Committee on the Elimination of Racial Discrimination
Seventy-sixth session

Summary record of the 1983rd meeting
Held at the Palais Wilson, Geneva, on Monday, 22 February 2010, at 3 p.m.

Chairperson: Mr. Kemal

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Fifteenth to eighteenth periodic reports of Cameroon (CERD/C/CMR/15-18; CERD/C/CMR/Q/15-18 and Add.1; HRI/CORE/1/Add.109)

1. At the invitation of the Chairperson, the members of the delegation of Cameroon took places at the Committee table.

2. Mr. Dion Ngute (Cameroon), introducing the fifteenth to eighteenth periodic reports of Cameroon (CERD/C/CMR/15-18), said that his delegation looked forward to a frank and constructive dialogue with the Committee. He apologized for the delay in submitting the reports, which complicated the Committee’s task of monitoring his country’s compliance with the Convention. His Government would take steps to ensure that its future reports were submitted on time.

3. The report had been prepared in accordance with the Committee’s guidelines, and the involvement of civil society and all relevant governmental bodies had been encouraged and facilitated.

4. During the period under review, the Government had endeavoured to bring its legislation into line with the Convention and to ensure that the rights enshrined in it were enjoyed by all persons resident in Cameroon. It had also made it a point of honour to act on the recommendations issued by the Committee on its previous periodic report (CERD/C/304/Add.53).


6. Cameroon was composed of more than 250 ethnic groups, defined on the basis of dialect. With a view to precluding discrimination based on any ethnic criterion, the authorities had decided that a person’s sex should be the only discriminatory item of information included in civil status documents, national identity cards, passports and voting cards.

7. In 2006, the Government had adopted the “Sectoral strategy for education”, which focused on: universalization of primary education; improvement of access and equity; enhancement of the quality and relevance of educational content; and improvement of management and governance. Priority areas had been identified on the basis of access and performance indicators. New schools with qualified staff had been opened in those areas and they had been equipped with basic teaching aids. In general, education for girls,
persons with disabilities and marginalized groups was promoted through awareness-raising campaigns targeting families and communities, support for the enrolment of children in basic alternative facilities, and enhancement of NGO capacity. The State also supported training facilities for persons with disabilities, encouraged their recruitment as teaching staff, and established centres for persons with visual and hearing impairments. Girls, persons with disabilities and marginalized groups were offered study grants and learning materials, and were exempt from payment of school fees. Free and compulsory primary education was guaranteed under the Government’s “Education for all plan”. As a result, Cameroon had achieved an enrolment rate of 82 per cent, one of the highest in sub-Saharan Africa.

8. The main challenges in the area of health were infectious and parasitic diseases. In addition, the country’s HIV/AIDS prevalence rate currently stood at 5.5 per cent. The Government was implementing programmes to combat malaria, tuberculosis, onchocerciasis and HIV/AIDS. Access to HIV/AIDS treatment was universal. The number of persons receiving antiretroviral drugs had increased from 600 in 2001 to 50,005 in 2008. Since 2007 the drugs had been distributed free of charge in “approved treatment centres”. In addition, steps had been taken to protect persons living with HIV/AIDS against stigmatization. The Government was also taking more vigorous action to provide psychosocial assistance for AIDS orphans.

9. The Legal Aid Act guaranteed the due process rights of indigent defendants and the right of all litigants to invoke international treaties, including the Convention, which took precedence over domestic law. Racist propaganda was prohibited by the Criminal Code and the 1990 Social Communication Act.

10. All Cameroonians possessing legal capacity were entitled to vote. General and municipal elections were based on the list system and each party list was required to reflect the sociological components of the constituency concerned.

11. The 2005 Act on the status of refugees was applicable to both refugees and asylum-seekers. Its definition of a refugee was more comprehensive than that contained in the Convention relating to the Status of Refugees and its Protocol, since it highlighted race, religion, nationality, membership of a social group and political opinion. It also recognized the principles of non-refoulement and non-discrimination, freedom of religion, association and movement, the right to litigate and the right to employment, property, education, housing and naturalization. Refugees and asylum-seekers also had access to medical care, including free antiretroviral treatment, without discrimination.

12. While Cameroon was proud of its achievements in the fight against discrimination, it continued to be concerned about a number of points, including the access of Pygmies and Mbororos to land ownership. Cameroonian land law contained no discriminatory provision, but it was difficult for the authorities to guarantee the legal security of such property on account of the nomadic traditions of the communities concerned and their failure to make proper use of the land. Such factors made it difficult to implement the legal procedures for compensation in the event of expropriation on the ground of public utility.

13. The National Commission on Human Rights and Freedoms (NCHRF) enjoyed the technical and financial independence required by the Paris Principles. However, the voting rights enjoyed by representatives of the Administration in the NCHRF was a matter of concern for the Government, which was seeking to amend the Commission’s statute in order to ensure that their role was basically of an advisory nature, as required by the Principles.

14. Cameroon had undergone a universal periodic review before the Human Rights Council in February 2009 and the Council had issued its report on 10 June 2009. Cameroon had accepted most of the recommendations made. Just over six months after the adoption of
the report, administrative actions and legal studies were under way with a view to their implementation.

15. **Mr. Ewomsan**, Country Rapporteur, welcoming the high-level delegation from Cameroon, said that he was pleased to hear that the State party intended to submit its future periodic reports within the deadline set by the Convention, since the current report covered a very long period: from August 1997 to September 2008.

16. The Constitution had been amended in 1996 to incorporate the Universal Declaration of Human Rights and all international human rights instruments ratified by Cameroon, which included most of the core human rights treaties. Such treaties had primacy over domestic legislation and, as noted by the State party in its written replies to the Committee’s list of issues (CERD/C/CMR/Q/15-18/Add.1), could be invoked before the courts. However, as no mention was made of any jurisprudence in that regard, he asked the delegation whether the right in question had been exercised in practice.

17. The Constitutional Council was not yet operational and its functions were currently being performed by the Supreme Court. He enquired about the reasons for the delay in appointing the members of the Council.

18. He welcomed the establishment of the National Commission on Human Rights and Freedoms (NCHRF) and encouraged the Government to take more vigorous action to align its structure and operating procedures with the Paris Principles and to ensure its independence and financial autonomy. Noting that Cameroon had hosted the OHCHR Subregional Centre for Human Rights and Democracy in Central Africa since 2001, he suggested that the credibility of the NCHRF as a national human rights institution should be reinforced so that it could serve as a key collaborator with the Centre. Did the State party intend to accord constitutional status to the NCHRF? The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights had accredited the NCHRF with “B” status in 2006. He encouraged the State party to create the conditions that would enable the NCHRF to acquire “A” status.

19. A Directorate for Human Rights and International Cooperation had been established at the Ministry of Justice in 2005. According to the replies to the list of issues, one of its duties was to assist in defending the State before international human rights bodies. He asked whether the Directorate’s mandate included raising awareness of human rights among the general public or whether its duties were confined to judicial personnel.

20. The State party had provided no information in its report regarding the ethnic composition of the population. However, as noted by the delegation, there were more than 250 ethnic groups, a degree of diversity that might well present a major challenge for a country seeking to achieve national unity. The State party had said in its written replies to the list of issues that ethnic diversity constituted an impediment to the application of the provisions of the Convention. For instance, inter-ethnic conflicts had erupted in Bawock and Bali Nyonga. Clearly, the prevention of such conflicts called for the implementation of the Convention, which, far from undermining national unity, consolidated it through the application of the principle of non-discrimination on racial grounds. Unity should not be perceived as homogeneity.

21. The authorities should demonstrate political will in enforcing bilingual policies so that the English-speaking population in the southern part of the country had no cause to feel that they were the victims of inequality in employment, education, the media and legal proceedings.

22. While he welcomed the incorporation of the Convention into the amended Constitution, it was unclear whether the 1996 revision of the Constitution or the Code of Criminal Procedure contained a definition of racial discrimination that was in line with that
in article 1 of the Convention. In addition to prohibiting racial discrimination in their domestic legislation, States parties to the Convention undertook to condemn racial segregation and racist propaganda and prevent all practices relating to them. They also had a duty to guarantee the right of everyone to equality before the law and to assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals. The Committee had noted that the absence of complaints concerning racial discrimination did not necessarily indicate that acts of racial discrimination were not being committed. He would therefore welcome information on any prosecutions or convictions, as evidence of a robust policy on the elimination of racial discrimination. Additional details of human rights training, particularly for judges, would also be useful.

23. He welcomed the measures that had been taken to prohibit discrimination in education, detailed in paragraphs 24 to 46 of the report. The Committee would appreciate information on the outcomes of the pilot project on the inclusion of human rights education in primary schools in 2008.

24. NGO reports indicated that there was no law (or practice) guaranteeing that indigenous children could enter secondary education without an entrance examination. Entrance depended on the goodwill of head teachers. Further obstacles preventing many indigenous children from attending school included unmanageable fees, the need to possess identity cards, the long distance between villages and schools, and the fact that indigenous children were bullied and humiliated by fellow-students and teachers. He asked how the State party planned to tackle those obstacles, and in particular how it would ensure that school was genuinely free of charge for indigenous children. It would also be interesting to learn whether the State party planned to introduce a formal school system for indigenous children, such as the so-called “ORA” teaching method which had been developed for Baka children. It had been based on their culture, in line with the provisions of the ILO Convention concerning Indigenous and Tribal Peoples (No. 169). He commended the State party for the measures it had taken to improve education for girls and children with disabilities, and encouraged the Government to continue those efforts and to ratify the Convention on the Rights of Persons with Disabilities.

25. As to discrimination in the social sphere, the NCHRF had identified Pygmy, Mbororo and other groups as indigenous communities. It recognized that the challenges they faced included extreme poverty, low school attendance, exploitation, dispossession of their land and the issue of identification. The Committee would welcome more detailed information on the groups that had been identified as indigenous peoples. He also wished to know why the term “marginal population groups” had been used in paragraphs 74 to 82 of the periodic report, as opposed to “indigenous peoples”. He requested clarification on whether the Pygmy population, comprising the Baka, the Bakola, the Bagyeli and the Bedzam, plus the Mbororo and highland peoples such as the Mafa, Mada, Mandara, Zouglou, Ouldémé, Molko, Mbadko, Dalla and Guemdjek, were considered to be indigenous peoples.

26. The Committee would welcome additional details on the State party’s projects to support the economic and social development of 7,000 Pygmies in the Djoum-Oveng-Mintom region and to improve the quality of life of the Pygmies of Lolodorf, Bipindi, Campo and Kribi. In particular, he wished to know whether the people concerned had been consulted on the design of the projects. He requested more information on the compensation plans that had been adopted when forest management projects had impinged on the rights of indigenous groups, in particular whether the plans truly protected the rights of those groups to access and manage their own land. The Committee had received reports indicating that the Chad-Cameroon pipeline project had exacerbated the vulnerability of many Bagyeli who had been displaced and adversely affected by the project, and that the compensation plan under the project had not covered them.
27. NGO reports had indicated that indigenous people did not enjoy the right to equal treatment before customary tribunals. While assessors played a role in decision-making in those tribunals, no assessors of Baka, Bakola, Bagyeli or Bedzang origin had been involved in them. Moreover, the tribunals did not use the traditional languages of those groups, and as there was no interpretation service available, the parties were obliged to speak Bantu languages, which many indigenous people found difficult. He asked what steps the State party planned to take to remedy that situation.

28. In the wake of the inter-tribal disputes that had arisen in Bawock and Bali Nyonga, he asked what measures the Government was taking to raise public awareness of the need for tolerance and peaceful coexistence between the different communities. He asked whether the State had attempted to investigate the causes of the disputes with a view to preventing a recurrence.

29. He wished to know what measures were being taken to find solutions to the problems currently faced by refugees in rural areas, particularly regarding access to health services, education, housing, employment and security. The Committee would also welcome the delegation’s comments on reports that some companies paid employees different wages according to their ethnic origin. What measures would the State party take to eliminate that practice? He would appreciate additional information on the current situation of illegal migrants, particularly those from Nigeria, and on the State party’s immigration laws.

30. Lastly, he asked whether the State party had drawn up a national action plan to implement the provisions of the Durban Declaration and Programme of Action.

31. Mr. Amir said that the State party, together with many other African countries, faced challenges owing to the number of different ethnic groups coexisting in its population. He requested additional information on the extent to which different ethnic groups, particularly those considered to be indigenous peoples, enjoyed the rights of full citizens, especially land rights.

32. Mr. Murillo Martínez said that he would welcome more statistical information on the special measures taken to encourage girls to embark on or continue their studies. He would also like to know more about the situation of albinos in Cameroon and the size of the albinos population. He wished to know the scope of action against racism taken in the context of the Durban Declaration and Programme of Action. He also requested further information on the ethnic conflicts in the north-west of the country (Oku/Mbessa and Bawock/Bali). He noted the high infant and child mortality rates in Cameroon reflected in data from 1991, 1998 and 2004, and wished to know the current situation.

33. Mr. Prosper said he would like to know what definitions the Government used for various terms found in the report, such as “marginalized population”, “vulnerable population”, “indigenous population”, “minority groups”, “ethnic groups” and “cultural groups”, and by means of what criteria it placed particular groups in those categories. He requested clarification as to whether a group of individuals could belong to more than one of the categories.

34. Ms. Dah observed that, according to Cameroon’s core document (HRI/CORE/1/Add.109), there were 230 tribes in Cameroon but the report did not cite the names of any of them. It was important for the Committee to know which groups they were dealing with. More demographic data were required for those tribes, including their population size by region and their representation in the armed forces, the police, the justice system and the political system, together with their education, health, housing, social status, etc.
35. She expressed satisfaction with the efforts made in education, the high literacy rates and the emphasis placed on education for girls. However, the Committee needed to know whether vulnerable peoples and indigenous peoples were also included in those efforts, what obstacles might prohibit their inclusion and how the Government planned to overcome such obstacles. She recommended that the Government take special measures in support of marginalized ethnic groups and indigenous peoples.

36. She noted that indigenous peoples faced difficulties in terms of access to land. A new law and action plan were needed to correct the older, discriminatory legislation on land ownership. Successful programmes carried out in some southern African countries could serve as an example.

37. She expressed satisfaction with the many initiatives Cameroon had taken to promote human rights over the past 15 years. Act No. 2005/006 notwithstanding, national regulations were still needed concerning the status of refugees, as were certificates to establish asylum-seeker status. She commended the adoption of the new Code of Criminal Procedure and Act No. 2006/015 on the organization of the judiciary. She also expressed satisfaction that a bill prohibiting female genital mutilation and a Family Code were being considered, and stressed that it was important to finalize those efforts as quickly as possible and eliminate any discriminatory provisions from the new enactments, particularly with regard to the inheritance of land by women. She observed that, according to domestic legislation, a husband could legally prevent his wife from working on the grounds that it was not in the interest of the family. In the modern era it was not acceptable to have such provisions in a nation’s laws.

38. She noted that Cameroon had been chosen to host the United Nations Subregional Centre for Human Rights and Democracy in Central Africa. That entailed certain benefits for Cameroon, but also many obligations. Cameroon must ensure that it carried through with its own action plan for reform of the legal system. More emphasis should be placed on human rights training for police officers, prison guards, magistrates and other State officials. The Government should take appropriate steps to enable the NCHRF to regain its “A status” during Cameroon’s appearance before the Human Rights Committee in July 2010.

39. Mr. Lahiri acknowledged that it would be difficult to provide disaggregated demographic statistics for all 230 tribes in Cameroon. However, he noted that those tribes could be divided into three cultural groups (Bantu, Bantoid, and Sudanese) and asked whether the delegation could provide statistics based on those three main divisions. Comparative statistics on levels of education, health and income for the population of the English-speaking south compared with the French-speaking regions would be useful in determining whether there was discrimination on the basis of language. He noted that, according to the report, roughly 4 million foreigners currently lived in Cameroon. He requested information on their economic, social and educational levels and their countries of origin.

40. Mr. Avtonomov said that he would welcome information on the current status of the development plan for the Pygmy peoples, initiated in 2008 by the Ministry of Social Affairs in partnership with the World Bank. He would also like to know more about the results of the various projects for the benefit of Pygmy peoples cited in the report. He noted that the Mbororo were not recognized as an indigenous people and wished to know what impeded such recognition.

41. He expressed satisfaction that Cameroon had signed many human rights instruments – both United Nations and African instruments. Regional human rights protection initiatives were a major contribution to the cause of human rights and more such instruments needed to be developed in Africa. He noted that Cameroon had not ratified the
amendments to article 8 of the Convention and would like to know the country’s position on them.

42. **Mr. Peter** said that, although Cameroon was a bilingual country where both French and English were spoken, it appeared that French was becoming the dominant language. He asked whether the delegation could comment on that observation. He enquired whether, in order to complement the international instruments to which it was a party, Cameroon would consider acceding to some of the most crucial of the instruments it had not yet signed, namely the Convention on the Prevention and Punishment of the Crime of Genocide, the ILO Convention concerning Indigenous and Tribal Peoples (No. 189) and the UNESCO Convention against Discrimination in Education.

43. With regard to the issue of equality between men and women in terms of the right to inherit and the right to property, although a number of measures to protect those rights were enumerated in paragraph 144 of the report, none of those mentioned referred to the enactment of legislation. Given that, as long ago as 1973, the Supreme Court of Cameroon had upheld the right of a woman to inherit from her parents, he wondered why the Government had not yet seen fit to incorporate that principle into Cameroon’s body of law.

44. The Chad-Cameroon pipeline was lengthy and affected the rights of certain nomadic indigenous peoples who depended on the land for their livelihood. Their needs consequently differed from those of Cameroonians living in urban areas. As citizens of Cameroon, they were entitled to the protection of their rights by their Government, which, in the case of the pipeline, should endeavour to strike a balance between commercial interests and those of its citizens. The indigenous population in Cameroon amounted to less than 1 per cent of the total population, yet the indigenous peoples were among those with the lowest standard of living. He asked whether, in keeping with the recommendations issued by the African Commission on Human and Peoples’ Rights in 2005, Cameroon had taken measures to enable the Pygmy and Mbororo peoples to enjoy the rights prescribed by the OAU Charter of Human and Peoples’ Rights. He wondered whether such measures recognized the way of life of those peoples or merely attempted to assimilate them into the dominant culture.

45. **Mr. Diaconu** asked what measures the Government planned to take in order to implement the standards set out in the United Nations Declaration on the Rights of Indigenous Peoples, whose adoption had been supported by Cameroon. Given the clear intention of the Government to protect the environment, as evidenced by Cameroon’s ratification of a number of relevant instruments, he asked what specific measures it planned to take in order to protect threatened regions of the national territory, in particular those inhabited by indigenous peoples. He wished to know why there appeared to be some reluctance to refer to peoples such as the Pygmy and Mbororo as indigenous peoples. As to efforts to ensure indigenous peoples’ access to land ownership, the enactment of anti-discriminatory legislation alone was insufficient; the indigenous peoples’ rights to property also needed to be protected.

46. He requested additional information on legislation enacted by the State party to prohibit associations or political parties that incited racial discrimination or racist violence. Such acts should be defined as punishable offences in Cameroon’s domestic law. He asked how many indigenous persons held posts in State institutions.

47. With regard to the incident involving Colonel Nguema Ondo from Equatorial Guinea (described in paragraph 115 of the report), it was not enough merely to condemn discrimination based on nationality. Rather, an investigation into the incident should be carried out and the culprits punished. Moreover, in disputes between ethnic groups over land ownership, the Government should take measures, at both the local and central levels,
to ensure the equitable distribution and demarcation of the land belonging to ethnic groups as a means of preventing conflict.

48. **Mr. Saidou** said that the practice of appointing by presidential decree the executive board of the National Commission on Human Rights and Freedoms (NCHRF) was contrary to the Paris Principles and should be brought into conformity with them. He requested clarification concerning the election of an individual belonging to the nomadic Mbororo people to the office of district mayor. He wondered whether any members of the Pygmy peoples held similar posts and how the Government ensured that indigenous individuals were able to exercise their rights in court.

49. **Mr. de Gouttes** said that he was concerned at the wording used in paragraph 74 of the periodic report, which referred to “marginal population groups”, as that phrase could be interpreted as pejorative. He asked to which peoples the phrase referred.

50. It would be useful to have an outline of the powers of the NCHRF and also of the resources it had at its disposal, the number of complaints it had considered and the decisions it had taken on them. He asked whether indigenous children had access to free education. He would appreciate additional information on the practical effects of the wearing of uniforms in all secondary schools and whether uniforms were compulsory for all children. Such a rule could help to reduce discrimination in schools and serve as a model for other countries.

51. He requested statistics on the number of women who survived certain traditional practices to which women and girls in Cameroon were still subjected, such as female genital mutilation, forced marriage and polygamy. He wished to know whether efforts to improve the functioning of the judiciary, including better training for judges, strengthening the independence of the judiciary and combating corruption, had been successful. He enquired whether any measures had been taken to ensure that indigenous individuals had effective recourse to justice, given their need for assistance in meeting the otherwise prohibitive cost of interpretation services and travel to distant courts. He asked whether alternative forms of justice were practised by the indigenous peoples; if so, he enquired what were their distinguishing features and how were they combined with the exercise of the common law.

52. **Mr. Lindgren Alves** said that, according to the core document, the Cameroonian people comprised some 230 tribes. One of the most fundamental concerns of many African countries was to counter tribalism, and the Committee often required countries such as Cameroon to provide disaggregated statistics for each tribe or ethnic group. In his view, that was asking too much of a developing country. Moreover, there was no indication that one particular tribe held a dominant position over the others. In fact, the Committee was interested in ensuring that such domination was avoided in Cameroon and that the rights of indigenous peoples were protected under international law. The Committee was concerned with equality and non-discrimination, not the protection of differences. He fully supported the notion that all Cameroonians should come together in a single nation.

53. **Ms. Crickley** said that she would welcome clarification whether Cameroon classified the Pygmy peoples as indigenous peoples. If it did not, she wished to know why not, as it was her understanding that such was the preference of the Pygmy peoples themselves. She would also welcome details concerning the efforts the Government had made to address racial discrimination against indigenous children in schools. She asked for information concerning women members of Parliament and also health statistics for persons whose health had been improved and the circumstances leading to that improvement.

54. Concerning what was known as “street justice”, including “lynching”, she asked which populations had suffered the most from that practice and whether any measures had been taken by the Government to combat it.
55. Mr. Thornberry said that it was not clear how Cameroon defined the term “indigenous peoples” and whether such a designation was based on the self-identification of those concerned or on the assumption that everyone in Cameroon was indigenous. As to the bill on the protection of the rights of the so-called “marginal population groups”, he wondered whether the persons targeted by the bill had participated in the drafting process.

56. He asked whether the State had taken measures to compensate the peoples who had been evicted from their ancestral lands in various national parks, in particular in the light of the Committee’s general recommendation No. 23 on the rights of indigenous peoples.

57. He wished to bring to the attention of the delegation and the Committee a case not involving Cameroon that had recently come before the African Commission on Human and Peoples’ Rights and could serve as an important precedent in Africa. The case concerned an indigenous community that had been displaced from its ancestral lands and, subsequent to the Commission’s findings, been granted restitution, access to land, compensation and the right to be consulted on the implementation of the Commission’s recommendations. The case had served to place the relationships between States, national parks and indigenous peoples in a contemporary legal context that could potentially be of interest to indigenous peoples in Cameroon.

58. He sought clarification of Cameroon’s overall policy on the various Pygmy groups and the Baka and Bagyéli peoples, and also its perspective on the role of such peoples in the life of the State. While there might not be a single dominant ethnic group in Cameroon, there was evidence that certain groups were dominated by others. The focus of the Committee’s work was always to ensure that the potential for the creation of victims of racial discrimination in a State party was not realized.

The meeting rose at 6 p.m.