



# OPERATIONAL GUIDANCE NOTE

## CAMEROON

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#### 1. Introduction

1.1 This document evaluates the general, political and human rights situation in Cameroon and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Caseworkers must refer to the relevant Asylum Policy Instructions for further details of the policy on these areas.

1.2 This guidance must also be read in conjunction with any COI Service Cameroon Country of Origin Information at:

[http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

1.3 Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the API on Article 8 ECHR. If, following consideration, a claim is to be refused, caseworkers should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

#### **Source documents**

1.4 A full list of sources cited as footnotes is at the end of this note.

#### 2. Country assessment

- 2.1** Cameroon is a republic dominated by a strong presidency. Despite the country's multiparty system of government, the Cameroon People's Democratic Movement (CPDM) has remained in power since the early years of independence from the British and French in 1960-1.<sup>1</sup> In 1990 in response to growing civil unrest and political dissent from the unofficial opposition Social Democratic Front (SDF), President Biya approved the legalisation of a multi-party system. Legislative elections were held in May 1992 and were contested by 32 political parties. The first presidential elections under a multi-party system in October 1992 were fiercely contested and controversial. President Biya was re-elected by a narrow margin (39-36%) over the leading opposition candidate, John Fru Ndi of the Social Democratic Front. International observers regarded the elections as flawed.<sup>2</sup>
- 2.2** Legislative elections were held again in May 1997, with the ruling CPDM winning 109 of the 180 seats in the National Assembly. There were claims of widespread fraud; results were referred to the Supreme Court and international election monitors were again critical. A Commonwealth Observer Group report made several recommendations, including the creation of an independent electoral commission. The government established the National Elections Observatory in 2001, making it a permanent body in 2003.<sup>3</sup>
- 2.3** Opposition leaders complained of widespread irregularities, fraud and non-respect of the electoral law in the 2002 elections. Some called upon President Biya to cancel the result and threatened not to take up their seats in the National Assembly. The July elections had already been postponed from January 2002 to July, due to concern that the newly established National Elections Observatory would not have had the time or resources to prepare. Then on 23 July – polling day – a presidential decree was issued, postponing them for another week, due to a lack of preparation by the Ministry of the Interior. In many areas, voting materials had not been distributed. Despite the presence of the National Elections Observatory, July's elections have reinforced calls for the establishment of a fully independent body to run the elections, as recommended by the Commonwealth Secretariat following the 1997 elections.<sup>4</sup>
- 2.4** Biya was re-elected in presidential elections in October 2004 amid allegations by opposition parties and the Catholic Bishops' Conference of Cameroon of vote-rigging and law-breaking. A Commonwealth Observer Group concluded that the electoral process lacked the necessary credibility in a number of key areas, including denying some voters the right to vote. However, the Group believed that the intention of those who voted was reflected in the result.<sup>5</sup>
- 2.5** In 2005 the oil-rich Bakassi peninsula remained under the control of the Nigerian government, despite a 2002 ruling by the International Court of Justice in the Hague that it be handed over to Cameroon. Local leaders of Nigerian nationality urged their government not to cede sovereignty over the peninsula to Cameroon. In June 2006 at a UN-brokered summit, Nigeria agreed to finally withdraw its troops from the Bakassi peninsula. In early 2006 a former minister, Alphonse Siewe, and several senior officials were arrested on corruption charges. In addition, a law has been adopted, but not yet implemented, on declaration of assets by officials and a new anti-corruption commission has been set up. On 14 August 2006 the handover of the Bakassi peninsula to Cameroon began. Shortly after the withdrawal of Nigerian troops resident Nigerians raised alarms about Cameroonian plots aimed at livelihood deprivation. An observer mission to monitor abuses in Bakassi is being set up following allegations that Nigerian

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<sup>1</sup> COIS Cameroon COI Report October 2006 (History)

<sup>2</sup> COIS Cameroon COI Report (History)

<sup>3</sup> COIS Cameroon COI Report (History, Political system & Political affiliation)

<sup>4</sup> COIS Cameroon COI Report (History & Political system & Political affiliation)

<sup>5</sup> COIS Cameroon COI Report (History & Political system & Political affiliation)

citizens living in Cameroon, particularly Bakassi, complain of maltreatment by Cameroon gendarmes.<sup>6</sup>

**2.6** Cameroon's human rights record has been poor but is showing gradual signs of improvement. Extra-judicial executions, protracted detention without trial, torture of detainees and appalling prison conditions have all been highlighted by NGOs and by the UN Special Rapporteur on Torture. In some rare cases the victims are political activists, but in many cases they are victims of racketeering by the security forces. Although there is a free press, journalists are often harassed. The international community (through the European Union, the Commonwealth, the United Nations, and bilaterally) has been pressing the Government of Cameroon to implement reforms of the judicial system and put an end to the culture of impunity in the security forces. The Government set up a Human Rights Commission in 1992. A presidential decree, passed by the National Assembly in June 2005, confirms its official status and should ensure regular funding. The government has recently made other moves to improve the Human Rights situation, for example starting building new prisons to relieve overcrowding.<sup>7</sup>

**2.7** The government continued to commit numerous serious human rights abuses in 2005. The following human rights violations were reported: severe limits on citizens' ability to change their government; numerous unlawful killings by security forces; regular torture, beatings, and other abuses of persons, particularly detainees and prisoners, by security forces; impunity among the security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention of Anglophone citizens advocating secession, local human rights monitors/activists, and other citizens; prolonged--and sometimes incommunicado--pretrial detention; infringement on citizens' privacy rights; restrictions on freedoms of speech, press, assembly, and association; abuse and harassment of journalists; limits on freedom of movement; widespread corruption; violence, including rape, and discrimination against women; trafficking in persons, primarily children; societal discrimination against indigenous Pygmies and ethnic minorities; discrimination against homosexuals; restrictions on worker rights and the activities of independent labour organisations; child labour, slavery, and forced labour, including forced child labour.<sup>8</sup>

**2.8** The government took steps to advance human rights during 2005. There was a more systematic effort to investigate, suspend and prosecute security force members accused of killings and other abuses. Control and administration of the prisons was moved to the Ministry of Justice, allowing for better tracking of prisoners from arrest to final trial sentencing. The government also opened a new Department of Human Rights in the Ministry of Justice to investigate any abuses committed in areas under the ministry's responsibility.<sup>9</sup>

### **3. Main categories of claims**

**3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Cameroon. It also contains any common claims that may raise issues covered by the API on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection

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<sup>6</sup> COIS Cameroon COI Report (History & Recent developments)

<sup>7</sup> COIS Cameroon COI Report (Human rights; Introduction, Security forces...)

<sup>8</sup> COIS Cameroon COI Report (Human rights; Introduction, Security forces...)

<sup>9</sup> COIS Cameroon COI Report (Human rights; Introduction, Security forces...)

and internal relocation are set out in the relevant API, but how these affect particular categories of claim are set out in the instructions below.

- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the claimant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the API on Assessing the Claim).
- 3.3** If the claimant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the claimant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on their individual circumstances.
- 3.4** This guidance is **not** designed to cover issues of credibility. Caseworkers will need to consider credibility issues based on all the information available to them. (For guidance on credibility see para 11 of the API on Assessing the Claim)
- 3.5** All APIs can be accessed via the IND website at:

[http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/policy\\_instructions/apis.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis.html)

### **3.6 Members of the SDF**

**3.6.1** Many claimants will apply for asylum based on ill treatment amounting to persecution at the hands of the state authorities due to their membership of, involvement in or perceived involvement in the main opposition political party: the Social Democratic Front (SDF).

**3.6.2** **Treatment.** The SDF is the largest opposition political party to play a major role in opposition political party activity and contested elections in 2004.<sup>10</sup> The SDF is a legally registered political party and has seats in the National Assembly and mayoral representation throughout the country. SDF members are not considered to be at risk of persecution on the basis of membership of the SDF. John Fru Ndi, National Chairman SDF told the UK delegation of a fact finding mission to Cameroon in January 2004 that government officials and the police harass and intimidate members of the SDF. Young people whose parents are members of the SDF in particular are harassed and intimidated by the government. Many young SDF supporters are also stopped from obtaining jobs or starting up new businesses. Often the government claims that they have not paid the correct taxes so keep postponing the necessary documents needed to start a new business. It is difficult for many young SDF supporters to live in Cameroon because of the harassment and intimidation. However, it must be noted that this form of intimidation is not used against all SDF members.<sup>11</sup>

**3.6.3** Unlike in 2004, there were no reports that security forces broke up or disrupted gatherings of the SDF during 2005.<sup>12</sup> Since 1991 only government bills proposed by the presidency have been enacted by the National Assembly; however, in April 2004 the National Assembly agreed to consider a bill submitted by the SDF. Only parties with representatives in the National Assembly can submit bills for consideration. During its June 2005 session, the

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<sup>10</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>11</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B) CIPU FFMR 2004 (3.2)

<sup>12</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

National Assembly refused to consider a bill on electoral reform tabled by the SDF.<sup>13</sup> Natives of the Anglophone provinces in the North West and South West tended to support the opposition party SDF and suffered disproportionately from human rights violations committed by the government and its security forces in 2005. The SDF reiterated its commitment to pursue a nonviolent political struggle toward the restoration of a federal republic in 2005.<sup>14</sup>

**3.6.4 Sufficiency of protection.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, they cannot apply to these authorities for protection.

**3.6.5 Internal relocation.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, relocation to a different area of the country to escape this threat is not feasible.

**3.6.6 Conclusion.** The SDF is the largest opposition party to play a major role in opposition political activity. It is a registered party and therefore being a member is not illegal. Unlike in 2004 when the party's activities were restricted and targeted by the government, there were no reports of any such restrictions in 2005. Therefore membership of, involvement in, or perceived involvement in the SDF at any level is not likely to amount to ill-treatment that engages the UK's obligations under the 1951 Convention. The grant of asylum in such cases is therefore not likely to be appropriate and should be certified as clearly unfounded.

### **3.7 Members of the SCNC or SCYL**

**3.7.1** Some claimants will make an for asylum and/or human rights claim based on persecution at the hands of the state authorities due to their membership of, involvement with or perceived involvement with the secessionist groups: the South Cameroons National Council (SCNC) or the South Cameroons Youth League (SCYL).

**3.7.2 Treatment.** The SCNC represents the interests of the anglophone community and has advocated complete secession or full independence of the two southern anglophone provinces from the francophone majority. The SCNC is not a political party and is not registered but shares a number of supporters with opposition parties, most notably the SDF. Some members of the SCNC have used violence to obtain political concessions from the government. The SCYL is a youth organisation known to be connected to the SCNC.<sup>15</sup>

**3.7.3** During 2005 security forces arrested approximately 100 leaders, members and supporters of the SCNC. The government considers the SCNC an illegal organisation because it advocated secession, which the law prohibits. The majority of SCNC members arrested were not charged with any crime and were released after brief detentions. However, during 2005 police detained seven members of the SCNC leadership. By the end of 2005 they had been detained for up to three months and all seven remained in detention awaiting trial. Fifteen members of the secessionist group SCNC convicted in 1999 continued to serve long prison sentences. The government also monitored the meetings of the SCNC.<sup>16</sup>

**3.7.4** Security forces, usually acting under the command of local provincial government officials, continued to restrict press freedom by arresting, detaining, physically abusing, threatening, and otherwise harassing journalists suspected of being members of the

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<sup>13</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>14</sup> USSD 2005 (Section 5)

<sup>15</sup> CIPU FFMR 2004 & COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>16</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

SCNC and forcibly preventing or restricting SCNC meetings.<sup>17</sup> Through arrests and other actions, the government committed many violations of the freedom of association rights of SCNC members and supporters during 2005. While many SCNC members have been arrested, the majority are released after a short time.<sup>18</sup>

**3.7.5 Sufficiency of protection.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, they cannot apply to these authorities for protection.

**3.7.6 Internal relocation.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, relocation to a different area of the country to escape this threat is not feasible.

### **3.7.7 Caselaw.**

**MF (Cameroon) [2004] UKIAT 00341 promulgated 29 November 2004.** SCNC member - risk on return. The IAT found that SCNC members are harassed but the objective evidence does not indicate that membership of the SCNC is likely to lead to persecution (paragraph 14). Attendance at a single demonstration in the UK does not indicate the appellant has been an active political supporter in the UK (paragraph 16). "The fact that an official came out of the embassy and took pictures of all the demonstrators does not of itself indicate that the appellant is likely to be identified by the authorities in Cameroon as a political activist." (paragraph 16) "...all the activities the appellant undertook on behalf of the SCNC were public and non-violent and nothing that she did was secret. Yet she did not come to the adverse attention of the authorities... Were she to be returned to Cameroon today, and did resume her political activities, we find that there is no reasonable likelihood of the appellant being persecuted for a Convention reason or being subjected to treatment contrary to Article 3 of the ECHR." (paragraph 17)

**3.7.8 Conclusion.** SCNC and SCYL activities are subject to monitoring by the authorities, some members continue to encounter discrimination or harassment and a number of affiliates continue to be held in temporary detention. However there is no evidence that the treatment applied to ordinary members generally amounts to persecution. Therefore there is no evidence to suggest that mere membership of, involvement with, or perceived involvement in the SCNC or SCYL would in itself lead to persecution and a grant of asylum in such cases is therefore not likely to be appropriate. Claimants who have been involved in illegal or criminal activities on behalf of the SCNC or SCYL are likely to fear prosecution by the authorities rather than persecution. The grant of asylum in such cases is therefore also not likely to be appropriate.

## **3.8 Members of human rights organisations**

**3.8.1** Some claimants will make an asylum and/or human rights claim based on ill treatment amounting to persecution at the hands of state authorities due to their membership of or involvement with international or local human rights organisations.

**3.8.2 Treatment.** In 2005, a number of domestic and international human rights groups generally operated without government restriction, investigating and publishing findings on human rights cases; however, government officials repeatedly impeded the effectiveness of local human rights NGOs during 2005, limiting access to prisoners, refusing to share information, and threatening and using violence against personnel.<sup>19</sup>

**3.8.3** Numerous domestic human rights NGOs operated in the country, including, among others, the National League for Human Rights, the Organization for Human Rights and

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<sup>17</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>18</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>19</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

Freedoms, the Association of Women against Violence, the Movement for the Defense of Human Rights and Freedoms, and the Cameroonian Association of Female Jurists. Unlike in 2004, there were no reports in 2005 that the government arrested NGO members. The government also cooperated with international governmental organisations and permitted visits by UN representatives and other organisations such as the ICRC.<sup>20</sup>

- 3.8.4** Throughout 2005, police continued to harass Philip Njaru, a human rights activist and executive director of the Kumba-based Friends of the Press Network, a human rights organization in Southwest Province. Access by international NGOs to prisons reportedly improved during 2005. The activities of virtually all of these groups were limited by a shortage of funds and trained personnel. Observers criticised the country's NGO laws for giving the government the opportunity to deny authorisation to operate and eliminate NGOs by decree.<sup>21</sup>
- 3.8.5** The National Commission on Human Rights and Freedoms (NCHRF) has the authority to summon witnesses and publish reports and the findings of its investigations. On 7 July 2005, the President signed the implementing decree for a law passed by the National Assembly in July 2004 that expanded the powers of the NCHRF. It also created a permanent secretariat, a division in charge of the protection and promotion of human rights and freedoms. While the NCHRF remained hampered by a shortage of funds, during 2005 it conducted a number of investigations into human rights abuses, visited prisons, and organised several human rights seminars aimed at judicial officials, security personnel, and other government officers. Although the commission infrequently criticized the government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights abuses by security forces, attempted to stop 'Friday' arrests, and sought to obtain medical attention for jailed suspects in specific cases. In February 2005 the government created a division of human rights in the Ministry of Justice to investigate and report on all cases of human rights abuses in the areas under the ministry's responsibility, including prisons, jails, and courtrooms.<sup>22</sup>
- 3.8.6** **Sufficiency of protection.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, they cannot apply to these authorities for protection.
- 3.8.7** **Internal relocation.** As this category of claimants' fear is of ill treatment/persecution by the state authorities, relocation to a different area of the country to escape this threat is not feasible.
- 3.8.8** **Conclusion.** There were reports in 2005 that government officials repeatedly impeded the effectiveness of local human rights NGOs by limiting access to prisoners, refusing to share information, and threatening and using violence against personnel. However, domestic and international human rights groups generally operate without government restriction, investigating and publishing findings on human rights cases and the NCHRF continued to become better established in 2005. Claimants who cite their membership of local or international human rights groups as the basis of their application are unlikely to encounter ill-treatment amounting to persecution within the terms of the 1951 Convention. The grant of asylum in such cases is therefore not likely to be appropriate.

### **3.9 Prison conditions**

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<sup>20</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>21</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

<sup>22</sup> COIS Cameroon COI Report (Political system, Political affiliation & Annex B)

- 3.9.1** Claimants may claim that they cannot return to Cameroon due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in the Cameroon are so poor as to amount to torture or inhuman treatment or punishment.
- 3.9.2** The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.
- 3.9.3** **Consideration.** Prison conditions remained harsh and life threatening in 2005. Prisons were seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Due to a lack of funds, serious deficiencies in food, health care, and sanitation were common in almost all prisons, including "private prisons" operated by traditional rulers in the north. Prisoners were kept in dilapidated colonial-era prisons, where the number of inmates was four to five times the intended capacity. According to a 2004 report by the International Center for Prison Studies, published by the Catholic newspaper *La Croix*, there were 67 prisons for the country's approximately 20,000 detainees. Overcrowding was exacerbated by the large number of long pretrial detentions.<sup>23</sup>
- 3.9.4** During 2005, 800 individuals hired and trained to work in the prison system entered into full-time duty. In December 2004 the government shifted the responsibility for administering and overseeing prisons and detention centres and all individuals arrested by security forces from the Ministry of Territorial Administration and Decentralization to the Ministry of Justice. In addition the government created a human rights body within the Ministry of Justice to monitor abuses in prisons and jails.<sup>24</sup>
- 3.9.5** There were deaths in prisons due to harsh conditions and neglect in 2005. Some prisoners also died due to lack of adequate medical care. Health and medical care were almost non-existent in the country's prisons and in its detention cells, which were housed in gendarmeries and police stations. Prison officials regularly tortured, beat, and otherwise abused prisoners with impunity. Corruption among prison personnel was widespread. Prisoners sometimes could bribe wardens for special favors or treatment, including temporary freedom. Prisoners in New Bell prison could pay bribes for more comfortable sleeping arrangements and to avoid doing prison chores. During 2005 prison officials failed to prevent and reportedly encouraged violence among prisoners.<sup>25</sup>
- 3.9.6** There were separate prisons for women in 2005. There were also a few pre-trial detention centres for women; however, women routinely were held in police and gendarmerie complexes with men, occasionally in the same cells. Mothers sometimes chose to be incarcerated with their children or babies while their children were very young or if they had no other child care option. Juvenile prisoners often were incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners. Pre-trial detainees routinely were held in cells with convicted criminals. Some high-profile prisoners were separated from other prisoners and enjoyed relatively lenient treatment.<sup>26</sup>
- 3.9.7** In temporary detention centres - usually housed in gendarmeries and police stations - adults, juveniles, and women were held together. Prisoners usually received no food, water, or medical care. Detention center guards at times resorted to corruption,

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<sup>23</sup> COIS Cameroon COI Report (Prison conditions)

<sup>24</sup> COIS Cameroon COI Report (Prison conditions)

<sup>25</sup> COIS Cameroon COI Report (Prison conditions)

<sup>26</sup> COIS Cameroon COI Report (Prison conditions)



accepting bribes from detainees and allowing them access to better conditions, including permission to stay in an office instead of a cell. Those whose families were informed of their incarceration relied on their relatives for food and medical care. Overcrowding was common in the detention centres.<sup>27</sup>

- 3.9.8** In the North and Extreme North provinces, the government continued in 2005 to permit traditional chiefs, or *Lamibe*, to detain persons outside the government penitentiary system, in effect creating private prisons. Within the palaces of the traditional chiefdoms of Rey Bouba, Gashiga, Bibemi, and Tcheboa, there were private prisons that had a reputation for serious abuse. In Garoua, in the North Province, palace staff estimated that a total of 50 prisoners were held in the palace prison annually, normally between 1 and 2 weeks. Individuals who were found guilty in Garoua were often beaten or subject to other forms of physical abuse. According to members of all the chiefdoms' palace staffs, individuals accused of serious crimes such as murder were turned over to local police. In June 2005 the minister of territorial administration told diplomatic observers that authorities had destroyed the prison in Garoua.<sup>28</sup>
- 3.9.9** The government permitted international humanitarian organisations access to prisoners in 2005. Both the local Red Cross and the NCHRF made infrequent, unannounced prison visits during the year. The government continued to allow the International Committee of the Red Cross (ICRC) to visit prisons. During 2005 the ICRC stated that the government allowed international non-governmental organisations (NGOs) to have increased access to prisons.<sup>29</sup>
- 3.9.10 *Conclusion.*** Prison conditions in Cameroon are very poor with severe overcrowding, unsanitary conditions, and an absence lack of health and medical care being particular problems. However, these conditions will not normally be sufficiently severe to meet the high Article 3 threshold. In addition to these adverse conditions there are reports that officials act with impunity and regularly mistreat inmates. The information available does not suggest that particular groups of inmates are more at risk of such mistreatment than others. There is no evidence that the mistreatment is of such a systematic nature as to make removal a breach of Article 3 on these grounds. Even where claimants can demonstrate a real risk of imprisonment on return to Cameroon a grant of Humanitarian Protection will therefore not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention the likely type of detention facility and the individual's age and state of health.

#### **4. Discretionary Leave**

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See API on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the API on Article 8 ECHR.
- 4.2** With particular reference to Cameroon the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are

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<sup>27</sup> COIS Cameroon COI Report (Prison conditions)

<sup>28</sup> COIS Cameroon COI Report (Prison conditions)

<sup>29</sup> COIS Cameroon COI Report (Prison conditions)

part of the claim, not covered by the categories below which warrant a grant of DL - see the API on Discretionary Leave and the API on Article 8 ECHR.

#### **4.3 Minors claiming in their own right**

- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception arrangements, should if they do not qualify for leave on any more favourable grounds be granted Discretionary Leave for a period of three years or until their 18<sup>th</sup> birthday, whichever is the shorter period.

#### **4.4 Medical treatment**

- 4.4.1** Claimants may claim they cannot return to Cameroon due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** All national hospitals and some provisional hospitals provided specialised care in most medical fields, including cancer, HIV/AIDS, tuberculosis, cardiovascular disease, eye, ear, nose and throat diseases, as well as many other diseases/illnesses. Health centres are found mostly in the remote rural areas but health centres do exist for primary care in towns. District hospitals are also found, mostly in rural areas but do occur in the urban areas. Approximately, 75% of health centres and district hospitals are found in the rural areas. Provincial hospitals on the other hand are mainly found in the urban areas, specifically in the province capitals. The national hospitals are located in the two main towns, Yaoundé and Douala.<sup>30</sup>
- 4.4.3** Where a caseworker considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of discretionary leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

### **5. Returns**

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.
- 5.2** Cameroon nationals may return voluntarily to any region of Cameroon at any time by way of the Voluntary Assisted Return and Reintegration Programme run by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Cameroon. The programme was established in 2001, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Cameroonian nationals wishing to avail

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<sup>30</sup> CIPU Cameroon FFMR January 2004 (15.6 – 15.7) & COIS Cameroon COI Report (Medical Services)

themselves of this opportunity for assisted return to Cameroon should be put in contact with the IOM offices in London on 020 7233 0001 or [www.iomlondon.org](http://www.iomlondon.org).

**6. List of source documents**

- UK Immigration and Nationality Directorate: Country Information and Policy Unit. Fact-Finding Mission to Cameroon Report January 2004 at [http://www.homeoffice.gov.uk/rds/pdfs06/cameroon\\_key\\_020306.doc](http://www.homeoffice.gov.uk/rds/pdfs06/cameroon_key_020306.doc)
- UK Immigration and Nationality Directorate: Country of Origin Information Service Cameroon COI Report October 2006 at [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

**Asylum and Appeals Policy Directorate  
24 January 2007**