

Submission to the 75th pre-session of the Committee on the Rights of the Child CAMEROON

August 2016

Child Soldiers International submits this short shadow briefing to the Committee to highlight violations of the rights of children affected by armed conflict in Cameroon, according to relevant articles of the Convention on the Rights of the Child (the CRC). As Cameroon has signed (2001) and ratified (2013) the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC), where applicable, this briefing refers to Cameroon's obligations under this treaty. It does not, however, attempt to constitute a full OPAC shadow report. This briefing is based on a desk study of available research and interviews with representatives of non-governmental organisations and UN agencies.

In accordance with the CRC, this briefing focuses on the obligations of the State Party. In so doing, Child Soldiers International does not ignore the widespread and extremely grave human rights abuses committed by non-state actors in Cameroonian territory, including against children, and condemns these in the strongest possible terms.

Context

The Cameroonian armed forces have been engaged in armed conflict with the Nigerian armed group known as Boko Haram¹ since May 2014. Boko Haram has been present in the Far North region of Cameroon since 2009, but attacks intensified in 2014, with over 400 incidents between March 2014 and March 2016.² The first suicide bomb attack occurred in July 2015 and by March 2016 there had been almost 50 suicide bomb attacks on Cameroonian soil, carried out by both adults and children. By February 2016 Cameroon had seen the highest number (21) of suicide bombings involving children amongst the countries affected by Boko Haram violence.³ It is important to highlight that children conducting suicide bombings do not necessarily do so willingly or knowingly, as they are often forced, brainwashed, coerced or tricked into carrying explosives. Even if children 'volunteer' to conduct suicide bombings, it should not be assumed that they do so following a genuinely free and informed decision.

In the context of this armed conflict, the Cameroonian authorities have in turn committed violations of children's rights under the CRC, which this briefing highlights below.

¹ Jama'atu Ahlis Sunna Lidda'awati wal-Jihad (JAS), commonly known as "Boko Haram", was reportedly founded by the Islamic preacher Mohammed Yusuf in 2002, preaching a literal interpretation of the Qur'an. The killing of Yusuf while in police detention in 2009 set off increasingly violent attacks by the group, from then on led by Abubakar Shekau, and marks the start of the current conflict between Boko Haram and the Nigerian government in northeastern Nigeria. For more information on Boko Haram, see for example: Watchlist on children and armed conflict, *Who will care for us? – Grave Violations against Children in Northeastern Nigeria*, 2014, page 13: http://watchlist.org/wordpress/wp-content/uploads/2111-Watchlist-Nigeria_LR.pdf.

² See International Crisis Group/ICG, "Q&A: Boko Haram in Cameroon", 16 April 2016: <https://www.crisisgroup.org/africa/central-africa/cameroon/q-boko-haram-cameroon> and Amnesty International, *Human rights under fire: attacks and violations in Cameroon's struggle with Boko Haram*, September 2015: <https://www.amnesty.org/en/documents/afr17/1991/2015/en>.

³ There were 17 suicide attacks in Nigeria and 2 in Chad during the same time period. UNICEF, "Nigeria regional conflict: 10-fold increase in number of children used in 'suicide' attacks", 12 April 2016: http://www.unicef.org/media/media_90827.html

Articles 37: Arbitrary arrest and detention

Since 2014, the Cameroonian security forces have arrested hundreds of adults and children in the Far North region for suspected association with Boko Haram, or to prevent them from joining or being recruited by the group (an action we refer to in this submission as “preventive detention”). These actions were accompanied by the adoption of an anti-terrorism law in December 2014 which, through its broad definition of “terrorism”, gave the security forces sweeping powers of arrest and detention, including without charge.⁴ The following incidents documented by Amnesty International and the UN reveal the arbitrary nature of these arrests and subsequent detention, in violation of CRC Article 37.

- Children studying at Qur’anic schools have been particularly targeted for detention by national security forces due to the assumption – unfounded on evidence – that they are at increased risk of recruitment by Boko Haram, to be used as informants and combatants, including as suicide bombers.⁵ According to Amnesty International, on 20 December 2014, security forces raided a number of Qur’anic schools and houses in the town of Guirvidig, Mayo-Danay district. There had not been any attacks in the town but the authorities accused the schools of being used as fronts for Boko Haram training camps. A total of 84 children were detained in the operation. All but three of them were under 15 years old, 47 were under 10, and one was just five. All of these children were detained without charge at the Gendarmerie Headquarters and then transferred to the *Institution Camerounaise de l’Enfance* in Maroua, run by the Ministry of Social Affairs.⁶ The children’s parents or caregivers were not informed of the whereabouts of their children,⁷ and the children were not allowed to leave the centre.⁸ Many of them did not understand why they were being held.⁹ Amnesty International, who repeatedly advocated with the Cameroonian authorities on behalf of the children, reported in June 2015: “While most [authorities] recognise that the children pose no threat, none had taken responsibility to facilitate their release and reintegration, leaving the children detained in limbo”. The children were finally allowed to return to their families in June 2015 after over 6 months at the centre.¹⁰
- In one of the most serious incidents documented by Amnesty International, at least 200 men and boys were arrested on 27 December 2014 during a search and arrest operation, conducted jointly by the army, the police and the gendarmerie, in the villages of Magdeme and Doublé (Far North region). The children were reportedly released after having been loaded onto trucks and driven to Mora (Far North). The men were beaten and taken to the Gendarmerie Headquarter in Maroua (Far North).¹¹
- A 17-year-old girl, Amina, was arrested in late July 2015 outside the Maroua prison while visiting family members. She was later transferred to the main prison in the capital, Yaoundé. She was still in detention in April 2016. “According to her mother and her husband’s first wife, as of April 2016 Amina had twice appeared before the Military Court in Yaoundé, but had not been sentenced.”¹²

⁴ Law No. 2014/028 on the punishment of acts of terrorism, 23 December 2014 (*Loi N° 2014/028 du 23 décembre 2014 portant répression des actes de terrorisme*): <http://princekmer.skyrock.com/3240467049-Loi-N-2014-028-du-23-decembre-2014-portant-repression-des-actes-de.html> (accessed 19 August 2016).

⁵ IRIN, “Fears in Cameroon of Boko Haram recruitment”, 16 April 2014: [http://www.jeuneafrique.com/256302/politique/terrorisme-kamikazes-de-boko-haram](http://www.irinnews.org/news/2014/04/16; Jeune Afrique, “Terrorisme : qui sont les kamikazes de Boko Haram au Cameroun ?”, 12 August, 2015 : <a href=).

⁶ Amnesty International, *Human rights under fire*, pages 38-39.

⁷ Confidential UN sources, July 2015.

⁸ Amnesty International, *Human rights under fire*, page 39.

⁹ Confidential UN sources, July 2015.

¹⁰ Amnesty International, “Cameroon: End six-month illegal detention of 84 children held following Quranic school raid”, 19 June 2015: <https://www.amnesty.org/en/press-releases/2015/06/cameroonillegaldetention>.

¹¹ Amnesty International, *Human rights under fire*, page 46.

¹² Amnesty International, *Right Cause, Wrong Means: Human Rights violated and justice denied in Cameroon’s fight against Boko Haram*, 14 July 2016, page 24: <https://www.amnesty.org/en/documents/afr17/4260/2016/en>.

- After several suicide bombings in Maroua in July 2015, Cameroonian security forces began rounding-up and detaining street children and transferring them to the Gendarmerie Headquarters.¹³ Although the majority of these children were accused of low-level crime such as vagrancy, the timing and scale of the arrests make it clear that the children were arrested for so-called security reasons or to be put in preventive detention. Many were refugee, displaced or separated and/or unaccompanied children; the majority were students of Qur'anic schools that had been sent to beg on the street by their teacher.¹⁴

As at June 2016, 24 boys were detained in the juvenile quarter of the prison in Maroua for so-called security reasons or subject to preventive detention. They presumably include children arrested and detained in the July 2015 round ups, but some had been there since 2014.¹⁵

Recommendations

- Release all children currently held in preventive detention or for so-called security reasons and ensure their immediate transfer to child protection agencies – *unless* they are lawfully charged with the most serious international crimes,¹⁶ in which case they should be detained lawfully, as a measure of last resort, and for the shortest appropriate period of time, during which they shall have the right to maintain contact with their family and have prompt access to legal and other appropriate assistance as per international juvenile justice standards.
- Amend the 2014 anti-terrorism law to explicitly exclude under-18s from its implementation, and ensure that children are not arrested and detained *solely* for their association with Boko Haram, nor for preventive detention or so-called security reasons.

Question

- Could the State Party reveal the number, fate and whereabouts of children currently detained under the anti-terrorism law, for so-called security reasons, or subject to preventive detention?

Article 38, in conjunction with OPAC Articles 1 & 3: Recruitment and use of children in hostilities

In 2016 Child Soldiers International received credible reports on the presence of children (boys) in government-backed vigilante groups¹⁷ (*Comités de Vigilance*) in Amchide, Fotokol, Kolofata, Maroua (Northern Cameroon) but also in Yaoundé. Children involved in these groups are mostly estimated to be 15 to 17 years of age but one of the groups reportedly included children as young as 12. It is estimated that 10 per cent of the members of vigilante groups (active in both Northern and Southern Cameroon) are children.¹⁸

Vigilante groups have existed for some time in Cameroon, but they increased in number and strength after the beginning of suicide bomb attacks in the Far North in 2015. Many are supported by local authorities, the Rapid Intervention Battalion (*Bataillon d'intervention rapide/BIR*)¹⁹ and the Presidency. Vigilante group members often receive a brief, non-combatant training focusing on intelligence gathering. Ad hoc, in kind support consisting of food and medical treatment is also provided by the BIR. Local authorities also occasionally provide traditional weapons and monetary support to some high-ranked members of vigilante groups. Funds come from members of the

¹³ Interview with a confidential INGO source, June, 2016; Cameroonian media, June 2016:

http://www.bonaberi.com/ar,cameroun_nouvelles_mesures_de_securite_a_maroua_apres_l_attentat,10172.html.

¹⁴ Confidential UN sources, July 2015.

¹⁵ Confidential UN sources, June 2016.

¹⁶ Child Soldiers International considers the most serious international crimes to be torture, and the three categories of crime contained in the Rome Statute: war crimes, crimes against humanity and genocide.

¹⁷ Vigilante groups in this context have all the characteristics of armed groups that are parties to a conflict.

¹⁸ Interview with a confidential INGO source, June 2016.

¹⁹ Cameroon has deployed two military operations in the Far North to fight JAS: "Operation EMERGENCE 4", with units of the regular army, and "Operation ALPHA", with BIR units. The BIR is a highly-trained elite force, with greater resources and equipment than the regular army, and with a different command hierarchy, deployed in the region since 2014. See ICG, "Q&A: Boko Haram in Cameroon".

public supporting vigilante groups or the BIR, or directly from the Presidency, who reportedly has special funding set aside for vigilante groups.²⁰ Whilst these vigilante groups previously mostly supported the BIR by gathering intelligence, since April 2016 they have increasingly participated in fighting and military operations alongside Cameroonian security forces in Nigeria.²¹

The presence of children in, or associated with, these vigilante groups is a violation of Cameroon's obligations under CRC Article 38, as well as OPAC Articles 1-3 prohibiting the use of children under the age of 18 in armed conflict. It should be noted that this prohibition extends to children involved in intelligence gathering missions and not only to those directly engaged in combat.

Recommendations

- As per the Committee's 2010 Concluding Observations,²² finalise and adopt the Child Protection Code, ensuring that it specifically prohibits and criminalises any type of recruitment and use of children.
- Draft and submit to the Committee without delay, in consultation with relevant ministries, NGOs and other stakeholders, an initial OPAC report.
- Ensure that no military, financial or logistical support is provided by the government, local authorities or security forces to vigilante groups suspected of recruiting or using children.

Article 39: Recovery and reintegration

The incidents reported in this submission suggest that the majority of children hitherto arrested and detained for so-called security reasons or subject to preventive detention were not actually associated with Boko Haram. However, Amnesty International and the Office of the High Commissioner for Human Rights/OHCHR among others have documented Boko Haram's extensive recruitment and use of children in Cameroon's Far North region.²³ There is therefore an urgent need for additional resources to be devoted to the recovery and reintegration of children associated with Boko Haram, who may become separated from the armed group in the future.

Recommendation

- Take all feasible measures to ensure the release of children from Boko Haram and vigilante groups, and to promote their physical and psychological recovery and social reintegration in an environment which fosters the health, self-respect and dignity of the child.

Question

- Is the State Party elaborating a national strategy on the recovery and reintegration of children associated with armed groups?

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²⁰ Interview with a confidential INGO source, June 2016; *Le Monde*, "Cameroun : les comités de vigilance contre Boko Haram, de la défense à l'attaque", 20 July 2016 :

http://www.lemonde.fr/afrique/article/2016/07/20/cameroun-les-comites-de-vigilance-contre-boko-haram-de-la-defense-a-l-attaque_4972366_3212.html#B4SzuloC1QOUDcZL.99; Voice of America, "Cameroon Vigilantes Foil Suicide Attack", 10 May 2016: <http://www.voanews.com/a/cameroon-vigilantes-foil-suicide-attack/3323250.html>; Cameroonian online media source, 5 March 2016: <https://www.237online.com/article-13914-cameroun--boko-haram-du-materiel-roulant-pour-les-comites-de-vigilance.html>.

²¹ Interview with a confidential INGO source, June 2016; *Le Monde*, "Cameroun : les comités de vigilance contre Boko Haram, de la défense à l'attaque", 20 July 2016.

²² Committee on the Rights of the Child, *Concluding observations on Cameroon (CRC/C/CMR/CO/2)*, 29 January 2010, paragraph 10: "The Committee urges the State party to take, as a matter of priority, all appropriate measures to expedite the adoption and entry into force of the draft Child Protection Code and the draft Code of Persons and Family and to ensure adequate human and financial resources for their full implementation."
<http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-CMR-CO-2.pdf>.

²³ Amnesty International, *Human rights under fire*; OHCHR, *Report of the United Nations High Commissioner for Human Rights on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries (A/HRC/30/670)*, 29 September 2015: <http://reliefweb.int/report/nigeria/report-united-nations-high-commissioner-human-rights-violations-and-abuses-committed>.