



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-sixth session

15 February–12 March 2010

### Consideration of reports submitted by States parties under article 9 of the Convention

#### Concluding observations of the Committee on the Elimination of Racial Discrimination

##### Cameroon

1. The Committee considered the fifteenth to eighteenth periodic reports of Cameroon, submitted in a single document (CERD/C/CMR/15-18), at its 1983rd and 1984th meetings (CERD/C/SR.1983 and 1984), held on 22 and 23 February 2010. At its 2001st meeting (CERD/C/SR.2001), held on 5 March 2010, it adopted the following concluding observations.

##### A. Introduction

2. The Committee welcomes the report submitted by the State party, which is in conformity with the reporting guidelines, as well as its written replies to the list of issues (CERD/C/CMR/Q/15-18). It also welcomes the State party's initiative to resume the dialogue with the Committee after a 12-year gap, and expresses its satisfaction with the additional information supplied orally.

3. The Committee welcomes the fact that the State party was represented by a high-level delegation with which the Committee was able to have a constructive and frank dialogue. It also welcomes the State party's promise to submit future reports on time and urges it to meet the deadline for submission of its next periodic report.

##### B. Positive aspects

4. The Committee notes with satisfaction that the 1972 Constitution, as revised on 18 January 1996, prohibits discrimination, and welcomes the incorporation of the Convention into the Constitution.

5. The Committee also welcomes the legislative progress made by the State party since consideration of its previous report, particularly the adoption of Act No. 2005/006 of 27

July 2005 on refugee status and Act No. 2009/004 of 14 April 2009 on the organization of legal assistance, as well as the entry into force of the Code of Criminal Procedure on 1 January 2007.

6. The Committee welcomes the transformation in 2004 of the National Committee on Human Rights and Freedoms into the National Commission on Human Rights and Freedoms. It also welcomes the establishment in 2005 of the Directorate for Human Rights and International Cooperation within the Ministry of Justice.

7. The Committee notes with satisfaction that the State party recognizes the existence of indigenous people in its territory and that the Constitution, in its preamble, guarantees the protection of minorities and protects the rights of indigenous people. It further welcomes the adoption by Cameroon on 13 September 2007 of the United Nations Declaration on the Rights of Indigenous Peoples and the campaigns to identify Pygmy population groups in the southern region in 2009. The Committee also notes with interest the observance of the second International Day of the World's Indigenous People on 9 August 2009 and the organization in Yaoundé of a subregional seminar on the rights of Central Africa's indigenous peoples and communities.

8. The Committee notes that a national plan on the promotion and protection of human rights has been prepared. It also takes note with satisfaction of the adoption in 2006 of an education sector strategy paper that places the emphasis on improved access and fairness in education, the Education for All Plan, and the establishment of a council charged with approving school textbooks and teaching materials and studying discriminatory stereotypes. It also notes with interest that priority education zones have been established to encourage girls and indigenous children to attend school.

9. The Committee notes with satisfaction that the State party has acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (on 7 January 2005) and to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions (on 22 November 2006).

### C. Concerns and recommendations

10. The Committee notes with concern that the Senate and the Constitutional Council — two public institutions of fundamental importance — are not yet operational.

**The Committee recommends that the State party take all necessary measures as soon as possible to establish these institutions so that they may contribute to the effective implementation of the Convention.**

11. The Committee notes with concern that the State party's report contains no detailed statistics on the ethnic composition of the population.

**The Committee recommends that the State party supply it with data on the ethnic composition of its population. The data should preferably be based on the way in which the individuals concerned identify themselves, and should be collected in accordance with the Committee's general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention, and paragraphs 10 and 11 of its revised guidelines for the preparation of reports (CERD/C/2007/1). The Committee stresses that this information will enable it to better evaluate the implementation of the Convention, and invites the State party to submit this information in its next periodic report.**

12. While taking note of the constitutional and legislative provisions relating to equal rights and non-discrimination and noting that the Criminal Code is currently being

reviewed with a view to bringing it into line with the Convention, the Committee regrets that the prohibition of racial discrimination as defined in article 1 of the Convention is not fully incorporated into the State party's legislation, including the Criminal Code and the Code of Criminal Procedure that have just entered into force (arts. 1, 2 and 4).

**The Committee recommends that the State party take the necessary legislative measures to prohibit racial discrimination in accordance with articles 1, 2 and 4 of the Convention. It recommends that the State party speed up the process of harmonizing the Criminal Code to ensure that acts of racial discrimination are defined and criminalized in light of the Convention. The Committee also recommends that the State party, in accordance with article 3 of the Convention, prevent, prohibit and punish racial segregation and racist propaganda in its legislation.**

13. The Committee notes that the State party is considering amending the regulatory framework of the National Commission on Human Rights and Freedoms. However, the Committee notes that in October 2006 the National Commission was downgraded from A-status to B-status by the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Committee remains concerned by the National Commission's lack of independence, particularly in view of the voting rights of representatives of the Administration within the Commission (art. 2).

**While recalling that the National Commission on Human Rights and Freedoms is a major player in the cooperation between the State party and the United Nations Subregional Centre for Human Rights and Democracy for Central Africa, the Committee recommends that the State party step up its efforts to bring the National Commission into conformity with the Paris Principles, so as to guarantee its operational and financial independence. The Committee strongly recommends that the State party pass a law to put the National Commission on a constitutional footing.**

14. The Committee appreciates the welcome given to refugees in Cameroon but regrets that the decree to implement Act No. 2005/006 of 27 July 2005 on refugee status has not yet been adopted. It is also concerned by the situation of refugees in rural areas, as well as the problems they face in terms of health care, education, housing, employment, food and insecurity (art. 5 (b), (d) and (e)).

**The Committee recommends that the State party urgently adopt the decree to implement Act No. 2005/006 of 27 July 2005 on refugee status. It also recommends that the State party take the necessary measures to improve the situation of refugees, particularly in rural areas, and to guarantee their security, housing and access to health care, education, employment and food without discrimination.**

15. While taking note of the various steps taken by the State party to promote and protect the rights of indigenous people, the Committee is concerned by the discrimination and marginalization they face in the exercise of their civil, political, economic, social and cultural rights. The Committee deplores in particular the absence at this stage of a specific law on the promotion and protection of the rights of indigenous people (art. 5 (d) and (e)).

**The Committee strongly recommends that the State party complete the adoption of the bill on the rights of indigenous people and seek technical assistance and cooperation to that end from the Office of the United Nations High Commissioner for Human Rights and the International Labour Organization. In particular, the Committee recommends that the State party, 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. It also recommends that the State party refrain from using the term "marginal population groups", which is**

**contrary to the spirit of the Convention, as it stigmatizes the minorities referred to and prevents the special characteristics of indigenous people from being taken into consideration. Finally, the Committee recommends that the State party ensure the participation of indigenous people and their representatives in the process of drafting the bill.**

16. The Committee recognizes the efforts made by the State party to improve the access of indigenous children to education. However, the Committee remains concerned by the many remaining obstacles to the full and effective realization of their right to education, in particular: (a) the mismatch between the school system and their way of life and culture; (b) the considerable difficulties faced by indigenous people to obtain birth certificates, which are necessary for enrolment in schools; (c) the fact that free primary education is not yet a reality for indigenous children due to other, related expenses borne by their parents; (d) the insults and bullying suffered by indigenous children at the hands of teachers and pupils (art. 5 (e)).

**The Committee recommends that the State party prevent and eliminate the discrimination faced by indigenous children in the exercise of their right to education. In particular, the Committee recommends that the State party:**

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

**(b) Take the necessary steps to adapt the education system to their way of life and culture;**

**(c) Develop and implement, in cooperation with indigenous peoples, education programmes that address their special needs, including the ORA (Observe, Reflect, Act) teaching method, and that incorporate their history, knowledge, technologies and value systems;**

**(d) Take the necessary steps to combat violence against indigenous children in schools.**

17. The Committee notes with concern that indigenous people's access to justice is limited, especially in traditional courts. In particular, the Committee is concerned that the equitable representation of all customs is not guaranteed in customary courts in areas where indigenous people live. Indigenous people are obliged, despite existing legislative provisions, to refer to Bantu customs in the absence of judges versed in indigenous customs and appropriate interpreting services (art. 5 (a)).

**The Committee recommends that the State party ensure equal access to justice for indigenous people, in particular by:**

**(a) Reducing the distances between national courts and the areas where indigenous people live;**

**(b) Establishing official services for interpretation into the languages of indigenous people in national courts, including customary courts;**

**(c) Ensuring that judges versed in indigenous customs preside effectively in the customary courts.**

18. While taking note of the steps taken by the State party on behalf of indigenous forest-dwelling groups, the Committee is concerned by the attacks on indigenous people's land rights. It regrets that the land ownership legislation in force does not take into account the traditions, customs and land tenure systems of indigenous peoples, or their way of life. The Committee is particularly concerned by the abuse and assaults suffered by indigenous

people at the hands of civil servants and employees of the national parks and protected areas. Furthermore, the Committee notes with concern that the course of the Chad-Cameroon pipeline has made indigenous populations more vulnerable and that only a small fraction of the Bagyeli indigenous population has benefited from the compensation plan (art. 5 (b) and (d)).

**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, bearing in mind general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party:**

**(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 people concerned and cooperate with them through their own representative institutions, in order 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 people just and fair compensation for lands, territories and resources that they traditionally own or otherwise occupy and use, 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;**

**(e) Protect indigenous people against any attacks on their physical and mental integrity and prosecute the perpetrators of acts of violence and assaults against them.**

19. While noting that the provisions of the Convention can be directly invoked before domestic courts, the Committee regrets the lack of examples of instances where the Convention has been applied by the courts, as well as the absence of statistical data on complaints of racist acts, the corresponding prosecutions and the cases brought before the courts. The Committee is also concerned by the upsurge in mob justice despite the adoption of the new Code of Criminal Procedure (art. 6).

**The Committee recalls its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, in which it is stated that the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination may indicate either that victims have inadequate information concerning their rights, or that they fear social censure or reprisals, or that victims with limited resources fear the cost and complexity of the judicial process, or 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 recommends that the State party include in its next periodic report statistical data on:**

**(a) Legal proceedings instituted and sentences handed down for offences related to racial discrimination;**

**(b) Compensatory measures decided by the courts as a result of such sentences.**

**The Committee also recommends that the State party implement its national action plan for the reform of the justice system and strengthen measures aimed at reducing**

**the incidence of mob justice, in particular by extending awareness-raising campaigns to increase public knowledge of the Code of Criminal Procedure.**

20. While recognizing the diversity and ethnic richness of the population of Cameroon, which comprises 250 ethnic groups, and the fact that, by defining its population on the basis of geographical (regional) rather than ethnic criteria, the State party is seeking to prevent discrimination, the Committee is concerned about the recent inter-ethnic conflicts in Bawock and Bali Nyonga (arts. 5 (b) and 7).

**The Committee recommends that, in addition to taking steps to resolve the inter-ethnic conflicts by offering compensation for victims, the State party should take preventive action. In particular, the Committee recommends that the State party carry out awareness-raising campaigns in the various communities to promote understanding, tolerance and peaceful coexistence between ethnic groups. It also recommends that traditional leaders be invited to contribute to the process of building and maintaining social peace.**

21. The Committee notes the provisions of the Constitution concerning the equal promotion of English and French. However, the Committee is concerned by the massive centralization that is resulting in the predominance of French and thus inequality for the English-speaking population in the south of the country (arts. 5 (e) and 7).

**The Committee recommends that the State party intensify its efforts to implement bilingual policies and to ensure that the English-speaking people in the south of the country are not subject to inequality, particularly in the areas of employment, education, judicial procedures and media representation. The Committee recommends that the State party provide detailed information on this issue in its next periodic report.**

22. 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 of which the provisions have a direct bearing on the subject of racial discrimination, including the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169 of 1989), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the UNESCO Convention against Discrimination in Education (1960).

23. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give 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.

24. The Committee recommends that the State party intensify its dialogue with organizations of civil society working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of its next periodic report.

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

26. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention (see CERD/SP/45, annex) and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee cites paragraph 14 of General Assembly resolution 61/148, in which the General Assembly strongly urged States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

27. The Committee recommends that the State party's reports should be made readily available to the public at the time of their submission, and that the concluding observations adopted by the Committee following its consideration of the reports should be distributed in the official languages and other commonly used languages, as appropriate.

28. Noting that the State party submitted its core document in 2000, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, namely those relating to the common core document as adopted at the 5th inter-committee meeting of the human rights treaty bodies, held in June 2006 (HRI/MC/2006/3).

29. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests that the State party provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 12, 14 and 15 above.

30. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 11, 16, 17 and 18, and requests that the State party provide detailed information in its next periodic report on concrete, appropriate measures taken to effectively implement these recommendations.

31. The Committee recommends that the State party submit its nineteenth, twentieth and twenty-first periodic reports in a single document, on 24 July 2012, taking into account the guidelines for the preparation of reports to the Committee on the Elimination of Racial Discrimination adopted at the Committee's seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.

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