

TFA’s Victory: Institute for Human Rights and Development in Africa and Finders Group Initiative on Behalf of TFA (a Minor) v. Republic of Cameroon: The African Children’s Commission Determines that Sexual Violence Is Gender Discrimination

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I. OVERVIEW

TFA, a ten-year-old girl, was raped on four different dates in April of 2012 by Angwah Jephter Mbah, a prominent businessman in her community of Bamenda, located in the Northwest Region of Cameroon.¹ Her aunt filed an official report with the local police; a medical examination, conducted at the request of the police, certified that the girl had been raped.² TFA led the police to the suspect’s house where the rapes occurred.³ The police, however, did not enter the house nor attempt to apprehend Mbah.⁴ When the suspect was summoned to the police station for an identification, he appeared in disguise, wearing his lawyer’s suit and tilting his head down, while his lawyers yelled at TFA.⁵ She was frightened and could not identify the suspect.⁶ Mbah was allowed to return home, although Cameroonian law required that a felony suspect remain in

1. Inst. for Hum. Rts. & Dev. in Afr. & Finders Grp. Initiative on Behalf of TFA (a Minor) v. Republic of Cameroon (*TFA v. Cameroon*), Communication 006/Com/002/2015, African Commission of Experts on the Rights and Welfare of the Child [ACERWC], ¶¶ 6, 8 (May 2018), <https://acerwc.africa/wp-content/uploads/2018/09/Final-Eng.pdf>.

2. *Id.* ¶ 7.

3. *Id.* ¶ 8.

4. *Id.*

5. *Id.* ¶ 9.

6. *Id.*

custody during investigation.⁷ After three months, the police submitted a report of these findings to the State Counsel.⁸

The Examining Magistrate dismissed the case for lack of evidence.⁹ Following procedural law, TFA's lawyer requested a copy of the decision on November 9, 2012, in order to file an appeal.¹⁰ The Magistrate refused to give them the records, however, asserting that the state alone was allowed to appeal a decision.¹¹ TFA was unable to file either an appeal or a civil action since the records contained all of the evidence.¹² Consequently, the suspect was never arrested or prosecuted.¹³ Two NGO's, The Institute for Human Rights and Development in Africa (IHRDA) and Finders Group Initiative (FGI), helped TFA bring her case before a regional human rights committee. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) *held* that TFA's rape constituted gender-discrimination and that the Republic of Cameroon had therefore violated its obligations under the African Children's Charter. *Institute for Human Rights & Development in Africa & Finders Group Initiative on Behalf of TFA (a Minor) v. Republic of Cameroon*, Commc'n No. 006/Com/002/2015, African Committee of Experts on the Rights and Welfare of the Child, ¶¶ 6, 8 (May 2018).

II. BACKGROUND

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which entered into force in 1981, first defined "discrimination against women" as "[a]ny distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women . . . of human rights and fundamental freedoms."¹⁴ There is no specific mention of violence against women in the convention, although the U.N. Special Rapporteur has since noted that violence against women is a "consequence[] of discrimination, inequality and oppression."¹⁵

7. *Id.* ¶ 10.

8. *Id.* ¶ 11.

9. *Id.* ¶ 11.

10. *Id.* ¶ 12.

11. *Id.*

12. *Id.* ¶ 32.

13. *Id.* ¶ 51.

14. Convention on the Elimination of All Forms of Discrimination Against Women art. 1, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

15. Rashida Manjoo, Statement: Special Rapporteur on Violence Against Women, Its Causes and Consequences (Oct. 10, 2011), http://www.un.org/womenwatch/daw/documents/ga66/RAPPORT_on_VAW.PDF.

Despite the efforts of international organizations to create a system of legal protections for women and girls, violence against women persists worldwide, due in large part to the failure of states to uphold both their domestic and international legal obligations.¹⁶

A. *Human Rights Conventions Provide an Institutional Framework*

In the wake of World War II, the Universal Declaration of Human Rights (UDHR) provided the first comprehensive list of human rights, including equal rights and freedoms for all, without distinction on the basis of sex.¹⁷ While the UDHR is not legally binding because it is not a treaty, its principles were enshrined in the preambles of major international human rights treaties, including the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), the American Convention on Human Rights (American Convention), and the African Charter on Human and Peoples' Rights (ACHPR).¹⁸ Each of these instruments obligated state parties to ensure equal rights to men and women, echoing the UDHR's general provision for ensuring fundamental rights regardless of sex.¹⁹ The ECHR was the first international treaty to implement the UDHR principles and echoed the UDHR's general protection; but the ECHR only explicitly mentioned women in relation to the right to marriage and family.²⁰ The ICCPR, a widely ratified treaty with 172 parties, enumerated specific civil and

16. *Id.* at 3; see also *Global Database on Violence Against Women*, UN WOMEN, <http://evaw-global-database.unwomen.org/en> (last visited Oct. 10, 2018) (citing statistics on violence against women and girls by country, along with measures each country has taken to combat such violence).

17. G.A. Res. 217 (III), art. 2, Universal Declaration of Human Rights (Dec. 10, 1948) [hereinafter UDHR].

18. See Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms pmbl., Nov. 4, 1950, 213 U.N.T.S. 221 [hereinafter ECHR]; United Nations International Covenant on Civil and Political Rights pmbl., Dec. 16, 1966, T.I.A.S. No. 92-908, 999 U.N.T.S. 171 [hereinafter ICCPR]; Organization of American States, American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123 [hereinafter American Convention]; Organization of African Unity (now African Union), African Charter for Human and Peoples' Rights pmbl., June 27, 1981, 1520 U.N.T.S. 217 [hereinafter ACHPR].

19. ECHR, *supra* note 18, arts. 12, 14; ICCPR, *supra* note 18, arts. 3, 6; American Convention, *supra* note 18, art. 1; ACHPR, *supra* note 18, art. 18. The Charter of the United Nations was the first international treaty to provide equal rights for women, reaffirming "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women." U.N. Charter pmbl.

20. ECHR, *supra* note 18, art. 12.

political rights, but offered nothing new in the realm of women's rights.²¹ The American Convention echoed both the ECHR and the ICCPR.²² The ACHPR broadly, but explicitly, prohibited discrimination against women.²³ The obligations of state parties evolved from the ECHR's obligation to respect the rights elucidated in the convention, to the ICCPR's addition of the obligation to ensure, specifically through legislation, to the American Convention's obligation to harmonize domestic legislation, to the ACHPR's expansion of the obligation to promote rights through education.²⁴

The CEDAW was groundbreaking in its focus on women.²⁵ Adopted in 1979, during the height of a women's movement in the United States and Western Europe, the CEDAW drafters noted the need for such an instrument because "extensive discrimination against women continues to exist."²⁶ While the convention obligated state parties to protect the rights of women immediately and vigorously, it made no mention of violence against women.²⁷

The CEDAW Committee corrected this gap by issuing General Recommendation No. 19 in 1992, which expressly framed violence against women as a human rights concern and expanded state obligations to prevent it.²⁸ Noting that state parties' reports had not sufficiently demonstrated a link between discrimination, gender-based violence, and human rights violations, the Committee set forth a substantive framework for identifying and eliminating violence against women.²⁹ The Recommendation defined gender-based violence as "violence that is directed against a woman because she is a woman or that affects women

21. For example, the ICCPR only mentions women in article 3 (men and women have equal rights), article 6 (5) (prohibiting the death penalty for pregnant women), and article 23 (right to marriage and family). ICCPR, *supra* note 18, arts. 3, 6(5), 23.

22. Like the ICCPR, adopted nearly three years earlier, the American Convention limited its mention of women to the same provisions (article 4 regarding the death penalty and article 17 regarding the family). American Convention, *supra* note 18, arts. 4, 17.

23. ACHPR, *supra* note 18, art. 18.

24. See ECHR, *supra* note 18, art. 1; ICCPR, *supra* note 18, art. 2(1)-(2); American Convention, *supra* note 18, art. 2; ACHPR, *supra* note 18, art. 25.

25. The Convention on the Political Rights of Women, the first treaty solely dedicated to women, narrowly focused on women's rights to vote and hold political office as the path to ensuring equal rights for women under the U.N. Charter. Convention on the Political Rights of Women, Mar. 31, 1953, 27 U.S.T. 1909, 193 U.N.T.S. 135.

26. CEDAW, *supra* note 14, pmb. The United States signed the convention in 1980 but has not ratified it.

27. CEDAW, *supra* note 14, arts. 2-3.

28. CEDAW Committee, General Recommendation No. 19: Violence Against Women (11th Sess., 1992) [hereinafter Gen. Rec. No. 19].

29. *Id.* ¶ 4.

disproportionately,” including “physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”³⁰ Furthermore, the Recommendation explicitly framed gender-based violence as discrimination.³¹ The Committee made recommendations expanding state parties’ obligations with mandates for “overcoming” gender-based violence by both state and non-state actors, passing protective and punitive legislation, compiling statistics, identifying customs and practices that put women at risk for violence, introducing public education, and establishing services for victims.³²

The Recommendation had the effect not only of increasing the responsibilities of state parties for safeguarding women’s rights but also prompting the U.N. Commission on Human Rights to appoint a Special Rapporteur on violence against women two years later.³³ As the Special Rapporteur noted in her first official report, the issue of violence against women was new to the program of international human rights because “[w]omen have been invisible in the development and growth of modern international law.”³⁴ The Report attributed the persistence of violence against women to “government inaction.”³⁵ After citing at length the provisions in General Recommendation No. 19, the Report pointed to the difficulty with legal enforcement, particularly when the perpetrators were non-state actors.³⁶ As the report noted, a growing body of case law since the adoption of CEDAW and the issuance of Recommendation 19 established state liability for private actors.³⁷ The Special Rapporteur contributed to the development of more inclusive international human

30. *Id.* ¶ 6.

31. *Id.* ¶ 7.

32. *Id.* ¶¶ 24(a)-24(k).

33. Radhika Coomaraswamy, *Preliminary Report Submitted by the Special Rapporteur on Violence Against Women, Its Causes and Consequences*, ¶¶ 1-2, Commission on Human Rights, Res. 1994/45 (Nov. 22, 1994). The Special Rapporteur noted that at the 1985 celebration for the United Nations Decade for Women held in Nairobi, violence against women had only been an “afterthought.” *Id.* ¶ 21.

34. *Id.* ¶ 79.

35. *Id.* ¶ 72.

36. *Id.* ¶ 99.

37. *Id.* ¶ 106. CEDAW obligates State parties to “eliminate discrimination against women by any person, organization or enterprise.” CEDAW, *supra* note 14, art. 2(e). General Recommendation No. 19 obligates States to eradicate gender-based violence “whether by public or private act.” Gen. Rec. No. 19, *supra* note 28, ¶ 24(a). The Convention of Belem do Para, drafted by the Organization of American States, was the first treaty explicitly dedicated to covering violence against women, and also the first to require that States use a due diligence standard in addressing violence against women. Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women art. 7 (b), June 9, 1994.

rights law through its investigations of state parties' violations of their responsibility for providing equal protection for women.³⁸

The CEDAW Committee updated General Recommendation No. 19 with General Recommendation No. 35, issued twenty-five years later, which shifted the focus to "gender-based violence against women."³⁹ This change emphasized the cultural dimension of the problem, with the persistence of male entitlement, the assertion of male power, and enforcement of gender roles leading to rampant impunity.⁴⁰ Most importantly, Recommendation 35 extensively delineated obligations of state parties that had been set forth generally in CEDAW, namely the due diligence standard to prevent, investigate, prosecute, punish, and compensate for the actions of non-state actors.⁴¹ Specifically, Recommendation 35 required states to harmonize domestic law, including "norms of . . . community justice systems," with the Convention, allocate money to develop policies, create national courts, strictly apply criminal laws punishing gender-based violence, and take stringent measures, including recommendations for statistical cohorts for data collection as part of a national monitoring system.⁴² The Recommendation declared that any failure to implement these measures by a state party would constitute a human rights violation.⁴³

One of the main obstacles to eradicating violence against women, despite the growing body of jurisprudence and state practices, was the regression in many states due to traditional and fundamentalist beliefs, often framed as national budgetary austerity measures.⁴⁴ Regional treaties adopted protocols and other programs to reinforce the application of human rights to violence against women.⁴⁵ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), adopted in 2003, was the first African instrument to provide a legal framework for the explicit protection of women's

38. CEDAW Committee, General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19 pmb., ¶3 (July 14, 2017) [hereinafter Recommendation 35].

39. *Id.* ¶¶ 2-3.

40. *Id.* ¶¶ 9, 19.

41. *Id.* ¶ 24(b).

42. *Id.* ¶¶ 26 (a)-35.

43. *Id.* ¶ 24(b).

44. *Id.* ¶ 7.

45. *Id.* ¶ 2 n.2 (listing treaties and other instruments chronologically, which were issued in the twenty-five-year period between the adoption of CEDAW and Recommendation 35).

rights.⁴⁶ The African Charter, like the ECHR and the ICCPR, included one article that explicitly mentioned women, and that was nestled amongst other prohibitions of discrimination against vulnerable populations such as the aged and the disabled.⁴⁷ Before the adoption of the Maputo Protocol, few cases came before the African Commission, possibly because of the Charter's vagueness of the rights and duties regarding women.⁴⁸

The Maputo Protocol was both more expansive in its enumeration of women's rights and more specific in spelling out state obligations.⁴⁹ The Protocol adopted CEDAW's definition of discrimination against women and extended Recommendation 19's definition of violence against women to include "*all acts* perpetuated against women which cause or could cause them physical, sexual, psychological, and economic harm."⁵⁰ Among other measures, the Protocol mandated that state parties adopt legislative and administrative measures and promote education and awareness to address traditional practices and beliefs, including criminalizing female genital mutilation and both forced and child marriage.⁵¹

While the Maputo Protocol included girls in its protections, the African Charter on the Rights and Welfare of the Child (African Children's Charter) further delineated issues affecting girls.⁵² The African Children's Charter was meant to remedy the underrepresentation of Africa in the drafting process of the United Nations Convention on the Rights of the Child, adopted a year earlier.⁵³ As the first regional treaty on the rights

46. *Id.*; Afr. Comm'n on Hum. & Peoples' Rts., Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, July 11, 2003, http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf [hereinafter Maputo Protocol].

47. ACHPR, *supra* note 18, art. 18(3)-(4).

48. *See generally Decisions on Communications*, AFR. COMM'N ON HUM. & PEOPLES' RTS., http://www.achpr.org/communications/decisions/?p=9&sort=_date (last visited Oct. 14, 2018). A search of the cases heard by the African Commission prior to 2003 showed that between Oct. 1988 and May 2003, there were no cases on the issues of women's rights. *Id.*

49. Although thirty-six out of fifty-four African Union Member States have ratified it so far, the protocol sparked some protests of its legalization of abortion in cases of rape, incest, or when the woman's mental or physical health are endangered. *Maputo Protocol Ratification Sparks Row in Cameroon*, VOANEWS.COM (Nov. 2, 2009), <https://www.voanews.com/a/a-13-2009-08-25-voa47-68806572/412504.html>; *see* Maputo Protocol, *supra*, note 46, art. 14(2)(c).

50. Maputo Protocol, *supra* note 46, art. 1(j) (emphasis added).

51. *Id.* arts. 4-6, 8.

52. African Charter on the Rights and Welfare of the Child art. 21(2) (prohibiting child marriage), art. 27 (prohibiting sexual exploitation and sexual abuse), July 1990 [hereinafter African Children's Charter].

53. *Health and Human Rights: African Charter on the Rights and Welfare of the Child*, WORLD HEALTH ORG. 1, <http://www.who.int/hhr/African%20Child%20Charter.pdf> (last visited Oct. 14, 2018).

of children,⁵⁴ the African Children's Charter addressed issues that were specific to Africa and were not included in the U.N. Children's Convention, in particular traditional cultural practices and beliefs that discriminated against girls, the community's responsibility to put children's interests first, the status of refugee children in armed conflict, and protection under apartheid regimes.⁵⁵

The African Committee of Experts (ACRWC Committee), mandated with monitoring and enforcing the Charter, was created in 2001.⁵⁶ State parties were required to submit initial reports regarding their implementation of the Charter within two years of ratification and to submit updates every three years.⁵⁷ Despite obstacles such as a lack of funding and staff, the Committee has grown in legitimacy and authority.⁵⁸ There were very few communications, or requests for intervention, in the first several years, though the number has doubled since 2015.⁵⁹ The Charter went further in its advocacy for children than any previous treaty; for example, it allowed any person, including children, to bring a communication to the Committee.⁶⁰ Like the ICCPR and CEDAW, the African Children's Charter enumerated the rights of children and the obligations of state parties and established a framework for extra-governmental review in cases where the state failed in its responsibility to protect children.

B. *International Case Law Addresses Discrimination Against Women and Girls*

International case law bridges the gap between state practices and the human rights norms established in treaties. The International Criminal Tribunal for the former Yugoslavia (ICTY) was one of the earliest courts

54. *About the Charter*, ACERWC, <https://acerwc.africa/about-the-charter/> (last visited Jan. 17, 2019).

55. *Health and Human Rights*, *supra* note 53, at 1.

56. African Children's Charter, *supra* note 52, art. 42; *see also* Amanda Lloyd, *Report of the Second Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child: Summary*, 3 AFR. HUM. RTS. L.J. 329 (2003).

57. African Children's Charter, *supra* note 52, art. 43(1).

58. Lloyd, *supra* note 56.

59. *Table of Communications*, AFR. COMMITTEE EXPERTS ON RTS. WELFARE CHILD, <http://www.acerwc.africa/table-of-communications/> (last visited Oct. 14, 2018). The Committee has received a total of ten communications since 2005, six of which were received between August 2015 and April 2016.

60. African Children's Charter, *supra* note 52, art. 44 (1); *cf.* Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3 (placing children's rights firmly within human rights). The CRC only receives requests from State parties for advice or assistance. *Id.* art. 45. The CRC does not explicitly mention girls.

to prosecute crimes of sexual violence under international law.⁶¹ Over a third of ICTY convictions, including *Prosecutor v. Dragoljub Kunarac et al.*, involved such crimes.⁶² In the *Kunarac* case, the ICTY determined that rape could qualify as a crime against humanity under customary international law.⁶³ By redefining torture to include “discrimination, on any ground, against the victim,”⁶⁴ and to eliminate the requirement for the “presence of a state official or of any other authority-wielding person,” the ICTY laid the foundation for prosecuting sexual violence as torture under customary international law.⁶⁵ The ICTY holdings were limited in their application to crimes occurring within the context of armed conflict.⁶⁶

The Inter-American Court of Human Rights broadened the scope of state responsibilities for protecting women from violence committed outside of armed conflict.⁶⁷ The court issued a landmark decision in *Gonzalez (Cotton Field) v. Mexico*, holding the state responsible for violence against women committed by private individuals and finding that violence against women constituted discrimination.⁶⁸ The Court consolidated the cases of three women whose bodies were discovered in a cotton field in Ciudad Juarez, Mexico, in 2001.⁶⁹ Ciudad Juarez, an industrial center and border town with El Paso, Texas, experienced growing problems associated with organized crime.⁷⁰ Throughout the early 1990s, there was an increase in the number of disappearances and murders of young women, particularly workers from the manufacturing

61. *Crimes of Sexual Violence*, U.N. INT’L CRIM. TRIB. FOR FORMER YUGOSLAVIA, <http://www.icty.org/en/features/crimes-sexual-violence> (last visited Nov. 2, 2018). Established in 1993 by a U.N. Security Council statute, the ICTY was authorized to prosecute individuals who were responsible for war crimes committed during the conflicts in the Balkans. *See generally* *Prosecutor v. Dragoljub Kunarac*, Case No. IT-96-23-T & IT-96-23/1-T, Judgment, International Criminal Tribunal for the Former Yugoslavia [ICTY] (Feb. 22, 2001).

62. *Crimes of Sexual Violence*, *supra* note 61.

63. *Kunarac*, Case No. IT-96-23-T & IT-96-23/1-T, ¶ 537.

64. *Id.* ¶ 485.

65. *Id.* ¶ 496.

66. *Id.* ¶ 402.

67. *Gonzales v. Mexico (Cotton Field)*, Preliminary Objection, Merits, Reparations, Costs, and Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205, ¶¶ 284, 402 (Nov. 16, 2009), http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf.

68. *Id.* ¶¶ 280-283, 391 (ruling that, because State responsibility was limited to two periods of time: before the disappearance and before the discovery of the bodies, in this case the State was liable only for the second period since it did not promptly begin search and investigation).

69. The authorities discovered remains belonging to five more women in the field where the applicants were found. *Id.* ¶ 209.

70. *Id.* ¶ 113.

plants who were poor or migrants.⁷¹ The Court noted that similarities in the *Cotton Field* murders, namely a pattern of sexual violence and the authorities' dilatory investigations, amounted to systematic discrimination against women, which led to a "culture of impunity."⁷² The Court found that the state violated articles 4 (Right to Life), 5 (Right to Humane Treatment) and 7 (Right to Personal Liberty) of the American Convention, as well as article 7 (Duties of the States) of the Convention of Belem do Para with regards to the crimes against the three victims.⁷³ Moreover, citing the state's knowledge of the risk to women in Ciudad Juarez, and subsequent failure to investigate after the girls' families reported their disappearances, the Court found that the state had discriminated against women in violation of article 1 of the American Convention.⁷⁴ The Court reasoned that the state's implicit reinforcement of gender stereotypes through the conduct of state officials contributed to gender-based violence against women.⁷⁵ The Court issued an extensive list of reparations, including the identification and prosecution of the murderers as well as the state officials who committed irregularities in the investigations and a monument erected in Ciudad Juarez to the women and girls who were victimized there.⁷⁶

With its decision in *Cotton Field*, the Inter-American Court took a significant step in requiring the state to protect women's and girls' rights. The Court furthered understanding of the relationship between violence and gender-based discrimination by discussing the vulnerability of the victims due to poverty and other factors.⁷⁷ Noting that the three victims "suffer[ed] a double discrimination," that is, gender and poverty, the Court demonstrated a new complexity in the understanding of discrimination as part of a system of human rights violations.⁷⁸

The African Committee of Experts on the Rights and Welfare of the Child followed the example of the Inter-American Court both in terms of rights and state parties' duties in *Minority Rights Group International & Sos-Esclaves on Behalf of Said Ould Salem & Yarg Ould Salem v. Republic*

71. *Id.* ¶ 123. In this case, one victim, Claudia Ivette Gonzalez, was a twenty-year-old employee at a manufacturing plant; the other two victims, Esmerelda Herrera Monreal and Laura Berenice Ramos, were minors (ages fifteen and seventeen, respectively); all were "of humble origins." *Id.* ¶¶ 129, 165-167.

72. *Id.* ¶¶ 158, 164.

73. *Id.* ¶ 389.

74. *Id.* ¶ 402.

75. *Id.* ¶ 401.

76. *Id.* ¶ 602(12)-(25).

77. *Id.* ¶ 391.

78. *Id.*

of Mauritania.⁷⁹ Said and his younger brother Yarg escaped from the household where they had been enslaved since birth and filed a police report, resulting in the subsequent trial and conviction of the family who had held them captive for eleven years.⁸⁰ Despite the ruling, the El Hassine family only received suspended sentences and light fines.⁸¹ The African Committee applied the due diligence standard first articulated by the Inter-American Court, requiring states to prevent, investigate, prosecute, punish, and remedy,⁸² and found that the Mauritanian government had not only breached its duty of due diligence, it had also discriminated against the boys, both because they were poor and because they were members of the Haratine ethnic group.⁸³ The African Committee recognized that there were multiple layers of discrimination in this case, due to the boys' youth, poverty, and membership in an ethnic minority.⁸⁴ The Committee also acknowledged the interrelationship of children's rights, such as the right to survival encompassing the rights to health, education, and protection from abuse.⁸⁵ In deciding that the government of Mauritania was responsible for the actions of the El Hassine family, the African Committee asserted an authority both to interpret the Convention and also to enforce it by requiring that the state take particular measures to fulfill its duties.⁸⁶

The CEDAW Committee took the next step by applying the due diligence standard in *X & Y v. Georgia*, a case that linked violence against women and discrimination.⁸⁷ X had married her husband after he raped her, and during the course of their marriage, he physically assaulted her numerous times as well as sexually assaulted their daughter, Y.⁸⁸ When X

79. Minority Rights Grp. Int'l & Sos-Esclaves on Behalf of Said Ould Salem & Yarg Ould Salem v. Republic of Mauritania (*Salem Brothers*), No. 003/2017, Decision, African Committee of Experts on the Rights and Welfare of the Child [ACERWC] (Dec. 15, 2017), <https://minorityrights.org/wp-content/uploads/2016/11/ACERWC-Final-Decision.pdf>.

80. *Id.* ¶ 8.

81. *Id.* ¶ 9.

82. *Id.* ¶¶ 58, 61.

83. *Id.* ¶¶ 32-35.

84. *Id.* ¶ 59. The term "intersectional" was first used to describe multilayered discrimination by Kimberle Crenshaw. Kimberle Crenshaw, *De Marginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989), <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>.

85. *Salem Brothers*, No. 003/2017, ¶ 71.

86. *Id.* ¶ 84.

87. *X & Y v. Georgia*, Communication No. 24/2009, Commission on the Elimination of Discrimination Against Women [CEDAW] (July 13, 2015), <http://undocs.org/CEDAW/C/61/D/24/2009>.

88. *Id.* ¶¶ 2.1, 2.3-6.

reported the beatings to the police on three separate occasions, they refused to open any criminal investigation; instead, they had the husband sign a pledge to refrain from violence, and they treated it as a private concern.⁸⁹ X asserted in her complaint to the Committee that the domestic violence she experienced qualified as torture, because she suffered severe physical and mental pain, and the state's involvement amounted to tacit encouragement.⁹⁰ While the Committee did not rule on that issue, it agreed that the state's failure to respond to domestic violence was proof of institutional gender discrimination under General Recommendation No. 19.⁹¹ The Committee decided that the state violated Recommendation 19, as well as articles 1 (prohibition of discrimination), 2 (obligations to protection from discrimination), and 5(a) (to address sociocultural patterns of subordination) of CEDAW.⁹² Like the Inter-American Court in *Cotton Field*, the Committee found the state's lack of due diligence to prevent, investigate, punish, and compensate violence against women amounted to discrimination, but in *X & Y v. Georgia*, that ruling and its remedies were limited to the sphere of domestic violence.⁹³

Several months after the CEDAW Committee's decision, the African Commission on Human and Peoples' Rights decided *Equality Now & Ethiopian Women Lawyers Association (EWLA) v. Federal Republic of Ethiopia*.⁹⁴ Woineshet Zebene Negash, a thirteen-year-old girl, was abducted from her school dormitory and raped by Aberew Hemma Negussie in 2001; he was arrested and freed on bail, at which point he abducted her again, kept her at his brother's house for a month, and forced her to sign a marriage contract.⁹⁵ She escaped and ran to a police station.⁹⁶ Negussie and his accomplices were arrested and convicted; on appeal, the High Court reversed their conviction, stating that the events were consensual, and the judge released the men from prison, a ruling that the

89. *Id.* ¶¶ 2.11, 9.7.

90. *Id.* ¶ 3.11. It is noteworthy that X had previously submitted her application to the ECHR where it was rejected, most likely because the complaint focused on the impact of the abuse her children suffered and which she experienced as a parent; once she framed her application to the CEDAW Committee on the grounds of gender discrimination, the Committee found the case justiciable. *Id.* ¶¶ 5.1-3.

91. *Id.* ¶¶ 9.3, 10.

92. *Id.* ¶ 10.

93. *Id.* ¶ 9.3.

94. *Equality Now v. Ethiopia*, Communication 341/2007, African Commission on Human and Peoples' Rights [Afr. Comm'n H.P.R.] (Nov. 16, 2015), https://www.escr-net.org/sites/default/files/caselaw/equality_now_ethiopian_w_omen_lawyers_association_decision_2007_0.pdf.

95. *Id.* ¶¶ 3-4, 108.

96. *Id.* ¶ 4.

Commission called “barely reasoned.”⁹⁷ Although the Ethiopian Penal Code prohibited rape of a child under fifteen years of age,⁹⁸ the perpetrators were never punished, and so the African Commission determined that Negash had exhausted all local remedies.⁹⁹ The Commission was particularly affected by the fact that Negash was subjected to rape and kidnapping a second time, pointing to this failure on the part of the state to uphold its obligations “beyond the criminalization of abduction and rape.”¹⁰⁰ The Commission held the government responsible for violations to articles 3 (equal protection), 4 (respect for life and personal integrity), 5 (prohibiting torture and cruel, inhuman, or degrading treatment), 6 (right to liberty and security), and 7 (right to a fair trial).¹⁰¹ Thus, this decision took a significant step in confronting traditional practices harmful to girls by making connections between women’s rights and children’s rights; this allowed them to include rape, “which cause[s] unimaginable mental anguish beyond the physical suffering,” under the protections of the African Charter.¹⁰²

However, the Commission declined to rule that Negash had suffered discrimination.¹⁰³ Reading the definition of discrimination narrowly as “any distinction, exclusion or restriction or any differential treatment based on sex,”¹⁰⁴ the Commission determined that Negash’s treatment did not qualify as discrimination because she did not identify others who were similarly situated and who received the same treatment.¹⁰⁵ In other words, the Commission required a “comparator” in order to find that discrimination had occurred.¹⁰⁶ The Commission further stated that “[n]ot all violence against women necessarily amounts to or ought to be termed ‘discrimination’ to be condemned as violations of women’s rights.”¹⁰⁷ Even though the Commission had acknowledged that Negash’s case fell within “one of the most repugnant traditional practices [of] forced marriage by abduction coupled with rape,”¹⁰⁸ the Commission was unable

97. *Id.* ¶¶ 5, 137.

98. *Id.* ¶¶ 12, 93. At the time of Ms. Negash’s abductions, Ethiopian law dissolved the crime of rape if the perpetrator married the victim; this law was repealed in 2005. *Id.*

99. *Id.* ¶¶ 83, 110.

100. *Id.* ¶ 126.

101. *Id.* ¶ 139.

102. *Id.* ¶ 120.

103. *Id.* ¶ 150.

104. See Maputo Protocol, *supra* note 46, art. 1(f); see also CEDAW, *supra* note 14, art. 1.

105. *Equality Now*, Communication 341/2007, ¶ 147.

106. *Id.*

107. *Id.* ¶ 149.

108. *Id.* ¶ 107.

to classify this as discrimination against women because of the lack of comparable cases that would help to establish a pattern of state conduct.

III. COURT'S DECISION

In the noted case, the African Committee of Experts on the Rights and Welfare of the Child relied on prior interpretations of international human rights law, specifically the *Salem Brothers* case, *X & Y v. Georgia*, the *Cotton Field* case, and *Equality Now v. Ethiopia*, in extending the prohibition against discrimination in international human rights law to girls. The Committee held that the government of Cameroon violated articles 1 (state obligations to protect the rights set forth in the Charter), 3 (nondiscrimination), and 16 (prohibition against child abuse and torture).¹⁰⁹ The Committee directed the government of Cameroon to immediately find, prosecute, and punish TFA's rapist; pay her 50 million CFA (roughly equivalent to US\$86,800) for compensation; enact and implement legislation prohibiting violence against children; train police, judicial and government officials about children's rights; create specialized monitoring units and courts for addressing child victims; and create and implement social awareness programs for educating the public about the practices and stereotypes that lead to violence against girls.¹¹⁰

The Committee began by determining that they had jurisdiction over the case because TFA had exhausted all available domestic remedies.¹¹¹ As the Committee noted, this issue was particularly important in cases involving children, because prolonged delay created undue hardship in the life of a child.¹¹² The African Committee acknowledged this fact in the *Salem Brothers* case, when it noted that the boys had waited four years after filing an appeal; the Committee there ruled that "undue delay . . . triggers the exception to the requirement to exhaust any local remedies."¹¹³ TFA was denied the opportunity to file an appeal when the Magistrate refused to give her a copy of the proceedings below and was therefore eligible to apply directly to the ACERWC Committee.¹¹⁴

The Committee held that the government of Cameroon violated article 1 of the African Children's Charter because of the state's failure to

109. *TFA v. Cameroon*, Communication 006/Com/002/2015, ACERWC, ¶ 83 (May 2018), <https://acerwc.africa/wp-content/uploads/2018/09/Final-Eng.pdf>.

110. *Id.* ¶ 84.

111. *Id.* ¶ 32.

112. *Id.* ¶ 29.

113. *Salem Brothers*, No. 003/2017, Decision, ACERWC, ¶ 29 (Dec. 15, 2017), <https://minorityrights.org/wp-content/uploads/2016/11/ACERWC-Final-Decision.pdf>.

114. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 32.

respect, protect, promote, and fulfill TFA's rights under the Charter.¹¹⁵ As the Committee noted, the due diligence standard, as applied in the *Salem Brothers* case, obligated the state not only to enact legislation, but also to implement it by adopting national policies, particularly with regard to administrative and judicial procedures impacting children's rights.¹¹⁶ In this instance, the Cameroonian Penal Code, which is national law, was amended on July 12, 2016, after TFA's application was accepted by the Committee.¹¹⁷ The new law abrogated the prior law, which, like the Ethiopian law, gave amnesty to the perpetrator if the victim subsequently married her rapist.¹¹⁸ The new law punished rape with five to ten years of imprisonment and explicitly stated that marriage would not affect prosecution and conviction for rape.¹¹⁹ Nonetheless, as they had in the *Salem Brothers* case, the Committee found that legislative measures were insufficient, in that the state still demonstrated a "lack of commitment" by not investigating, prosecuting, and punishing the perpetrators.¹²⁰

The Committee emphasized the importance of the duty to investigate as part of the due diligence standard.¹²¹ Noting that TFA's rape had occurred five years before, and that there had still been no prosecution, the Committee found that the government's failure to investigate TFA's claim made the state liable for her injuries.¹²² Citing the *Cotton Field* case, the Committee further determined that the government's failure to investigate was evidence of discrimination and ruled that the government had therefore violated article 3 of the African Children's Charter.¹²³ Both the Inter-American Court and the African Committee concluded that non-investigation led to impunity, which contributed to further acts of violence against women and girls.¹²⁴

115. *Id.* ¶ 57.

116. *Id.* ¶¶ 43, 46.

117. *Id.* ¶ 1. The Committee received the communication on November 16, 2015.

118. See Code Penal, No. 67/LF/1, JOURNAL OFFICIEL DE LA REPUBLIQUE DU CAMEROUN §§ 73(1), 297 (June 12, 1967), http://www.vertic.org/media/National%20Legislation/Cameroon/CM_Code_Penal_Cameroon.pdf; see also Law No. 2016/007: Relating to the Penal Code §§ 296, 297 (Cameroon) (July 12, 2016), <https://www.prc.cm/en/news/the-acts/laws/1829-law-no-2016-007-of-12-july-2016-relating-to-the-penal-code>.

119. Law No. 2016/007: Relating to the Penal Code § 297. The new law also outlawed traditional practices harmful to girls, including forced marriage and genital mutilation. *Id.* §§ 277(1), 356. There are no laws in the 2016 amendment prohibiting spousal rape or domestic violence.

120. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶¶ 43-44.

121. *Id.* ¶¶ 45-46.

122. *Id.* ¶¶ 54-55.

123. *Id.* ¶¶ 65-66.

124. *Id.* ¶ 65.

The African Committee found that the Cameroon government had also violated article 16 of the Children's Charter by failing to protect TFA from "torture, inhuman or degrading treatment and especially physical or mental injury or abuse . . . including sexual abuse."¹²⁵ The Committee cited the Committee Against Torture's declaration that "indifference or inaction provides a form of encouragement and/or de facto permission."¹²⁶ This complicity implicated the state, a fact that enabled the African Committee to echo the claim, made earlier by the applicants in *X & Y v. Georgia*, that rape was a form of torture.¹²⁷ The African Committee examined the "long-lasting and devastating" effects of rape as presented in several studies, concluding that "[r]ape has been recognized as a form of torture despite the fact that it takes place outside of state facilities."¹²⁸ The Committee took a radical step in classifying TFA's rape by a private individual as torture.¹²⁹

The case of *X & Y v. Georgia* further provided a precedent for the Committee to connect gender-based violence with discrimination.¹³⁰ The African Committee applied CEDAW's General Recommendations 19 and 35, concluding that the cultural subordination of women caused gender-based violence.¹³¹ Recommendation 19 established that sexual abuse and rape were forms of gender-based violence.¹³² Recommendation 35 stated that gender-based violence was a form of discrimination.¹³³ In *X & Y v. Georgia*, the CEDAW Committee held the state responsible for domestic violence as gender-based violence, and therefore gender-based discrimination.¹³⁴ The African Committee completed the syllogism, reasoning that sexual violence was a form of gender discrimination.¹³⁵ As the Committee concluded, "[G]ender based violence is caused by discriminatory attitudes and it is on its own gender-based discrimination, hence it violates the principle of non-discrimination."¹³⁶

125. *Id.* ¶ 77.

126. *Id.* ¶ 74 (quoting the Committee Against Torture in its General Comment no. 2).

127. *Id.* ¶¶ 64, 74; see *X & Y v. Georgia*, Communication No. 24/2009, CEDAW, ¶¶ 3.1, 3.11 (July 13, 2015), <http://undocs.org/CEDAW/C/61/D/24/2009>.

128. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶¶ 64, 70.

129. *Id.* ¶ 64 ("The sexual abuse committed against TFA has disabled her from enjoying the protection provided in the Charter, namely protection against abuse and torture.").

130. *Id.* ¶ 63.

131. *Id.* ¶¶ 60-61.

132. *Id.* ¶ 60.

133. *Id.* ¶ 61.

134. *Id.* ¶ 63.

135. *Id.* ¶ 62.

136. *Id.*

IV. ANALYSIS

The African Committee's decision in the noted case is a beacon for women's and children's rights, because it was the first time an international human rights body held that rape and sexual abuse were forms of gender discrimination.¹³⁷ The Committee went further than any prior international court in its scope of protection, harnessing international human rights law in the service of girls' and women's rights. The Committee's decision reinforced developments from prior cases and made advances as well.

First, the African Committee took up the idea of intersectional discrimination, which had been set forth in both *Cotton Field* and *Salem Brothers*. As the Committee noted, girl victims presented the interrelated vulnerabilities of youth and gender.¹³⁸ This acknowledgement that discrimination may occur in the intersection of multiple characteristics, such as poverty, race, and gender, broadened the protection for people who were often marginalized. More particularly, the African Committee found that TFA's individual claim was sufficient for their jurisdiction because it presented intersectional issues;¹³⁹ unlike Nagesh in *Equality Now v. Ethiopia*, TFA did not have to show a comparator in order for her abuse to qualify as discrimination. As Professor Kimberle Crenshaw has noted, the "single-axis" view of discrimination further marginalized victims and reinforced the status quo.¹⁴⁰ The more complex framework of intersectionality led the African Committee to require an expanded remedy for social change, namely public education.¹⁴¹

Second, the African Committee ruled that rape was a form of torture, even when "it takes place outside of state facilities and it is committed only once."¹⁴² The ICTY extensively examined the connection between

137. Cf. *Cotton Field*, Preliminary Objection, Merits, Reparations, Costs, and Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205, ¶ 402 (Nov. 16, 2009), http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf (finding that gender-based violence is a form of discrimination).

138. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 64.

139. *Id.* ¶ 8 (describing TFA's rapist as "prominent and influential"); see also *id.* ¶ 73 (discussing State obligations to "identify vulnerable groups" who need protection). Thus, the intersectionality in TFA's case included her class relative to her perpetrator, her youth, and her sex.

140. Crenshaw, *supra* note 84, at 140, 167.

141. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 84(g) (including creation and implementation of awareness training regarding "beliefs, practices and stereotypes," which support violence against children); cf. *Equality Now v. Ethiopia*, Communication 341/2007, Afr. Comm'n H.P.R., ¶ 160(d) (Nov. 16, 2015), https://www.escri-net.org/sites/default/files/caselaw/equality_now_ethiopian_women_lawyers_association_decision_2007_0.pdf. (including training officers and members of the judiciary as part of the remedy).

142. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 64.

rape and torture beginning in the 1990s,¹⁴³ and the U.N. Security Council passed a resolution in 2008 designating rape as a war crime.¹⁴⁴ However, these measures were applied in the context of armed conflict.¹⁴⁵ By holding that the rape of an individual girl by a private actor, outside of a situation of armed conflict, is torture, the African Committee expanded the application of the Torture Convention.¹⁴⁶ The Committee was satisfied that the requirement in article 1 of the Torture Convention for the “consent or acquiescence of a public official” was met by both the state’s failure to prevent TFA’s rape and its subsequent failure to investigate despite knowing that rape had occurred.¹⁴⁷ This interpretation allows international human rights tribunals a greater reach, since the Torture Convention is widely ratified with 164 parties, although the number of reservations could impede the use of this treaty.¹⁴⁸

While the African Committee in *TFA v. Cameroon* established the use of international law to prosecute cases of sexual assault, Judge Medina Quiroga’s concurrence in *Cotton Field*, one of the first judicial pronouncements equating rape and torture, provided a resolution to this difficulty of reach.¹⁴⁹ Although she agreed with the Court’s decision that the State of Mexico had violated article 5(2) of the Convention, she disagreed with their refusal to classify the violence perpetrated on the three

143. Prosecutor v. Dragoljub Kunarac, Case No. IT-96-23-T & IT-96-23/1-T, Judgment, ICTY (Feb. 22, 2001); see also Prosecutor v. Delacic, Mucic et al., Case No. IT-96-21-T, Trial Judgment, ICTY, ¶ 471 (Nov. 16, 1998); cf. Kadic v. Karadzic, 70 F.3d 232 (2d Cir. 1995) (rehearing 1996) (noting that Catharine A. MacKinnon submitted a brief for the plaintiffs, which asserted that rape was a mechanism for torture and genocide); see also Rhonda Copelon, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, COLUM. HUM. RTS. L. REV. 291 (1994). Professor Copelon was an expert witness for the applicants in *Cotton Field*.

144. S.C. Res. 1820 (June 19, 2008), <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>.

145. *Id.* pmb1.

146. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 74; see U.N., Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, June 26, 1987, T.I.A.S. 94-1120.1, 1465 U.N.T.S. 85, art. 1 (1) [hereinafter Torture Convention] (defining one of the requisite purposes of torture as “any reason based on discrimination of any kind.”).

147. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶ 74, <https://digitallibrary.un.org/record/609433?ln=en> (citing the Committee quoting extensively from the Committee Against Torture’s General Comment No. 2, Oct. 3, 2007).

148. United Nations, *Treaty Series*, vol. 1465 p. 85, available at, <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-9.en.pdf> (noting the United States made reservations limiting the definition of torture to one covered by the Fifth, Eighth, and Fourteenth Amendments, and generally immunized the government).

149. *Cotton Field*, Preliminary Objection, Merits, Reparations, Costs, and Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205, (Nov. 16, 2009), http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf (Cecilia Medina Quiroga, J., concurring).

victims as torture.¹⁵⁰ Citing international instruments and jurisprudence, particularly the ICTY decisions, Judge Medina Quiroga noted that the requirement that a state's agent participate or acquiesce, an element in the Torture Convention's definition of torture, "cannot be regarded as a provision of customary law."¹⁵¹ She reiterated the ICTY's assertion that three elements of the Torture Convention's definition have achieved the status of customary international law: (1) severe pain or suffering, mental or physical; (2) the intent to cause such pain or suffering; and (3) the perpetrator's desire to reach a particular goal.¹⁵² She reasoned that this definition should be applied because it provided the greatest protection to human rights.¹⁵³ It would certainly apply in all of the cases in this Note.

While the establishment of norms is a first step in international human rights, the issue of enforcement remains. Domestic implementation is costly and slow. For example, three years after the *Cotton Field* judgment, a "second wave" of violence against women led to few arrests or convictions. As one investigator said, "People haven't reacted with the same force as before. . . . They think it's natural."¹⁵⁴ While the world will have to wait and see what changes are made in Cameroon, on another continent, the Nobel Peace Prize was recently awarded to two activists who fought sexual violence against women.¹⁵⁵ The Nobel Committee's choice of Nadia Murad, a survivor of sexual violence by ISIS, and Dr. Denis Mukwege, founder of a hospital in Eastern Congo for survivors of sexual assault, signals a readiness in public discourse to acknowledge the damage that violence against women and girls causes to humanity's sense of itself. By bringing her story before the African Committee, TFA has done her part.

V. CONCLUSION

The African Committee's expansion of the human rights violations affecting girls and women, by deciding that rape is a form of torture as

150. *Id.* ¶ 1.

151. *Id.* ¶¶ 4, 5, 14.

152. *Id.* ¶ 15; *see also* Prosecutor v. Dragoljub Kunarac, Case No. IT-96-23-T & IT-96-23/1-T, Judgment, ICTY, ¶ 483 (Feb. 22, 2001).

153. *Cotton Field*, Inter-Am. Ct. H.R. (ser. C) No. 205, ¶ 16.

154. Damien Cave, *Wave of Violence Swallows More Women in Juarez*, N.Y. TIMES (June 23, 2012), <https://www.nytimes.com/2012/06/24/world/americas/wave-of-violence-swallows-more-women-in-juarez-mexico.html>.

155. Rukmini Callimachi et al., *2018 Nobel Peace Prize Awarded to Yazidi Activist and Congolese Doctor*, N.Y. TIMES (Oct. 5, 2018), <https://www.nytimes.com/2018/10/05/world/nobel-peace-prize.html>.

well as gender-based discrimination, has changed the landscape of international human rights law. States may now be held liable for sexual violence against girls and women perpetrated by non-state actors outside of the context of armed conflict. Merely passing legislation is not enough; states must prevent, investigate, punish, and compensate. When a state refuses to do so, the Committee has confirmed that girls are relieved of their duty to exhaust local remedies before submitting an application to the Committee,¹⁵⁶ which the girls can submit on their own behalf.¹⁵⁷ Finally, the Committee understood that gender-based violence is the direct result of social and cultural systems that subordinate women.¹⁵⁸ *TFA v. Cameroon* broke new ground in the development of international norms protecting women and girls.

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156. *TFA v. Cameroon*, Communication 006/Com/002/2015, ACERWC, ¶ 29 (May 2018), <https://acerwc.africa/wp-content/uploads/2018/09/Final-Eng.pdf>.

157. Afr. Comm. of Experts on the Rts. & Welfare of the Child, Revised Guidelines for the Consideration of Communications §1.1 (Oct. 2014).

158. *TFA v. Cameroon*, Communication 006/Com/002/2015, ¶¶ 61-62.

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