> while non-state armed groups must not, under any circumstances, recruit persons below the age of 18.<sup>86</sup> Cameroon has indicated that conscription does not exist in the State and that recruitment into the defense forces is voluntary.<sup>87</sup> Pursuant to article 2 of Decree No. 2001/187 of 25 July 2001, the minimum age for entry into the defense forces and national service in Cameroon is 18.<sup>88</sup> The reporting organizations do not have information that suggests that Cameroon recruits or uses child soldiers in violation of the CRC or OPAC.<sup>89</sup>
46. Under Article 38 of the CRC, States shall take all feasible measures to ensure protection and care of children who are affected by armed conflict.<sup>90</sup> Under OPAC, States must also enact measures to prevent the recruitment of children by armed groups, including the adoption of necessary legal provisions.<sup>91</sup> Before ratifying OPAC, the Cameroonian Government took some steps to address the issue of child soldiers. In June 2010, Cameroon and five other Central African nations signed the N'Djaména Declaration on ending the use of children in armed conflict.<sup>92</sup> The binding regional document required signatories to harmonize national legislations with regional and international instruments in order to prohibit the recruitment of children by armed forces and prosecute perpetrators before competent courts.<sup>93</sup> The Cameroonian Government, however, has not taken action to do so. Currently there is no domestic law that specifically deals with the use of child soldiers by non-state groups.
47. In its Periodic Report, Cameroon does not make any reference to child soldiers or Boko Haram's use of children in armed conflict. The Government has not yet submitted its report on OPAC which was due February 2015.
48. **The Government has failed to protect children in Cameroon from Boko Haram's increasing use of children in armed conflict.** It is estimated that Boko Haram abducted

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<sup>84</sup> Convention on the Rights of the Child (hereinafter referred to as "CRC"), 1989, Art. 38.

<sup>85</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter referred to as "OPAC"), 2000, Art. 2. The minimum age for the voluntary recruitment of persons into national armed forces is 15. CRC, Art. 38(3).

<sup>86</sup> OPAC, Art. 4(1).

<sup>87</sup> Cameroon's Declaration under OPAC, Feb. 4, 2013, U.N. Doc. A/RES/54/263, ¶ 1.

<sup>88</sup> Ibid.

<sup>89</sup> Department of State Human Rights Report, 34.

<sup>90</sup> CRC, Art. 38(4).

<sup>91</sup> OPAC, Art. 4(2).

<sup>92</sup> *N'Djaména Declaration*, Regional Conference on "Ending Recruitment and Use of Children by Armed Forces and Groups: Contributing to Peace, Justice and Development," Jun. 9, 2010, [http://www.unicef.org/protection/files/DDR\\_Conference\\_Declarations\\_de\\_NDjamena.pdf](http://www.unicef.org/protection/files/DDR_Conference_Declarations_de_NDjamena.pdf) (accessed Jun. 30, 2016). The signatories are Central African Republic, Cameroon, Chad, Niger, Nigeria, and Sudan.

<sup>93</sup> UNICEF, *Chad and five other Central African countries pledge to end use of children in armed conflict*, Jun. 11, 2010, [http://www.unicef.org/infobycountry/chad\\_53966.html](http://www.unicef.org/infobycountry/chad_53966.html) (accessed Jun. 30, 2016).

more than 1,000 children in Cameroon between the end of 2014 and June 2015.<sup>94</sup> Separated from their families, the children are subjected to exploitation, abuse, and recruitment to the armed forces.<sup>95</sup> Boys are coerced to wage war against their own families and communities to prove their allegiance to Boko Haram, while girls are exposed to sexual violence and forced marriage to Boko Haram fighters.<sup>96</sup> In attacks against civilian and military targets, children are frequently placed in the frontline and killed before older, more experienced fighters come from behind.<sup>97</sup> Boko Haram is also known for using children as human shields to protect its elements and making them manage checkpoints, gather intelligence, and participate in armed patrols.<sup>98</sup> A particularly alarming trend is the growing number of children, especially girls, deployed as suicide bombers. UNICEF reports that 44 children were used in suicide attacks last year in Cameroon, Chad, Niger, and Nigeria, compared to four children in 2014.<sup>99</sup> From January 2014 to February 2016, Cameroon had the highest number of suicide attacks involving children, and three quarters of all child suicide bombers in the four countries were girls.<sup>100</sup> The children deployed as suicide bombers in Cameroon were as young as 13.<sup>101</sup>

49. **The Government lacks a system of demobilization, recovery, and reintegration for children involved in conflict.** Under CRC Article 39, States shall take appropriate measures to promote physical and psychological recovery and social rehabilitation of child victims of armed conflict.<sup>102</sup> Under OPAC, States are also obliged to ensure the demobilization of children unlawfully recruited within their jurisdiction and assist former child soldiers in their physical and psychological recovery as well as social reintegration.<sup>103</sup> As state forces have continued their offensive against Boko Haram and recaptured territories held by the armed group, some abductees have been found and released.<sup>104</sup> Many children who return to their communities are viewed with deep suspicion because of the belief that they were radicalized in captivity.<sup>105</sup> In particular, girls who were forcibly married to their captors and became pregnant as a result of rape experience marginalization and discrimination due to social and cultural norms related to sexual violence.<sup>106</sup> Accused of being Boko Haram wives, they are abandoned by family and community members and even

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<sup>94</sup> Vanguard, *UN condemns Boko Haram abuse of children in Cameroon* (quoting UN Humanitarian Coordinator for Cameroon Najat Rochdi), Jun. 4, 2015, <http://www.vanguardngr.com/2015/06/un-condemns-boko-haram-abuse-of-children-in-cameroon/> (accessed Jun. 30, 2016).

<sup>95</sup> UNICEF, *Beyond Chibok* (hereinafter referred to as “UNICEF Report on Boko Haram”) (Apr. 12, 2016), 1, [http://files.unicef.org/media/files/Beyond\\_Chibok.pdf](http://files.unicef.org/media/files/Beyond_Chibok.pdf) (accessed Jun. 30, 2016).

<sup>96</sup> *Ibid.*

<sup>97</sup> Amnesty International Report, 23.

<sup>98</sup> UN General Assembly, *Children and Armed conflict: Report of the Secretary-General* (Jun. 5, 2015), U.N. Doc. A/69/926, ¶ 232.

<sup>99</sup> UNICEF Report on Boko Haram, 2.

<sup>100</sup> *Ibid.*

<sup>101</sup> Amnesty International Report, 23.

<sup>102</sup> CRC, Art. 39.

<sup>103</sup> OPAC, Art. 6(3).

<sup>104</sup> UNICEF, *‘Bad Blood’: Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria* (Feb. 16, 2016), 6, [http://www.unicef.org/nigeria/Nigeria\\_BadBlood\\_EN\\_2016.pdf](http://www.unicef.org/nigeria/Nigeria_BadBlood_EN_2016.pdf) (accessed Jun. 30, 2016).

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

abused.<sup>107</sup> Their children are exposed to a still greater risk of rejection and violence for fear that they could turn against their families and communities when they grow up.<sup>108</sup>

**50. Suggested questions/recommendations for the Government of Cameroon.** The Committee should pose the following questions to the Government of Cameroon:

- What steps is Cameroon taking to adopt national laws that forbid the recruitment and use of children by non-state armed groups?
- What steps is the Cameroon taking to combat the abduction, exploitation, and abuse of children by Boko Haram?
- What steps is Cameroon taking to specifically address the sexual violence and forced marriage committed by Boko Haram against girls?
- What steps is the Cameroon taking to prevent Boko Haram's use of children as combatants and human shields in attacks against civilian and military targets?
- What steps is Cameroon taking to stop Boko Haram's deployment of children, particularly girls, as suicide bombers?
- What steps is Cameroon taking to safely and effectively demobilize child soldiers?
- What steps is Cameroon taking to address the suspicion and rejection faced by children who return to their communities?
- What steps is Cameroon taking to combat the marginalization and discrimination specifically experienced by girls bearing the children of Boko Haram fighters?
- What steps is Cameroon taking to assist former child soldiers in their physical and psychological recovery as well as reintegration into society?

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<sup>107</sup> Ibid.

<sup>108</sup> Ibid.