



# International Covenant on Civil and Political Rights

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## Human Rights Committee

Ninety-seventh session

Geneva, 12 – 30 October 2009

### **List of issues to be taken up in connection with the consideration of the fourth periodic report of Cameroon (CCPR/C/CMR/4)\***

#### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide examples of cases in which the Covenant has been directly applied or used to interpret domestic law by courts. As it is stated in the core document of State party that Covenant provisions with implications for criminal law need to be supplemented by national legislation in order to be applicable, please identify which are the provisions of the Covenant that have not yet been implemented in criminal law in addition to the prohibition of torture. (HRI/CORE/1/Add.109, para. 34)
2. Please provide information on the implementation of the Committee's Views regarding Communication No. 458/1991 (*Mukong*) (see para. 229); Communication No. 1134/2002 (*Gorji-Dinki*); Communication No. 1186/2003 (*Titahongo*); and Communication No. 1353/2005 (*Afuson*).
3. Please describe in further detail the extent to which the National Commission on Human Rights and Freedoms exercises jurisdiction over human rights violations in practice. Please provide information as to whether individual cases are automatically referred to the judicial system when the Commission recommends the institution of criminal proceedings, including examples of, and statistics on, the individual complaints which resulted in criminal proceedings following the finding of a human rights violation by the Commission (paras. 34-36, and 230-238; previous concluding observations, CCPR/C/79/Add.116, para. 27). What measures have been adopted to ensure the full independence of the Commission from the executive authority, including an adequate budget to exercise its functions?
4. What measures, if any, have been adopted to raise awareness among traditional rulers of the rights protected by the Covenant, and to ensure that the Covenant provisions are taken into consideration by customary courts and with what results (para. 62)?

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\* Unless otherwise specified, paragraph numbers in brackets refer to the State party report published under symbol CCPR/C/CMR/4.

**Non-Discrimination, freedom from interference with privacy, protection of the family, and equality of men and women (arts. 2, para 1; 3; 17; 23 and 26)**

5. Please indicate the further measures envisaged by the State party to ensure that all laws, including customary laws, are compatible with the Covenant, and, in particular, to prevent unequal treatment between women and men. Has the State party adopted a law prohibiting discrimination against women? Please provide examples of cases where women complaining about discriminatory customary practices received redress in court and please provide more detailed information on the steps taken to prevent such cases. (paras. 47-67); previous concluding observations, para. 9).

6. Has the State party adopted the draft Code of the Person and the Family, and, if so, please provide detailed information on this law (para. 611). In the light of article 3 of the Covenant, does the State party plan to abolish polygamy? Please provide examples of cases where women successfully claimed annulment of a marriage on the basis of a forced or unforced polygamous union and please indicate what steps are being taken to ensure that women know about their right to refuse a polygamous marriage.

7. Please describe in detail the positive action taken, if any, to ensure women's access to education and to increase women's participation in the labour market (paras. 78-96, 273 and 638). Please also provide further information on the initiatives taken with a view to raising awareness among traditional rulers of school attendance by girls (para. 83). What measures have been taken to increase the representation of women in public life and the public service, in particular in decision-making positions (paras. 275-279)?

8. What measures have been taken to reduce the high maternal and infant death rates, particularly in rural areas, which reportedly are often caused by unsafe abortions (paras. 632-633)? Please also provide more information on the situations in which an abortion is legal according to section 339 of the Penal Code, and how the State party ensures that they can be carried out by ensuring that the number of "qualified persons" to carry out abortions is sufficient (paras. 114-116; previous concluding observations, para. 13).

9. Please explain the inconsistency between the provisions of the Penal Code criminalizing sexual relations between consenting adults of the same sex and the obligations of the State party under articles 2, 17, and 26 of the Covenant. What measures have been taken by the State party to prevent violence against persons because of their sexual orientation?

**Violence against women (arts. 3, 7)**

10. Please provide information on the bill regarding "The Prevention and Punishment of Violence against Women and Gender-based Discrimination," including the date of adoption (para. 281). Please also provide information on the measures taken to ensure the effective investigation, prosecution, and sanctioning of acts of violence against women, including domestic violence. Please clarify whether domestic violence and marital rape are presently recognized as criminal offenses in the State party's criminal law.

11. Considering the State party's position highlighted in the report, are there any plans to prohibit female genital mutilation by law as recommended by the Committee (paras. 97-107; previous concluding observations, para. 12)? Please provide more information on the concrete measures taken to combat this phenomenon in practice, such as sensitization campaigns (para. 106). Please also provide more information on prosecutions of cases of female genital mutilation, including on the sentences handed down, under the existing legal provisions as outlined in the report (paras. 100-105).

### **Right to life (art. 6)**

12. Please provide updated statistics regarding the number and type of offences for which the death penalty has been imposed since the last report, including the number of prisoners on death row as well as the number and type of cases in which the death sentence was commuted under Decrees Nos. 2005/182 and 2005/183 of 31 May 2005 (paras. 118-122, previous concluding observations, para. 14). Does the State party intend to establish an official moratorium on the execution of death sentences? Please also provide detailed information on the legal provisions governing appeals against death sentences and their application in practice.

13. Please comment on reports that extrajudicial killings continue to take place and that such cases are not always investigated, despite the measures taken by the State party (paras. 123-145; previous concluding observations, para. 15).

14. Please provide information on the continued occurrence of disappearances in the State party and their number. Please also provide more information on “the nine missing persons of Bepanda” case, as well as on a series of alleged disappearances in Maroua, in the Extreme North Province, since December 2007, reportedly committed by members of the “Battalion d’intervention rapide” (antigang unit) (State report, paras. 158-160; previous concluding observations, para. 18)

### **Prohibition of torture and cruel, inhuman or degrading treatment, and liberty and security of the person (arts. 7, 9)**

15. Please describe what additional measures are envisaged to prevent the reportedly continued use of torture by law enforcement personnel and to ensure that sentences for perpetrators of torture are sufficiently dissuasive. What remedies have been offered to torture victims in the cases listed in the report and what measures have been taken in respect of those responsible? Please also explain the small number of prosecutions for torture and similar offences by law enforcement officials, and the light sentences (usually suspended) as well as the similarly light disciplinary measures (typically reprimand).

16. Please provide more detailed information on the Special Division for the Control of Services, in particular whether its mandate includes the investigation and prosecution of complaints of torture and ill-treatment during all stages of deprivation of liberty and how its independence is guaranteed (paras. 43-44) (previous concluding observations, para. 20). Please comment on reports that many cases of torture are unreported as victims lack confidence in the judicial system or are ignorant of their rights.

17. Please indicate whether corporal punishment of children in the education system is prohibited by law and if so, what measures have been adopted to prevent its application in practice (paras. 297-299)?

18. Please comment on reports that the length prescribed by law for detention in custody is not respected in practice and that many detainees are not informed about their rights. Please clarify the average length of police custody and pretrial detention. Please also clarify whether detention in custody can be prolonged for an indefinite period through the authorization of a Governor or Minister (para. 163, 312-324) (previous concluding observations, para. 19). Please also provide information on prosecutions carried out on the basis of sections 219 and 140 of the Penal Code for false arrest and oppression during the reporting period and the remedies awarded to victims (paras. 306-310).

### **Treatment of prisoners and imprisonment for debt (arts. 10, 11)**

19. What further steps have been taken by the State party to decrease the persisting overcrowding in prisons, in particular in light of reports that the majority of prisoners are

held in pretrial detention, and to improve detention conditions, including with regard to health care, food, hygiene, and to prevent violence among prisoners (paras. 190-222; previous concluding observations, para. 23)? Has there been any progress concerning the modernization of the prison administration and how does the State party ensure that detainees are separated from convicted persons as prescribed by law. Please also provide further information on Law No. 2005/007. Does the State party consider setting up an independent body for inspection of places of detention and do non-governmental organizations have access to detention facilities?

20. Please explain whether article 564 of the Code of Criminal Procedure permits imprisonment for failure to pay a debt and please comment on reports that 5 per cent of all detainees are imprisoned for non-payment of debts (para. 345).

#### **Freedom of movement (art. 12)**

21. Please provide further detailed information on the procedure permitting the removal of passports of citizens of the State party, including the criteria applied by the prosecutor (paras. 179-184, 346-358; previous concluding observations, para.22).

#### **Expulsion of aliens (art. 13)**

22. Please indicate whether the decree for the implementation of key provisions of Law No. 2005/006 of July 2005 on refugees has been adopted? In particular, please indicate whether and how the two commissions envisaged under this Law have been established (para. 365).

#### **Right to a fair trial and equality before the law (arts. 14, 26)**

23. Please indicate whether the State party intends to limit the jurisdiction of military tribunals to offenses of a military nature (paras. 179-184; previous concluding observations, para. 21)?

24. Please explain to what extent the measures taken by the State party have reduced the excessive length of judicial proceedings (para. 447). Is legal aid available to indigent persons? Please also comment on reports according to which the trials in relation to the February 2008 events were not in conformity with the State party's obligation under article 14, in particular with regard to the right of access to counsel.

#### **Freedom of expression and freedom of association (arts. 19 and 22)**

25. Please indicate what measures the State party intends to take to decriminalize press offences and whether the laws relating to criminal defamation have been reformed (paras. 223-228, 553-555; previous concluding observations, paras. 24-25)? Please provide information on cases of journalists prosecuted for publishing false information during the reporting period. Please describe the measures taken to protect journalists from harassment.

26. Members of non-governmental organizations and human rights defenders are widely reported to be harassed, intimidated, arrested and illegally detained. Please comment in light of article 19 and indicate what measures have been taken to guarantee their freedom of expression. Please also provide more detailed information on the legal provisions regulating non-governmental organizations (para. 569).

#### **Rights of the child (art. 24)**

27. Have the bills mentioned in the report in relation to the rights of the child been adopted (paras. 644, 646)? Please also provide information on the effectiveness of the steps

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taken to enforce the legal provisions aimed at eradicating trafficking in children (paras. 647, 651).

**Right to take part in the conduct of public affairs (art. 25)**

28. Please provide detailed and updated information on the mechanism(s) that currently exist in the State party to ensure that elections are transparent and fair (paras. 679, 681-706). In particular, is “Elections Cameroon/ELECAM” currently operational and how is its independence from the executive office guaranteed?

**Rights of persons belonging to minorities (art. 27)**

29. Please provide information on the representation of members of minority groups in public life, including in Parliament. Please provide more detailed information on the measures takes by the State party to ensure that members of minorities can freely enjoy their own culture (paras. 743-748). Please also comment on reports that the exploitation of natural resources, in particular the logging activities, negatively affects certain minority groups, such as the Baka, Bakola, Bedzang, and Mbororo communities (commonly referred to as “Pygmies”), as they depend on these lands for subsistence.

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