



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the nineteenth to twenty-first periodic reports of Cameroon*

1. The Committee considered the nineteenth to twenty-first periodic reports of Cameroon, submitted in a single document (CERD/C/CMR/19-21), at its 2305th and 2306th meetings (CERD/C/SR.2305 and 2306), held on 18 and 19 August 2014. At its 2316th meeting, held on 26 August 2014, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined nineteenth to twenty-first periodic reports of the State party and of an updated core document.
3. The Committee thanks the delegation for the oral information provided during the consideration of the report and emphasizes the importance of maintaining a constructive dialogue in the implementation of the Convention.

B. Positive aspects

4. The Committee takes note of the institutional and legal progress made by the State party since its last periodic report, which could contribute to combating racial discrimination, particularly:
 - (a) The establishment of the Senate following the elections on 14 April 2013;
 - (b) The signing, on 28 November 2011, of Decree No. 2011/389 implementing Act No. 2005/006 of 27 July 2005 on the Status of Refugees in Cameroon.
5. The Committee welcomes the acceptance by Cameroon of the amendment to article 8, paragraph 6, of the Convention. In this connection, the Committee would be grateful if the State party could confirm that the ratification procedure has been concluded in accordance with General Assembly resolutions 47/111 and 61/148.

* Adopted by the Committee at its eighty-fifth session (11–29 August 2014).



C. Concerns and recommendations

Demographic composition of the population

6. The Committee notes that the State party's report still does not contain recent, reliable and detailed statistical data on the ethnic composition of the population living in its territory, specifically economic and social indicators disaggregated by ethnic origin, giving special consideration to indigenous peoples, minority groups and immigrants, to enable it to better evaluate their enjoyment of civil and political, economic, social and cultural rights in the State party, as recommended in its previous concluding observations (CERD/C/CMR/CO/15-18, para. 11).

In accordance with paragraphs 10 to 12 of its revised treaty-specific reporting guidelines (CERD/C/2007/1), the Committee reiterates its recommendation that the State party collect and publish reliable and comprehensive statistical data on the composition of the population living in its territory, including socioeconomic indicators disaggregated by ethnic origin and sex, particularly on minority groups, indigenous peoples and immigrants, from national surveys or censuses based on self-identification. That would allow the State to adopt adequate measures, including special targeted measures, and the Committee to better evaluate the enjoyment of the rights enshrined in the Convention in Cameroon. The Committee reiterates its request that the State party provide these disaggregated data in its next report.

Prohibition of racial discrimination

7. While taking note of the constitutional and legislative provisions relating to equal rights and non-discrimination and the ongoing review of the Criminal Code, the Committee finds it regrettable that the prohibition of racial discrimination as defined in article 1 of the Convention is still not fully incorporated into the State party's legislation, including the Criminal Code and the Code of Criminal Procedure (arts. 1, 2, 3 and 4).

The Committee reiterates its recommendation that the State party take the necessary legislative measures to prohibit racial discrimination in accordance with articles 1, 2 and 4 of the Convention, and with its general recommendation No. 35 (2013) on combating racist hate speech. It also recommends that the State party speed up the process of harmonizing the Criminal Code to ensure that acts of racial discrimination and incitement to racial hatred are defined and criminalized in the light of the Convention. The Committee reiterates its recommendation that the State party take the necessary steps to prevent, prohibit and eliminate racial segregation in its legislation, in accordance with article 3 of the Convention.

National Commission on Human Rights and Freedoms

8. The Committee takes note of the efforts made by the State party to bring its National Commission of Human Rights and Freedoms (NCHRF) into line with the Paris Principles (General Assembly resolution 48/134). The Committee particularly welcomes the information that the Commission has again been granted "A" status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. It finds it regrettable, however, that NCHRF did not participate in the consideration of this report. The Committee also notes that there remain certain shortcomings in the founding Act and emphasizes that it could be amended further to enhance compliance with the Paris Principles. The Committee is particularly concerned that NCHRF does not appear to have a specific mandate obliging it to deal explicitly with racial discrimination as defined in the Convention.

The Committee calls upon the State party to render the National Commission of Human Rights and Freedoms (NCHRF) more compliant with the Paris Principles, strengthen its independence and guarantee its financial autonomy. The Committee also reiterates its recommendation that the State party put NCHRF on a constitutional footing. The Committee encourages the State party to work in close cooperation with NCHRF and, in doing so, focus greater attention on issues relating to racial discrimination.

Social harmony and racial discrimination

Legal actions relating to acts of racial discrimination

9. The Committee commends the State party's policy of promoting understanding and a culture of social harmony among the different sectors of society, but finds it regrettable that the State party considers the absence of complaints and court decisions on the matter as proof that there is no racial discrimination in Cameroon (art. 6).

Referring to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that the absence or small number of complaints or legal actions brought by victims of racial discrimination may reveal, in particular, that victims have inadequate information concerning their rights, fear social censure or reprisals, or that those with limited resources fear the cost and complexity of the judicial process, that there is a lack of trust in the police and judicial authorities, or that the authorities are insufficiently alert to or aware of offences involving racism.

The Committee therefore requests the State party to ensure that its legislation contains appropriate provisions and that people know their rights and are aware of all the legal remedies currently available to them in cases of racial discrimination. The Committee further calls upon the State party to include in its next report statistical data on:

- (a) Legal proceedings instituted and sentences handed down for offences related to racial discrimination;**
- (b) Compensatory measures, if any, decided by the courts and tribunals as a result of such sentences.**

Special measures

10. The Committee welcomes certain campaigns conducted by the State party in favour of vulnerable groups, minorities and indigenous peoples, but is concerned that no special measures have been introduced or are being planned as part of a coherent strategy to accelerate the achievement of equality in law and in practice for all Cameroonians (art. 1, para. 4, and art. 2, para. 2).

The Committee encourages the State party to implement special measures, in accordance with articles 1, paragraph 4, and 2, paragraph 2, of the Convention and with its general recommendation No. 32 (2009) on the meaning and scope of special measures in all areas of the Convention. In this regard, the Committee recommends that the State party adopt a comprehensive strategy on the situation of minority groups and indigenous peoples and coordinate its various programmes and policies for such persons so as to give a coherent picture of its actions and enhance their efficiency.

Participation in political and public life

11. Recalling the State party's policy of promoting understanding and a culture of social harmony among the different sectors of society, including minority groups and indigenous peoples, the Committee underlines the importance of ensuring the effective participation of such persons in political and public life and, to the extent possible, of taking this diversity into account in the State party's public bodies and institutions, including the parliament, public administration, police and judiciary (art. 5 (c) and (d)).

The Committee recommends that the State party take measures to guarantee the effective participation in political and public life of all sociocultural sectors of the population, including minority groups and indigenous peoples.

The State party shall, in particular, ensure access to information, awareness of civil rights and direct participation in elections. It shall also guarantee diversity and multiculturalism in the civil service.

Lastly, it shall adopt concrete measures to strengthen the participation of minorities and indigenous peoples, including through the establishment of quotas, in accordance with the Convention and the Committee's general recommendation No. 32 (2009).

Political parties should be encouraged to develop mentoring programmes for minorities and indigenous peoples, and to take such persons into account in candidate lists.

The right to work

12. The Committee notes the various measures taken by the State party regarding the right to work and the review of the Labour Code, which it hopes will contain provisions defining and explicitly prohibiting direct or indirect discrimination on all the grounds enumerated in the Convention. The Committee is, however, concerned at reports that certain companies pay unequal wages on the basis of ethnic origin (art. 5 (e) (i)).

The Committee requests the Government to report on the adoption of the revised Labour Code in its next periodic report. The Committee also requests the State party to indicate the measures taken or envisaged to ensure effective implementation of the principle of equal opportunity and equal treatment in employment, without distinction as to race, colour, descent, or national or ethnic origin, including the measures taken in law and in practice to help workers prove that discrimination has taken place.

Bilingualism

13. While welcoming the provisions of the Constitution concerning the equal promotion of English and French, the Committee is concerned by the massive centralization that is resulting in the predominance of French and thus inequality for the English-speaking population. The Committee is also concerned at reports of inequality between the English- and French-speaking populations in the enjoyment of their rights (arts. 5 and 7).

The Committee recommends that the State party redouble its efforts in favour of the full and effective implementation of the official policy of bilingualism, and ensure that the English-speaking population is not subject to inequality, particularly in the areas of employment, education and judicial procedures. The Committee requests the State party to provide detailed information on this issue in its next periodic report. In particular, the Committee would appreciate disaggregated data on the effective distribution of posts in the civil service, and on the projects in place to promote bilingual education. The Committee also recommends that the State party ensure that

no discrimination or economic, social or cultural exclusion is experienced, in particular by the minority English-speaking population.

Minorities and indigenous peoples

Definition and recognition of the rights of minorities and indigenous peoples

14. While welcoming the recognition of minorities and indigenous populations in the Constitution of Cameroon, and the various steps taken by the State party to promote and protect their rights, the Committee is concerned by the discrimination and marginalization that such groups continue to face in the exercise of their civil, political, economic, social and cultural rights. The Committee also deplores the delays in the process that should lead to a definition of indigenous peoples and the adoption of appropriate measures to guarantee their rights (art. 5 (d) and (e)).

The Committee recommends that the State party:

(a) **Expedite the completion of the study to identify populations in Cameroon that could be considered indigenous, and ensure that the conclusions derived from it and the associated recommendations translate into concrete activities and programmes with a positive impact on the enjoyment, by indigenous populations, of their rights;**

(b) **Complete the adoption of the bill on the rights of indigenous peoples. Bearing in mind its general recommendation No. 23 (1997) on the rights of indigenous peoples, include in the aforementioned bill the definition of indigenous peoples as contained in the United Nations Declaration on the Rights of Indigenous Peoples;**

(c) **Expand its efforts to guarantee the continued participation of indigenous peoples, particularly the Pygmies and the Mbororos, in the process of drafting the bill and the resultant measures.**

Lastly, the Committee calls on the State party to include, in its next report, detailed information on the situation of women and girls of the minority groups and indigenous populations identified and on the measures taken and envisaged to ensure that they can exercise all their rights, including the right to equality and non-discrimination.

Access to education

15. The Committee recognizes the efforts made by the State party to improve the access of indigenous children to education, notably through the development of specific measures linked to the adaptation of the school system to the culture of the indigenous communities, with a view to promoting access to education for girls belonging to such groups on an equal footing with boys. The Committee remains concerned, however, by the many enduring obstacles to the full and effective realization of the right of minorities and indigenous peoples to education.

The Committee recommends that the State party strengthen its efforts to prevent and eliminate the discrimination faced by indigenous children and members of minority groups in the enjoyment of their right to education. The Committee also recommends that the State party:

(a) **Guarantee such children access to all levels and all forms of State education, without discrimination, in particular by guaranteeing completely free access to primary education and the availability of the birth certificates necessary for enrolment;**

(b) Continue to take the necessary steps to adapt the education system to their way of life and culture, including on the basis of the conclusions drawn from the evaluation of the relevant pilot projects;

(c) Continue to develop and implement, in cooperation with minority groups and indigenous peoples, education programmes that address their special needs and incorporate their history, knowledge, technologies and value systems;

(d) Pay special attention to the situation of girls belonging to minority groups and indigenous peoples, and to the specific measures necessary to ensure their equal access to all levels of education.

Land rights

16. While noting the steps taken by the State party in favour of indigenous peoples, the Committee is concerned by the attacks on their land rights. It also finds it regrettable that current land ownership legislation does not take into account the traditions, customs and land tenure systems of indigenous peoples, or their way of life, particularly as it makes the recognition of land ownership and compensation conditional on land development. The Committee is concerned at reports that the right to consultation as provided in legislation and the right to prior, free and informed consent to projects and initiatives concerning indigenous peoples are not fully applied by the State party. It is also concerned that indigenous peoples are not always consulted about projects conducted on their lands or which affect their rights (art. 5).

The Committee recommends that the State party take urgent and adequate measures to protect and strengthen the rights of indigenous peoples to land. In particular, it requests that Cameroon continue to ensure the active involvement of indigenous populations in the ongoing review of its law on land tenure (ordinance of 1974) and its forestry law of 1994, allowing them to make recommendations to the committee responsible for the review of land legislation.

In the light of its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party, in consultation with indigenous peoples:

(a) Establish in domestic legislation the right of indigenous peoples to own, use, develop and control their lands, territories and resources;

(b) Consult the indigenous peoples concerned and cooperate with them to obtain their free and informed consent before approving any project that affects their lands, territories or other resources, in particular with regard to the development, use or exploitation of mineral, water or other resources;

(c) Guarantee indigenous peoples just and fair compensation for lands, territories and natural resources that they have traditionally owned or otherwise occupied and used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent;

(d) Ensure that the legal land registry procedure in force duly respects the customs, traditions and land tenure systems of the indigenous peoples concerned, without discrimination.

Access to justice

17. The Committee remains concerned by the enduring obstacles to the enjoyment, by some minorities and indigenous populations, of their right to access to justice, notably equal

access to justice, and particularly the availability of appropriate interpreting services at every stage of the proceedings (arts. 5 and 6).

The Committee recommends that the State party ensure equal access to justice for minorities and indigenous peoples, in particular by:

(a) **Reducing the distances between national courts and the areas where some minority groups and indigenous populations live;**

(b) **Establishing official services for interpretation into the languages of minority groups and indigenous peoples in national courts, including customary courts.**

Refugees and asylum seekers

18. The Committee appreciates the welcome given to refugees in Cameroon and recognizes the State party's efforts to respond appropriately to the current influx caused by subregional conflicts. The Committee is nevertheless concerned at reports of several cases in which asylum seekers have been detained for periods longer than that provided for by national legislation, and often in conditions incompatible with their status and dignity. The Committee is also concerned about the situation faced by some refugees in terms of access to employment and respect for their rights as workers, particularly the risk of unfair dismissal by certain employers who take advantage of the vulnerable socioeconomic status of such persons (arts. 1 and 5).

The Committee requests the State party to take all necessary steps to enable refugees and asylum seekers to fully enjoy their economic and social rights, particularly their right to work.

The Committee requests the State party to ensure that, when an inquiry is opened under article 8, paragraph 1, of the Act on the Status of Refugees, the detention of asylum seekers is used only as a last resort and, where it is used, for as short a period as possible, that asylum seekers are not put in the same detention cells as suspects, and that feasible alternatives to detention are explored.

The Committee requests that the State party devote particular attention to the situation of refugee women and girls, who could experience double discrimination.

Citizenship and risk of statelessness

19. While commending the State party's efforts to provide the population with identity papers, particularly through recent campaigns, the Committee is nevertheless concerned about the large number of persons residing in the national territory who do not possess identity documents, a situation likely to restrict the enjoyment of their civil and political, economic, social and cultural rights (arts. 1, 2 and 5).

The Committee recommends that the State party strengthen its efforts to issue official documents required for citizenship to all its citizens, and devote particular attention to the situation of vulnerable populations, including indigenous peoples, minority groups and the populations of the Bakassi Peninsula.

D. Other recommendations

Ratification of other treaties

20. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not

yet ratified, in particular treaties whose provisions relate directly to racial discrimination, such as:

- The Convention on the Prevention and Punishment of the Crime of Genocide (1948);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);
- The United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960);
- The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169);
- The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Follow-up to the Durban Declaration and Programme of Action

21. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, and while acknowledging the State party's efforts in this area to date, the Committee recommends that the State party give full effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Dialogue with civil society

22. The Committee recommends that the State party consult civil society organizations working in the area of human rights protection and expand its dialogue with them, in particular with those working to combat racial discrimination, including in the preparation of its next periodic report but also outside that context. The Committee also recommends that the State party put in place measures to stimulate the development and strengthen the capacity of a civil society that truly reflects the different groups present in its territory, and encourage the participation of representatives of minority groups and indigenous populations within such organizations.

Article 14 of the Convention

23. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention.

Dissemination

24. The Committee recommends that the State party continue to make its periodic reports easily accessible to the public at the time of their submission and to disseminate the Committee's concluding observations on those reports in a timely fashion, in the official languages of the State and other commonly used languages, including regional ones. The Committee also requests that the State party continue to disseminate the Convention and the Committee's general recommendations among all interested parties.

Follow-up to concluding observations

25. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of these concluding observations, on its follow-up to the recommendations contained in paragraphs 10, 11, 14 and 18 above.

Paragraphs of particular importance

26. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12, 13, 16 and 21, and requests the State party to provide detailed information in its next periodic report on concrete and appropriate measures taken to implement those recommendations effectively.

Preparation of the next report

27. The Committee recommends that the State party submit its twenty-second and twenty-third periodic reports in a single document by 24 July 2017, taking into account the treaty-specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) and addressing all the points raised in these concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60 to 80 pages for the common core document (see the harmonized reporting guidelines in document HRI/GEN/2/Rev.6, chap. I, para. 19).
