



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

Distr.: General  
10 December 2024  
English  
Original: French

## Committee against Torture

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

1. The Committee considered the sixth periodic report of Cameroon<sup>1</sup> at its 2159th and 2162nd meetings, held on 13 and 14 November 2024,<sup>2</sup> and adopted the present concluding observations at its 2169th meeting, held on 21 November 2024.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its sixth periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

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

#### B. Positive aspects

4. The Committee notes with satisfaction that, since its consideration of the previous periodic report, the State party has ratified or acceded to the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities, on 28 September 2023;

(b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, on 6 June 2022;

(c) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, on 6 June 2022;

(d) The International Labour Organization Occupational Safety and Health Convention, 1981 (No. 155), on 1 October 2021;

(e) The African Union Convention on Preventing and Combating Corruption, on 29 June 2020.

\* Adopted by the Committee at its eighty-first session (28 October–22 November 2024).

<sup>1</sup> CAT/C/CMR/6.

<sup>2</sup> See CAT/C/SR.2159 and CAT/C/SR.2162.



5. The Committee also welcomes the measures taken by the State party to revise its legislation or to legislate in areas of relevance to the Convention, including the adoption of the following texts:

(a) Decree No. 2020/193 of 15 April 2020 to commute and remit sentences, which has made it possible to reduce the prison population by around a third;

(b) Law No. 2019/020 of 24 December 2019 to amend and supplement some provisions of Law No. 2016/7 of 12 July 2016 relating to the Penal Code to provide for harsher penalties for acts of contempt linked to race, religion or tribal or ethnic affiliation.

6. The Committee commends the State party for the measures it has taken to change its policies and procedures with a view to affording greater human rights protection and giving effect to the Convention, in particular:

(a) The adoption, in 2023, of the second national action plan for the implementation of Security Council resolution 1325 (2000) and related resolutions (2023–2027);

(b) The adoption, in 2022, of the National Strategy to Fight against Gender-based Violence (2022–2026) and the National Plan of Action for the Fight against Female Genital Mutilation (2022–2026);

(c) The adoption, in 2020, of the Multisector Action Plan for the Abandonment of Child Marriage (2020–2024);

(d) The creation, in 2019, of the Cameroon Human Rights Commission to replace the National Commission on Human Rights and Freedoms, and the 2021 establishment, as part of the Commission, of the Subcommission on the Prevention of Torture;

(e) The adoption of circular No. 190256/DV/MINDEF/01 of 18 January 2019 of the Minister of Defence, in which the defence and security forces are reminded to respect the absolute prohibition of torture;

(f) The establishment, in 2018, of the National Disarmament, Demobilization and Reintegration Committee;

(g) The adoption, in 2018, of the Emergency Humanitarian Assistance Plan in the North-West and South-West Regions (2018–2019);

(h) The establishment, in 2017, of the National Commission on Promotion of Bilingualism and Multiculturalism.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,<sup>3</sup> the Committee requested the State party to provide information on the follow-up to its recommendations relating to the widespread use of torture at incommunicado detention centres, forced return to the Far North Region of Cameroon, the social crisis in the North-West and South-West Regions (the “Anglophone crisis”) and the deposit of the ratification instrument for the Optional Protocol to the Convention.<sup>4</sup> In view of the information on the action taken in follow-up to those concluding observations,<sup>5</sup> received from the State party on 14 July 2020, the information contained in the State party’s sixth periodic report and the additional information provided by the delegation during the dialogue, the Committee is of the view that the recommendation set out in paragraphs 12, 18 and 20 of its previous concluding observations have been partially implemented and that the recommendation set out in paragraph 40 has not yet been implemented. Those issues are covered in paragraphs 9, 17, 23, 27 and 32 of the present concluding observations.

<sup>3</sup> CAT/C/CMR/CO/5, para. 49.

<sup>4</sup> Ibid., paras. 12, 18, 20 and 40.

<sup>5</sup> CAT/C/CMR/FCO/5.

### **Allegations of serious human rights violations during counter-insurgency operations**

8. The Committee is deeply troubled by the widespread violence and insecurity in the North-West and South-West Regions, inhabited primarily by English speakers, where there have been attacks and clashes between the security forces and armed separatist groups, as well as in the Far North Region, where non-State armed groups, including Boko Haram, subject civilians to terrorist attacks. While recognizing the State party's obligation to protect everyone within its jurisdiction from terrorism, the Committee remains deeply troubled by the numerous allegations of serious violations of the human rights of civilians committed by the defence and security forces, the Rapid Intervention Battalion, the police and gendarmerie forces and other allied groups in the context of counter-insurgency operations, as well as by the violations committed by non-State armed groups. It is also deeply troubled by consistent reports of torture and ill-treatment, summary executions, murders and mass graves, forced displacement, deliberate attacks on civilian populations, enforced disappearance, abduction, arbitrary and prolonged detention without charge or judicial process, incommunicado detention in unofficial places of detention or military bases, the recruitment and use of children in hostilities by armed groups, sexual and gender-based violence and destruction of civilian property and infrastructure. While noting the efforts made by the State party to ensure that those responsible for these offences are held to account, including by investigating some incidents, the Committee deplores the inadequacy, which lends credence to the allegations that the perpetrators of these serious offences are going unpunished, of such investigations and prosecutions as there have been (arts. 2, 4, 12, 13 and 16).<sup>6</sup>

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

(a) **Take immediate steps to strengthen protection for civilians and exercise rigorous control over the defence and security forces, the Rapid Intervention Battalion, police and gendarmerie forces and other allied groups in counter-insurgency operations to prevent them from resorting to torture and ill-treatment, extrajudicial execution, enforced disappearance and arbitrary detention;**

(b) **Ensure that allegations of serious human rights violations committed by State and non-State actors against the backdrop of the security crises in the Far North, North-West and South-West Regions are investigated by an independent entity thoroughly, impartially, effectively and without delay in order to identify, prosecute and punish the perpetrators and guarantee that the victims have access to effective remedies and can obtain redress;**

(c) **Take, without delay, all steps necessary to locating, preserving and keeping under observation suspected mass graves so that an independent mechanism of inquiry, provided with the necessary technical resources, can exhume, analyse and identify any bodies found;**

(d) **Take urgent steps to search for persons reported missing and, in the event of their death, locate, respect and return their remains and ensure that any person who has been harmed as a direct result of the enforced disappearance of a loved one has access to all the information that may be useful in determining the whereabouts of the missing person.**

### **Definition and criminalization of torture**

10. The Committee takes note of the preamble to the Constitution, under which torture and ill-treatment are prohibited, and is of the view that section 277-3 of the Penal Code contains a definition of torture compatible with that of article 1 of the Convention. It remains concerned, however, about the fact that, under the scale of penalties provided for in section 277-3 of the Penal Code, the penalty for acts of torture not causing the death of the victim, permanent deprivation of the use of all or part of a limb, organ or sense, or illness or incapacity to work of more than 30 days, can, in breach of article 4 (2) of the Convention, under which acts of torture are to be made punishable by appropriate penalties which take into account their grave nature, be as little as 2 years' imprisonment. The Committee also

<sup>6</sup> CCPR/C/CMR/CO/5, paras. 25 and 26.

remains concerned about the possible reduction, in accordance with sections 90 and 91 of the Penal Code, of the penalties for acts of torture to as little as 1 year's imprisonment upon a judicial finding of mitigating circumstances. Lastly, it finds it regrettable that the State party has not yet made torture an offence not subject to a statute of limitations (arts. 1 and 4).

**11. The State party should amend section 277-3 of the Penal Code to ensure that the crime of torture is made punishable, in accordance with article 4 (2) of the Convention, by appropriate penalties which take into account its grave nature. It should also amend sections 90 and 91 of the Code to ensure that, in cases of torture, there can be no finding of mitigating circumstances that could lead to reduced penalties and penalties not commensurate with the seriousness of the offence. In addition, it should make the necessary legislative changes to ensure that the offence of torture is not subject to a statute of limitations with a view to avoiding any risk of impunity and guaranteeing that acts of torture are investigated and that the perpetrators are prosecuted and punished.**

#### **Command responsibility**

12. The Committee notes with concern that the principle according to which superior officers are held to account for acts of torture and ill-treatment committed by their subordinates is not explicitly recognized in national legislation (art. 2 (3)).

**13. The State party should amend the Penal Code to incorporate the principle according to which superior officers are held to account for the offences of torture and ill-treatment committed by their subordinates where they are or should have been aware that their subordinates have committed or were likely to commit such offences and failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.**

#### **Fundamental legal safeguards**

14. While taking note of the procedural safeguards that have been provided for in the Constitution and the Criminal Procedure Code in a bid to prevent torture and ill-treatment, the Committee remains concerned about consistent reports that, in practice, persons in custody, in particular those detained for terrorism-related offences, are not routinely afforded all fundamental legal safeguards from the moment they are deprived of their liberty. In this respect, it has been reported that: (a) the right of persons in custody to be informed of the reasons for their arrest, the nature of the charges against them and their other rights is not always respected; (b) access to the services of a lawyer is not guaranteed in practice, particularly during the period of an investigation; (c) timely access to a medical examination performed by an independent doctor with a view to uncovering signs of torture and ill-treatment is not standard practice; (d) persons in custody are often unable to exercise in timely fashion their right, which is sometimes denied them, to notify a relative or a person of their choice; (e) records of all persons deprived of their liberty are neither linked nor centralized; and (f) persons taken into custody are often brought before the examining magistrate well after the time limit under Cameroonian law, putting them at greater risk of torture or ill-treatment. In this regard, the Committee notes with concern that, pursuant to section 119 of the Criminal Procedure Code, the period allowed for remand in police custody may be extended, on the basis of reasons given by the State counsel, for a total of up to 6 days (art. 2).

**15. The Committee urges the State party to:**

**(a) Ensure that, in practice, all persons taken into custody benefit, from the outset of deprivation of liberty and regardless of the reasons therefor, from fundamental legal safeguards for the prevention of torture, including the rights to:**

- (i) Be informed, in a language they understand, of the reasons for their arrest, the nature of the charges against them and their rights;**
- (ii) Be assisted by an independent lawyer of their choice at the various stages of the legal proceedings, including during the investigation, and have access, if necessary, to qualified, independent and free legal counsel;**

- (iii) **Be given an examination, at no charge, by an independent doctor or a doctor of their choice – in addition to any medical examination that may be done at the request of the authorities – out of the hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise, in accordance with the principle of medical confidentiality;**
- (iv) **Have their medical records immediately brought to the attention of State counsel whenever the findings therein or allegations made indicate that torture or ill-treatment may have occurred;**
- (v) **Inform a family member or any other person of their choice of their detention;**
- (vi) **Have a record of their detention entered in a centralized register;**
- (vii) **Be brought before an independent judicial authority as soon as possible, so that the grounds for their placement in custody and extension of custody can be reviewed;**
- (viii) **Challenge the lawfulness of their detention at any stage of the proceedings.**
- (b) **Amend the Criminal Procedure Code to ensure that the period of remand in police custody does not exceed 48 hours and is renewable only once and only in exceptional circumstances duly demonstrated by tangible evidence;**
- (c) **Provide adequate and regular training to officials involved in activities related to detention on fundamental legal safeguards, monitor compliance with the provisions regulating such safeguards and penalize any breaches committed by officials.**

#### **Refugees and asylum-seekers**

16. While it welcomes the State party's policy of receiving a significant number of refugees and asylum-seekers, particularly from Nigeria and the Central African Republic, the Committee remains concerned about consistent reports that Nigerian asylum-seekers, including unaccompanied children or children separated from their families, have been subjected to collective expulsion for alleged collaboration with terrorist movements without having had access to a fair and effective asylum procedure, in violation of the principle of non-refoulement.<sup>7</sup> It also finds regrettable the lack of information on the safeguards against refoulement that are provided for in national legislation.<sup>8</sup> In addition, it remains concerned about reports that the armed forces subject Nigerian refugees and asylum-seekers in the Far North Region to arbitrary detention, ill-treatment, acts of violence, sexual exploitation and extortion. It is likewise troubled by reports of precarious living conditions in asylum reception centres, including as a result of overcrowding and insufficient water, food and healthcare. Lastly, the Committee is concerned about the possible failure to identify asylum-seekers who are victims of torture upon their arrival in the country and to provide them with appropriate support services (arts. 2, 3 and 16).

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

- (a) **Adopt adequate legal and procedural safeguards to ensure that all asylum-seekers and other persons in need of international protection arriving at its borders, regardless of their legal status and mode of arrival, have access to fair and effective refugee status determination procedures and are not subject to refoulement;**
- (b) **Uphold the principle of non-refoulement by ensuring that, in practice, no one is expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;**
- (c) **Investigate all cases of arbitrary detention, ill-treatment, acts of violence, sexual exploitation and extortion to which refugees and asylum-seekers are subjected**

<sup>7</sup> Ibid., paras. 35 and 36.

<sup>8</sup> CERD/C/CMR/CO/22-23, paras. 32 and 33.

and ensure that the perpetrators of such acts are prosecuted and given appropriate sentences, and that the victims and the members of their families are made whole;

(d) **Improve living conditions for refugees and asylum-seekers in reception centres;**

(e) **Put in place effective mechanisms and procedures to identify vulnerable asylum-seekers and other persons in need of international protection, including victims of torture or ill-treatment; give them priority access to the refugee status determination procedure and refer them to the appropriate services without delay.**

#### **Internally displaced persons**

18. The Committee is concerned about reports that a significant number of people who have been displaced, in particular by the widespread violence and security crises in some of the country's regions, are living in precarious conditions in camps. It is particularly troubled by reports of the sexual and gender-based violence to which internally displaced women and girls are subjected (art. 2 and 16).<sup>9</sup>

19. **The State party should redouble its efforts to improve the living conditions and protection of internally displaced persons. In particular, it should take all necessary measures to ensure that displaced women and girls are effectively protected from sexual and gender-based violence, and it should make certain that any such violence is promptly and thoroughly investigated, that the perpetrators are brought to justice and that the victims obtain redress. In addition, it should expedite the development of durable solutions for displaced persons, in accordance with the relevant international standards, including the Guiding Principles on Internal Displacement.**

#### **Conditions of detention**

20. The Committee notes the measures taken by the State party to improve conditions in places of detention, including the adoption of Decree No. 2020/193, which has made it possible to reduce the prison population by around a third, and circular No. 01/LC/MINJUSTICE/CAB/SEAP of 18 March 2020 of the Minister of Justice on the reinforcement of health and safety measures in prisons. It nonetheless remains deeply troubled by reports of chronic overcrowding in the prisons (operating at 164.25 per cent of capacity on 15 April 2024), which is caused chiefly by excessive reliance on and prolonged use of pretrial detention, and of the poor material conditions of detention in many places of deprivation of liberty, in particular insalubrity and general uncleanliness, the absence of ventilation, food and water of poor quality and in insufficient amounts and the lack of recreational or educational activities conducive to rehabilitation. Furthermore, the limited access to quality healthcare, including mental healthcare, and the lack of trained and qualified prison staff, including medical staff, remain serious problems in the prison system. The Committee is also concerned about information on the extent of prison violence, including violence against prisoners for which prison staff are responsible and prisoner-on-prisoner violence, about the failure to separate pretrial detainees and convicted prisoners as well as children and adults in many establishments and about the absence of measures to meet the special needs of prisoners with disabilities (arts. 2, 11 and 16).<sup>10</sup>

21. **The Committee urges the State party to intensify its efforts to bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including by setting aside more resources for these efforts, drawing as much as possible on the support of the international community. In particular, the State party should:**

(a) **Reduce prison overcrowding by relying more heavily on alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Prisoners and Non-custodial Measures for Women Offenders (the**

<sup>9</sup> Ibid., paras. 28 and 29, and [E/C.12/CMR/CO/4](#), paras. 8 and 9.

<sup>10</sup> [CCPR/C/CMR/CO/5](#), paras. 29 and 30.

Bangkok Rules), continue setting up and running projects to develop prison infrastructure and improve conditions of detention and ensure that pretrial detention is ordered only as an exception, for limited periods and in compliance with the law, taking into account the principles of necessity and proportionality;

(b) Ensure that the basic needs of persons deprived of their liberty, including those with disabilities, are met, in particular with regard to access to sufficient amounts of drinking water and food of suitable quality;

(c) Provide access to recreational and cultural activities in places of detention, as well as to vocational training and education, with a view to promoting the reintegration of prisoners into the community;

(d) Set aside the resources needed to ensure the proper medical care and healthcare of prisoners, including mental healthcare, in accordance with rules 24–35 of the Nelson Mandela Rules;

(e) Increase the number of trained and qualified prison officers, including medical personnel, and monitor and manage prisoner-on-prisoner violence more robustly;

(f) Ensure that prompt, impartial and effective investigations are undertaken by an independent body into all allegations of torture and ill-treatment by prison personnel and that the alleged perpetrators are prosecuted and duly punished;

(g) Ensure that persons in pretrial detention and convicted prisoners and children and adults are strictly separated in all places of deprivation of liberty;

#### **Unofficial places of detention**

22. While noting the prohibition in national law of unlawful detention in places not intended for detention, as well as the State party's assertion that there are no secret places of detention in the country, the Committee remains deeply concerned about reports from credible sources that many people from the Far North, North-West and South-West Regions who are suspected of supporting Boko Haram or separatist armed groups have been held illegally and incommunicado in unofficial places of detention (arts. 2, 11 and 16).

23. **The State party should ensure, as a matter of priority, that national legislation is applied effectively throughout the country and immediately and permanently close all unofficial places of detention. It should also order the immediate placement of persons who could be detained in such places, including persons suspected of terrorism, under court supervision and ensure that they enjoy all fundamental safeguards, that acts of torture or ill-treatment are prevented and that these persons are afforded protection from such acts.**

#### **Deaths in custody**

24. The Committee is concerned about the large number of deaths, including violent deaths, that reportedly occur in places of detention. It is also concerned about allegations that torture and a lack of healthcare are frequent causes of death in custody, particularly in the case of people accused of terrorism. It regrets the absence of reliable information on the total number of deaths in custody for the entire period under review, on the causes of these deaths and the related investigations, on the measures taken specifically to prevent further deaths in custody and on any compensation awarded to relatives of deceased persons (arts. 2, 11–13 and 16).

25. **The State party should take the steps needed to:**

(a) **Immediately appoint an independent body to conduct an impartial investigation into all cases of death in custody, with due regard for the Minnesota Protocol on the Investigation of Potentially Unlawful Death, determine what the causes of such deaths are and whether State agents or their superiors are responsible and, if so, duly punish the guilty parties and provide the families of the victims with adequate compensation;**



(b) **Assess and improve strategies to prevent suicide, prisoner-on-prisoner violence and self-harm, as well as the programmes to prevent, detect and treat chronic, degenerative and infectious or contagious diseases in prisons;**

(c) **Compile detailed information on deaths in all places of detention and inform the public of the number of such deaths, their causes and the outcome of the relevant investigations.**

#### **Monitoring of places of detention and the national preventive mechanism**

26. While noting the State party's assertion that prisons and other places of deprivation of liberty are regularly visited by international and national organizations responsible for monitoring such places, the Committee is concerned about the resources that have been set aside for the Cameroon Human Rights Commission, which remain insufficient for it to do all that it is meant to do to prevent torture. It is also concerned about allegations that non-governmental organizations (NGOs) working in the field of human rights are rarely given leave to examine conditions in places of detention and that such access as they are given depends largely on the relationship between the NGO representatives and prison officials. It is also concerned about the lack of information on the specific measures taken to ensure the effective implementation of the recommendations made by the Subcommission on the Prevention of Torture after its visits to places of deprivation of liberty and about the failure to make its reports on its visits public. Lastly, the Committee finds it regrettable that the State party has not yet deposited the instrument of ratification of the Optional Protocol, despite the conclusion of the domestic ratification process in 2010 and the commitment made by the State party during the fourth cycle of the universal periodic review (arts. 2, 11 and 16).<sup>11</sup>

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

(a) **Ensure that the Cameroon Human Rights Commission, in particular the Subcommission on the Prevention of Torture, is able to make regular, independent and unannounced visits to all places of deprivation of liberty in the country, both civilian and military, and to interview all detainees in confidence; give organizations mandated to visit places of detention the necessary access; and follow up on the results of this systematic monitoring;**

(b) **Provide the Cameroon Human Rights Commission, the Subcommission on the Prevention of Torture in particular, with the resources and capacity it needs to fulfil its preventive mandate effectively and consider making public its reports on its visits to places of detention;**

(c) **Give human rights NGOs with a mandate to visit places of detention access to such places;**

(d) **Expedite the process of depositing the instrument of ratification of the Optional Protocol.**

#### **Psychiatric institutions**

28. The Committee regrets the lack of information on the laws, procedures and practices in force in the State party concerning: (a) the involuntary hospitalization and treatment of persons placed in psychiatric institutions on account of an impairment; (b) the legal means of challenging involuntary hospitalization and treatment; (c) the use of physical and chemical forms of restraint and solitary confinement in respect of persons with psychosocial or intellectual disabilities in psychiatric institutions; and (d) access to mechanisms to investigate reported human rights violations, in particular torture or ill-treatment. The Committee also regrets the lack of information on the number of persons with disabilities deprived of their liberty, their legal status and their living conditions, as well as on the work of the oversight mechanisms responsible for inspecting and monitoring psychiatric institutions (arts. 2, 11 and 16).

<sup>11</sup> [A/HRC/55/16](#), paras. 35.11–35.15, and [A/HRC/55/16/Add.1](#), para. 4.



29. The State party should take the necessary measures to: (a) amend the legislation governing involuntary hospitalization to ensure respect for the legal safeguards put in place to prevent torture and ill-treatment, including judicial oversight; (b) put an end to the solitary confinement of persons with psychosocial or intellectual disabilities when such confinement could worsen their condition and ensure that restraint and force are used only as a last resort, when strictly necessary, in a proportionate manner and in accordance with the law, under strict supervision and for the shortest possible time; (c) conduct prompt, impartial and thorough investigations into all allegations of torture or ill-treatment in psychiatric institutions, whether public or private, prosecute those suspected of ill-treatment and, if found guilty, ensure that they are given penalties commensurate with the gravity of their acts, while providing the victims with effective remedies and compensation; (d) provide medical and non-medical professionals in these establishments with training on the rights of people with disabilities, including the right to free and informed consent, and on non-violent and non-coercive methods of intervention; and (e) ensure that psychiatric hospitals are adequately monitored and that effective safeguards are in place to prevent any ill-treatment of persons in such facilities.

### **Juvenile justice**

30. While noting with appreciation the adoption of the National Child Protection Policy Document (2017–2026), the Committee is concerned about the insufficient legal protection of children in conflict with the law. It is, for example, troubled by:

- (a) The absence of juvenile courts, long periods of pretrial detention and limited access to legal aid;
- (b) The lack of alternatives to detention for children in conflict with the law;
- (c) Reports that detained children are subjected to ill-treatment by prison staff;
- (d) Reports that children are being recruited by armed groups in the Far North, North-West and South-West Regions and forced to take part in hostilities (arts. 2, 11–14 and 16).<sup>12</sup>

31. The State party should redouble its efforts to bring its juvenile justice system into line with international standards, including the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and:

- (a) Consider the establishment, as soon as possible, of specialized juvenile courts and judicial procedures, while setting aside sufficient human, technical and financial resources and appointing specialized judges to administer them;<sup>13</sup>
- (b) Ensure that children in conflict with the law receive legal aid from qualified, independent lawyers at the outset of and throughout the proceedings;
- (c) Ensure that children are deprived of their liberty only as a last resort and for the shortest possible time, in particular by actively encouraging the use of non-judicial measures for children accused of criminal offences and, where possible, the application of non-custodial sentences, such as probation or community service;
- (d) Promptly investigate all cases of torture and ill-treatment of children in detention and punish the perpetrators appropriately;
- (e) Ensure, where detention is unavoidable, that conditions of detention meet international standards, including in respect of access to education and health services, that consideration is regularly given to releasing children in pretrial detention and that detained children are strictly separated from adults, in accordance with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules);

<sup>12</sup> [CRC/C/CMR/CO/3-5](#), paras. 46 and 47.

<sup>13</sup> Committee on the Rights of the Child, general comment No. 24 (2019), para. 107.

(f) **Increase the number of well-trained and qualified prison staff capable of properly addressing the special needs of children;**

(g) **In accordance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, identify and put an end to the recruitment and use of child soldiers in armed violence in the Far North, North-West and South-West Regions and ensure that child soldiers are rapidly disarmed, demobilized, rehabilitated and reintegrated, and return to their families.**

#### **Allegations of torture and combating impunity**

32. In view of the scale of allegations and complaints of torture and ill-treatment by public officials, including police officers and gendarmes, during arrest, transport, custody and interrogation of persons and while involved in riot control, as well as by defence and security forces and intelligence officers in counter-insurgency operations, and reports that police oversight mechanisms remain ineffective, the Committee is deeply troubled by the failure, which contributes to a climate of impunity, to hold those responsible to account, as demonstrated by the small number of disciplinary measures and criminal prosecutions that have been reported. Moreover, it is regrettable that it has not received accurate information on the number of complaints of torture or ill-treatment that have resulted in criminal investigations and proceedings, the number of convictions and the penalties and disciplinary measures imposed during the period under review. It also notes with concern that there is still no real effective, accessible, independent and confidential mechanism specifically tasked with receiving complaints of torture or ill-treatment in all places of deprivation of liberty and that existing investigation bodies lack the necessary independence, as they report to the same authorities as the alleged perpetrators. Lastly, the Committee remains concerned about the possible interference of the executive authorities in the independence of the judiciary, as it is still possible, pursuant to section 64 of the Criminal Procedure Code, for the Ministry of Justice to enter a *nolle prosequi* in the “social interest” or for the sake of “public order”, including in cases relating to torture (arts. 2, 4, 11–13 and 16).<sup>14</sup>

#### **33. The State party should take the steps needed to:**

(a) **Ensure that all alleged acts of torture or ill-treatment are investigated promptly, effectively and impartially by an independent body, that there is no institutional or hierarchical relationship between the investigators and the suspected perpetrators, that suspected perpetrators, including those in positions of authority, are duly brought before a court and, if found guilty, sentenced to punishment commensurate with the gravity of their acts and that the victims receive appropriate compensation; in this regard, the Committee requests the State party to clarify whether investigations have been initiated into the allegations of torture and ill-treatment of the persons mentioned in paragraph 20 of the list of issues prior to the submission of the sixth periodic report and, if so, what the outcome of the investigations was;**<sup>15</sup>

(b) **Ensure that the authorities launch investigations whenever there are reasonable grounds to believe that acts of torture or ill-treatment have been committed;**

(c) **Ensure that in cases of torture or ill-treatment, the officials involved are suspended immediately and for the duration of the investigation, in particular if there is a risk that they will commit the acts of which they are suspected again, retaliate against the alleged victim or obstruct the investigation, subject to the principle of the presumption of innocence;**

(d) **Take urgent steps to establish an effective and independent mechanism to oversee public bodies involved in the custody of individuals who have been subjected to any form of arrest, detention or imprisonment;**

(e) **Put in place an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and**

<sup>14</sup> CCPR/C/CMR/CO/5, paras. 27 and 28.

<sup>15</sup> CAT/C/CMR/QPR/6.

prisons, and protect complainants, victims and the members of their families from any risk of retaliation;

(f) **Take the necessary legislative measures to ensure that section 64 of the Criminal Procedure Code can never be invoked to order an end to criminal proceedings where there are reasonable grounds to believe that an act of torture has been committed;**

(g) **Compile and disseminate disaggregated statistical data on complaints, investigations, prosecutions and convictions in respect of cases involving torture or ill-treatment.**

#### **Inadmissibility of confessions and statements made as a result of torture**

34. While noting section 315 of the Criminal Procedure Code relating to the admissibility of evidence obtained through duress, violence or intimidation, the Committee remains concerned about reports that confessions and other statements obtained as a result of torture or coercion are admitted as evidence by the courts and that these practices persist as a result of the impunity of the perpetrators. The lack of information on the number of cases in which courts have declared evidence obtained as a result of torture or duress null and void is regrettable (art. 15).

35. **The State party should take effective measures to ensure that, in practice, confessions, statements and other forms of evidence obtained as a result of torture or ill-treatment are not invoked as evidence, except against a person accused of torture as evidence that the statement was made, that all allegations of torture and ill-treatment made in judicial proceedings are promptly, effectively and independently investigated and that the alleged perpetrators are prosecuted and, if found guilty, punished. The State party should also ensure that all police officers, gendarmes, members of the defence and security forces, military personnel, judges and public prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the courts to declare confessions made under torture inadmissible, drawing, in that regard, on the Principles on Effective Interviewing for Investigations and Information-Gathering (Méndez Principles).**

#### **Military courts**

36. The Committee remains concerned about the fact that Law No. 2014/028 of 23 December 2014, on the suppression of acts of terrorism, gives military courts jurisdiction to try civilians responsible for such acts and that this jurisdiction is further broadened under Law No. 2017/012 of 12 July 2017 to Lay Down the Code of Military Justice. It is also concerned about reports that civilians, including actual or perceived critics of the Government, have been tried and convicted in such courts in trials, including mass trials, in which due process is not followed and a fair trial is not guaranteed (arts. 2, 11–13 and 16).<sup>16</sup>

37. **The State party should consider reviewing its legislation to ensure that the military courts no longer have jurisdiction to try civilians, including in cases involving acts of terrorism, and make certain that fundamental procedural safeguards and guarantees of a fair trial are systematically applied in these courts.**

#### **Death penalty**

38. While noting the de facto moratorium on the death penalty in place in the State party, in which there have been no executions since 1997, the Committee remains concerned about: (a) the large number of offences, including less serious offences not involving intentional homicide, punishable by death under national laws; (b) the ongoing imposition of the death penalty, particularly in the context of the fight against terrorism, including by military courts; (c) reports that such death sentences are often accompanied by a lack of due process and fair trial guarantees; and (d) reports that the conditions in which persons sentenced to death are detained can, in and of themselves, amount to ill-treatment (arts. 2, 11 and 16).

<sup>16</sup> CCPR/C/CMR/CO/5, paras. 37 and 38.

39. **The State party should:**

(a) **Review its legislation, including the Penal Code, Law No. 2014/028 and other laws providing for the death penalty, to ensure that sentence of death is imposed only for the most serious crimes, in accordance with article 6 (2) of the International Covenant on Civil and Political Rights and paragraph 35 of general comment No. 36 (2018) of the Human Rights Committee;**

(b) **Consider the possibility of reviewing its policy, with a view to abolishing the death penalty in law or taking affirmative steps to formalize the moratorium on the death penalty, and take steps to commute to life imprisonment the sentences of the persons who have been sentenced to death;**

(c) **Ensure that the conditions of detention for prisoners on death row do not constitute cruel, inhuman or degrading treatment or punishment by taking immediate steps to strengthen legal safeguards and ensure access to free legal aid;**

(d) **Consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

**Human rights defenders, members of civil society, journalists and political opponents**

40. The Committee remains concerned about reports according to which human rights defenders, members of civil society, journalists, political opponents and peaceful protesters have been subjected to intimidation, threats, harassment, excessive use of force, arbitrary arrest and detention, prosecution, including before military courts, torture and ill-treatment, enforced disappearance and extrajudicial execution. It is also concerned about the State party's inadequate efforts to provide such people with the protection they need, to conduct prompt, effective and impartial investigations and to punish the perpetrators appropriately. In addition, the Committee remains concerned about the numerous allegations that representatives of civil society and journalists are, as illustrated by the cases of Martinez Zogo, Longue Longue and Ramon Cotta, subjected to reprisals, physical or psychological attacks, judicial persecution, arbitrary arrest and detention, enforced disappearance, torture and ill-treatment of (arts. 2, 12, 13 and 16).<sup>17</sup>

41. **The State party should take the measures necessary to ensuring that human rights defenders, members of civil society, journalists, political opponents and peaceful protesters are adequately protected from all forms of intimidation, threats, harassment, excessive use of force, arbitrary arrest and detention, prosecution, torture and ill-treatment, enforced disappearance and extrajudicial execution that they may be at risk of as a result of their activities. It should also ensure that all the offences against representatives of civil society representatives and journalists, including the alleged torture of Martinez Zogo, Longue Longue and Ramon Cotta, are thoroughly and impartially investigated, that those responsible are tried and convicted and that the victims or their families obtain redress.**

**Counter-terrorism**

42. While aware of the State party's national security concerns, the Committee remains troubled by reports that the definition of terrorism contained in Law No. 2014/028 is vague, overly broad and has reportedly been used to stifle critics, real or perceived, of the Government. It also finds it troubling that persons suspected or accused of involvement in terrorist acts may be held under custodial arrest for a period of 15 days, renewable on the authorization of the competent military attorney as many times as he or she deems necessary, thereby making it possible to detain suspects indefinitely, and by reports that some people have been under custodial arrest for more than 6 months without being charged. In addition, the Committee notes with concern allegations that, against the backdrop of counter-terror operations, particularly in the Far North Region, persons accused of terrorism are often subjected by agents of the State to arbitrary arrest and detention, forced displacement, refoulement, sexual and gender-based violence, torture and ill-treatment, enforced

<sup>17</sup> Ibid, paras. 41 and 42, and [CERD/C/CMR/CO/22-23](#), paras. 16 and 17.

disappearance and extrajudicial execution and regrets the lack of information on investigations and prosecutions and their outcome, including compensation for victims (arts. 2, 11, 12 and 16).<sup>18</sup>

**43. The State party should:**

(a) **Revise the definition of terrorism contained in Law No. 2014/028 to bring it into line with the Convention and international standards, ensuring in particular that acts of terrorism are defined precisely and strictly, with a clear delimitation of the rights to be protected, and that persons deprived of their liberty who are accused of terrorism benefit from fundamental legal safeguards against torture, ill-treatment and arbitrary detention; and ensure that counter-terrorism legislation is not used to restrict the rights enshrined in the Convention;**

(b) **Reduce the maximum length of time for which a person suspected of terrorism can be held in custody, ensure that any extension is limited to duly justified exceptional circumstances and provide for the judicial oversight of the lawfulness of the detention;**

(c) **Ensure that places of detention where persons accused or convicted of terrorism are held are adequately and regularly monitored and that effective safeguards are in place to prevent them from being subjected to acts of torture or ill-treatment;**

(d) **Ensure that all allegations of torture, ill-treatment and other offences committed by public officials against persons accused of involvement in terrorist acts are promptly, impartially and effectively investigated, that those responsible are prosecuted and duly punished and that the victims obtain redress.**

**Violence against women**

44. The Committee notes with concern the high levels of violence against women, in particular domestic and sexual violence, including rape. It is particularly troubled by the absence of a general law on violence against women and of a legal provision under which domestic violence, including spousal rape, is expressly made a specific crime, as well as by the reportedly low rates of reporting by victims and the low prosecution and conviction rates for sexual and gender-based violence. The Committee is also concerned about reports of substandard efforts to protect and assist victims of gender-based violence, particularly with regard to shelters and rehabilitation services. In addition, it is concerned about the persistence of harmful traditional practices such as child and forced marriage, female genital mutilation, breast ironing, the stigmatization of widows and widowhood rites, even though they are prohibited by law.<sup>19</sup> Lastly, the Committee is concerned about sections 337 and 339 of the Penal Code, under which recourse to abortion is criminalized except in cases of grave danger to the woman's health, and about the restrictive conditions imposed on access to legal abortion in cases of rape. It fears that these legal restrictions push women into having unsafe abortions in conditions that put their lives at risk and cause them physical and mental harm (arts. 2 and 16).<sup>20</sup>

**45. The State party should:**

(a) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, including harmful traditional practices, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if found guilty, punished appropriately and that the victims or their families obtain redress, including adequate compensation;**

<sup>18</sup> [CCPR/C/CMR/CO/5](#), paras. 11 and 12.

<sup>19</sup> [E/C.12/CMR/CO/4](#), paras. 46 and 47, [CCPR/C/CMR/CO/5](#), paras. 19 and 20, and [CEDAW/C/CMR/CO/4-5](#), paras. 16–19.

<sup>20</sup> [E/C.12/CMR/CO/4](#), paras. 58 and 59, [CCPR/C/CMR/CO/5](#), paras. 21 and 22, [CEDAW/C/CMR/CO/4-5](#), paras. 32 and 33, and [CRC/C/CMR/CO/3-5](#), para. 35.

- (b) **Adopt a general law on violence against women and ensure that domestic violence, including spousal rape, is made a specific offence;**
- (c) **Ensure the strict application of the relevant criminal provisions and, to this end, provide systematic training to judges, prosecutors, law enforcement officers and lawyers on all of these legal provisions;**
- (d) **Conduct extensive information and awareness-raising campaigns to explain to the public and all parties concerned that violence against women, including domestic and sexual violence and harmful traditional practices, is an offence under criminal law, and to eliminate the taboos surrounding these offences as well as the stigma and exclusion that affect the victims and discourage them from filing complaints;**
- (e) **Intensify its efforts to provide victims and their families with protection, assistance and means of redress, including by increasing the number of shelters and developing programmes for medical treatment and psychosocial rehabilitation and reintegration, particularly in rural areas;**
- (f) **Amend the Penal Code to decriminalize abortion, taking into account the Guidelines on Abortion Care of the World Health Organization, updated in 2022, and ensure that all women and girls, including those from disadvantaged groups, have access to legal abortion in safe and dignified conditions, without harassment or criminal prosecution, while guaranteeing them access to post-abortion care, whether the abortion was legal or illegal.**

#### **Violence on the basis of sexual orientation and gender identity**

46. The Committee notes with concern that sexual relations between consenting adults of the same sex are still a punishable offence under section 347-1 of the Penal Code. It also remains concerned about the discrimination, harassment, intimidation, threats to physical safety, arbitrary arrests and detention, violence and hate crimes to which lesbian, gay, bisexual and transgender persons, as well as human rights defenders who denounce these offences, are reportedly subjected. In addition, the Committee is concerned about the impunity enjoyed by the perpetrators of these acts (arts. 2, 12, 13 and 16).<sup>21</sup>

47. **The State party should decriminalize consensual same-sex relations and repeal section 347-1 of the Penal Code. It should also take all necessary measures to ensure that lesbian, gay, bisexual and transgender persons, as well as the human rights defenders who assist them, are adequately protected from the discrimination, harassment, intimidation, threats to their physical safety, arbitrary arrests and detention, violence and hate crimes to which they may be at risk on account of their real or supposed sexual orientation or gender identity. In addition, the State party should ensure that all allegations of such abuses are investigated promptly, effectively and impartially, that the perpetrators are prosecuted and, if found guilty, punished appropriately and that the victims obtain redress.**

#### **Redress**

48. The Committee remains concerned about reports that civil suits in which a victim makes a claim for compensation cannot be filed independently of the related criminal proceedings. It finds it regrettable that the State party was not in a position to provide sufficient information on the restitution and compensation ordered by the courts and other State bodies and actually granted to victims of torture or ill-treatment through the civil remedies available under the law or any other means of recourse allowing those victims to seek monetary and non-monetary damages and ensuring that they have the means for medical and psychosocial rehabilitation. The Committee also regrets the lack of information on the establishment of rehabilitation programmes for victims of torture that incorporate all the forms of redress envisaged in article 14 of the Convention (art. 14).

<sup>21</sup> [E/C.12/CMR/CO/4](#), paras. 23 and 24, and [CCPR/C/CMR/CO/5](#), paras. 13 and 14.



49. **The State party should:**

(a) **Take the legislative and administrative measures necessary to ensuring that claims for damages can be brought by victims of torture or ill-treatment, their families or the person defending them, independently of any criminal proceedings that might have been instituted or completed, including in cases where the perpetrator of the acts in question has not been identified;**

(b) **Ensure, in law and in practice, that all victims of torture or ill-treatment obtain redress, enjoy the right to fair and adequate compensation and receive the means for as full rehabilitation as possible, and guarantee that the public is adequately informed of these matters;**

(c) **Develop its capacity to compile and use up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, and on the forms of such redress and the results achieved.**

**Training**

50. While noting the State party's efforts to provide general human rights training, in particular for police officers, judicial and prison staff and personnel of the defence and security forces, the Committee finds it regrettable that forensic doctors and medical personnel dealing with detainees are not given specific training on the Convention or the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, to enable them to detect and document the physical and psychological after-effects of torture. Furthermore, the Committee finds it regrettable that no mechanism for evaluating the effectiveness of training programmes has been put in place (art. 10).

51. **The State party should:**

(a) **Develop mandatory initial and in-service training programmes to ensure that all State agents, in particular law enforcement officers, personnel of the defence and security forces, military personnel, judicial officials, prison staff, immigration personnel and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;**

(c) **Develop and apply methods of assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts and the prosecution of those responsible.**

**Follow-up procedure**

52. **The Committee requests the State party to provide, by 22 November 2025 at the latest, information on the action it has taken in follow-up to its recommendations on conditions of detention, the monitoring of places of detention and the national preventive mechanism, and allegations of torture and the fight against impunity (see paras. 21 (e), 27 (d) and 33 (a)). The State party is also invited to inform the Committee of its plans to implement, within the coming reporting period, the remaining recommendations made in the present concluding observations.**

**Other issues**

53. **The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through**



official websites, the media and NGOs and to inform the Committee of its dissemination activities.

54. The Committee requests the State party to submit its next periodic report, which will be its seventh, by 22 November 2028. For that purpose, and as the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its seventh periodic report under article 19 of the Convention.

---