

## CAMEROON

### CESCR E/1989/22

(arts. 10-12)

53. The initial report of Cameroon on the rights covered in articles 10 to 12 of the Covenant (E/1986/3/Add.8) was considered by the Committee at its 6<sup>th</sup> and 7<sup>th</sup> meetings, held on 9 February 1989 (E/C.12/1989/SR.6 and 7).

54. The report was introduced by the representative of the State party, who, as part of his introduction, provided information and answered to the list of issues raised by the pre-sessional working group.

#### General matters

55. The members of the Committee wished to know the impact of the austerity programme implemented since 1988 on the realization of rights covered by articles 10 to 12 of the Covenant. Information was also sought as to the extent of participation of the people of Cameroon in the adaptation of the program of structural adjustment.

56. The Committee sought additional information on the ethnic and religious composition of the society and what impact it had on the enjoyment of the rights covered by articles 10 to 12.

57. With regard to assistance to underprivileged groups, it was asked by a member whether traditional forms of social security based on the extended family and village community were still prevalent.

58. As regards the austerity programme adopted by his Government in 1988, the representative stated that Cameroon, like all other African Governments, believed in the need for a structural adjustment programme, but the Government was trying to make the programme a humanitarian one. He explained that the program was now being evaluated and further information on it would be provided in the next report. Before its adaptation, the austerity programme had been explained to the people in each department and in provinces, and the members of parliament had explained the programme to their constituencies.

59. With regard to the effect of the tribal and religious composition of the country on the enjoyment of the rights in the Covenant, he said that this had no effect on the enjoyment of these rights, since Cameroon was a secular State.

#### Article 10: Protection of the family, mothers and children

60. The members of the Committee wished to know whether previous authorization of public authorities was needed for contracting a religious marriage whether unmarried couples had the same legal status as married ones, whether divorce existed, and if so, whether it could be initiated by the

wife. Information was also sought as to the proportion of customary and civil marriages.

61. The Committee also wanted to know whether abortion was legally permitted, and in this regard it was asked what the position was if the life of the woman was in danger as a result of the pregnancy.

62. The members of the Committee requested statistical information related to “the pre-natal allowances, maternity allowances, allowances to cover medical fees for pregnancy and if necessary benefits in kind” referred to in paragraph 16 of the report. It was asked in this regard whether a large number of families eligible for benefits from the National Social Insurance Fund actually availed themselves of these benefits.

63. Information was sought on equality of the sexes before the law, in particular whether it extended equality of rights within the family, or whether wives were obliged, for example, to seek permission of their husbands before engaging in work outside the home, and to what extent women had access to higher education. The Committee wanted to know in this regard whether rural women, who produced and marketed the substantial amount of the locally consumed foodstuffs, had access to management expertise and credit.

64. In reply to the questions, the representative of the State party explained that no previous authorization by public authorities was needed to contract a religious marriage. There were three kinds of marriage in Cameroon, namely, customary, civil and religious. He pointed out that customary marriages, which took place without the intervention of the public or religious authorities, were fully recognized at the village level. Civil marriages were the most common form of marriage. He stated that divorce existed in Cameroon and could be applied for by the wife as well as the husband. It was applicable only in the case of civil marriage. In the case of customary marriages, the husband repudiated his wife.

65. He stated that unmarried couples did not have the same rights under the law as married couples. However, the father of a child born of a free union was obliged by law to recognize the child, and pursuant to an ordinance of 1981 the words “born of unknown father” could be no longer entered on a birth certificate.

66. He stated that in Cameroon abortion was a criminal offence, except when the life of the mother was in danger.

67. As regards the statistical information the Committee had sought, the representative regretted that it was not possible to provide it because in Cameroon statistical services were not very well developed. However, with respect to the demographic situation in the country, he stated that the birth rate was in the order of 2.8 per cent, and in 1985 the population was 9.5 million. The results of the census of 1986 were not yet officially known, but it was estimated that the population would be about 12 million.

68. In connection with the equality of treatment between men and women, he stated that equality of sexes is proclaimed in the preamble of the Constitution of the Republic of Cameroon and this right was applied at all levels in both public and private sectors. In education, all children of both

sexes had the same right and equal access to all institutions of learning, including the university. With regard to credit facilities for rural women who were engaged in food production, the representative explained that financial institutions did not discriminate against women, but it could be a question of creditworthiness. Although there were no legal restrictions for married women to work, the question of whether the wife took up employment outside of the home was a matter entirely between the couple and depended on their means of income.

69. With regard to social security, the representative stated that in his country the system was not as fully developed as it was in developed countries. The National Social Insurance Fund Covered only part of the employees, those in the private sector, since those in public sector were covered through their employment. The State as well as the employees contributed to the Fund, but the system suffered from lack of willingness on the part of the contributors.

#### Article 11: Right to an adequate standard of living

70. The members of the Committee wanted to know whether there were institutions and programs entrusted with the task of providing food to the poorest groups of the society and also sought statistical information on that subject, and how prices referred to on paragraph 56 (b) of the report “that are remunerative to producers and reasonable to customers” were established. Clarification was also sought as to whether there had been a marked decline in calorie intake among children between 1973 and 1986.

71. The members of the Committee also wanted to be informed what percentage of the population had already benefitted from the government policy aimed at resolving the problem of the living environment in general and housing in particular and how many people continued to live under inadequate housing conditions.

72. In reply to the questions raised by the members of the Committee, the representative stated that there were no State institutions entrusted with the task of providing food to the poorest groups in society, but there were private associations, both religious and lay, which undertook that function. He pointed out in this regard, however, that Cameroon was one of those countries in Africa which had self-sufficiency, in food both in cities and in the rural areas. To fight against malnutrition three major solutions had been adopted by the government: promotion of subsistence farming, extension of communication network and promotion of teaching of cookery at the village level. With regard to the fixing of prices, he stated that it was not scientifically-based, but that the prices were determined by supply and demand.

73. The representative regretted that no statistics were available to determine the percentage of population that had benefitted from the government’s policy aimed at resolving the problem of the living environment and housing, nor on the percentage of people who continued to live under inadequate housing conditions. He pointed out, however that a great effort had been made to create new housing at reasonable prices; in most cases, the rent paid by the tenants was part payment for the house. He further explained that due to the African tradition of extended family, homeless in the European sense did not exist, for even the youths from the rural areas were easily integrated in the extended families in the cities. However, his Government was doing all possible to prevent the exodus of youths from the rural areas by developing economic and cultural activities in the

countryside.

#### Article 12: Right to physical and mental health

74. Members of the Committee requested statistical data concerning health care centers and hospitals and asked what was the percentage of the national budget spent on health care services during the last five years. The Committee also sought information as to how much the users contributed to the costs of health services which were funded by the State, how much was their share of contribution, especially in certain rural areas, and whether treatment could only be obtained in return for payment in cash.

75. The Committee wanted to know whether medical services were equally accessible and of the same quality in the rural areas as in the urban areas, or whether there was a disparity and what was the number of doctors and medical aids (para-medicals).

76. The representative of the State party, in response to those questions, stated that since he did not have time to consult with relevant officials in his country, he was unable to provide statistical data requested by the Committee. He stated however, that every district had at least one health-care center and every provincial capital had a hospital. In 1974, the official number of beds in publicly managed hospitals in Cameroon had been 20,490 and by 1984 that figure had risen to 26,382 and that did not include hospitals managed by religious institutions. He stated that health care infrastructure had been expanded; two general-referral hospitals had been built, which were as good as any in the world, and that supply of medicines had been improved. As for the doctors in the country, there was 1 doctor per 800 patients and the situation was improving rapidly.

77. He pointed out that disparity in health care between urban and rural centers existed in most countries; however, all doctors, in both the urban and rural centers, had the same qualifications and accessibility to health care in the rural areas depended to a greater extent on communication network.

#### Concluding observations

78. In concluding consideration of the report, the Chairman and several members of the Committee thanked the representative of Cameroon for having answered some of the questions raised by the members of the Committee and for having contributed to establishing a constructive dialogue with the Committee. The view was expressed that future reports of Cameroon should take into account the questions raised and should also provide statistical data so as to enable the Committee to determine the trend and progress made in the enjoyment of these rights. It was observed that the report emphasized the legal aspect of the implementation of the rights of the Covenant rather than the factual aspects.

## **CESCR E/2000/22**

315. The Committee considered the initial report of Cameroon concerning the set of rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.35) at its 41st to 43rd meetings on 23 and 24 November 1999 and, at its 54th meeting, held on 2 December 1999, adopted the following concluding observations.

### **A. Introduction**

316. The Committee welcomes this initial report submitted by Cameroon, despite the considerable delay, and appreciates the candid written replies to the Committee's list of issues. The Committee regrets, however, that the delegation, despite all its efforts to answer the Committee's questions, could not do so in a fully satisfactory manner. It is a matter of regret that a delegation of experts from the capital was unable to attend the meetings, as this would have made for a more detailed and constructive dialogue.

317. The Committee notes that a lack of concrete and specific information, both in the report and in the replies provided by the Government of the State party, and the absence of a core document prevented the Committee from making an effective evaluation of the actual situation concerning the enjoyment by the people of Cameroon of the human rights provided for in the Covenant.

318. The Committee notes the delegation's undertaking to provide statistical data and more specific information on various economic, social and cultural indicators in its second periodic report.

### **B. Positive aspects**

319. The Committee views as a positive development the establishment of the Ministry of Women's Affairs in 1997, with a special mandate to promote equality of women and eliminate all forms of discrimination against women in all spheres of Cameroonian society.

320. The Committee notes with satisfaction the increase in the growth rate of the State party's GDP in 1998 to 5 per cent and the decrease in the rate of inflation to 1.6 per cent in the year ending June 1998 from 9.6 per cent a year earlier. These positive developments contribute to an environment conducive to more effective implementation of the rights under the Covenant.

321. The Committee welcomes the recent 30 per cent increase in the salaries of government employees and the rehabilitation of Cameroon's social insurance fund, the Caisse nationale de prévoyance sociale, to ensure the payment of appropriate funds to pensioners.

### **C. Factors and difficulties impeding the implementation of the Covenant**

322. The Committee notes that the repayment of external debt by Cameroon, which absorbs approximately two thirds of the country's export earnings, negatively affects the ability of the Government to allocate sufficient resources to the social sector.

323. The Committee notes the prevalence of certain traditions, customs and cultural practices in Cameroon which continue to impede the full enjoyment by women of their rights under the Covenant.

324. The Committee notes that the Government's economic reform programme for the period 1998-1999, which implemented the structural adjustment programme in Cameroon approved by the IMF, the World Bank and the Agence française de développement (formerly the Caisse française de développement), while increasing the real GDP growth rate has impacted negatively on the enjoyment of economic, social and cultural rights by increasing poverty and unemployment, worsening income distribution and causing the collapse of social services.

#### D. Principal subjects of concern

325. The Committee is concerned about the exact legal status of the Covenant in the Cameroonian legal system. The Committee regrets that the delegation has not been able to clarify the position of the Covenant in Cameroonian law, nor provide any specific references to cases in which the Covenant has been invoked in national courts of law.

326. The Committee is concerned about the lack of transparency and degree of independence of the National Committee on Human Rights and Freedoms, the findings of which are not published or made public.

327. The Committee is deeply concerned that the Government of Cameroon has not yet embarked on the necessary law reform to repeal laws which maintain the unequal legal status of women, particularly in aspects of the Civil Code and the Commercial Code relating to, *inter alia*, the right to own property and the laws regarding credit and bankruptcy, which restrict women's access to the means of production. They are in flagrant violation of the non-discrimination and equal treatment provisions of the Covenant and are inconsistent with the recently amended Constitution of Cameroon which upholds the equal rights of all citizens of Cameroon.

328. The Committee deplores the lack of progress made by the Government in combating the continuing discriminatory practices against women and girls which impede the enjoyment of their rights under the Covenant. Such practices include polygamy, the forced early marriage of girls and discriminatory laws which prevent women from inheriting land.

329. The Committee deplores the inadequacy of measures taken by the Government to combat, especially by means of educational programmes, the enduring practice of female genital mutilation, which is generally practised on young women and girls in the Extrême-Nord and Sud-Ouest provinces of Cameroon.

330. The Committee deplores the lack of measures taken to eliminate domestic violence against women, which is still regarded as culturally acceptable by certain sectors of society.

331. The Committee deplores the lack of government action to protect the rights of workers on rural plantations by safeguarding for them just conditions of work. The Committee was deeply concerned about the replies from the delegation that such workers were free to negotiate the

conditions of their employment, as the Government is obliged under the Covenant to ensure that all workers enjoy favourable conditions of employment, including fair wages, safe conditions of work and a reasonable limitation on working hours.

332. The Committee is concerned that the Government has not yet introduced legislation to prohibit sexual harassment in the workplace which, according to information received by the Committee, is a widespread practice in Cameroon.

333. The Committee regrets that the minimum wage set by the Government is not adequate to enable workers to live above the poverty line, let alone to provide a decent standard of living for themselves and their families.

334. The Committee regrets the lack of specific information in the written replies from the State party, and from the delegation itself, concerning the reasons for the refusal to recognize the National Union of Teachers of Higher Education since 1991.

335. The Committee is deeply concerned about the increasing incidence of poverty and unemployment in Cameroon, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population. The Committee is especially alarmed by figures regarding poverty in Cameroon, which reveal that 55 per cent of the population were living below the poverty line in 1998 of which 40 per cent live in rural areas compared with 15 per cent in urban areas. In this regard, the Committee is concerned about the inadequacy of social security with regard to child maintenance for single parents and low-income families.

336. The Committee regrets the lack of access to potable water for large sectors of society, especially in rural areas where only 27 per cent of the population have access to safe water (within reasonable reach), while 47 per cent of the urban population have such access.

337. The Committee is concerned about the protection of the rights of the Baka Pygmies, in particular their right to an adequate standard of living including the right to food, which have been adversely affected by the depletion of the natural resources of the rainforest upon which they depend for subsistence, and by the compulsory acquisition by the Government of their land.

338. The Committee is concerned about the reportedly high incidence of forced evictions in the rural areas of Cameroon, which have not been addressed in the written replies by the State party.

339. The Committee is concerned about the inadequacy of family planning policies and programmes in Cameroon, which have failed to reduce infant and maternal mortality. The Committee is also concerned about the high level of clandestine abortion in Cameroon, which is in part responsible for the high maternal mortality rate.

340. The Committee notes with regret the statement by the State party in its written replies that medical facilities for all sections of the population remain inadequate and unequally distributed. The Committee also regrets that the replies provided by the State party have not clarified the situation with regard to the provision of health services in Cameroon.

341. The Committee notes with deep concern that there is no legislation in Cameroon which provides for free primary education. The Committee regrets the requirement of a parental contribution in the form of compulsory fees levied by primary schools which, in view of high levels of poverty, greatly restrict access to primary education, particularly for girls.

342. The Committee is deeply concerned about the inadequate salaries earned by teachers and the lack of school buildings and other infrastructure and of services, particularly in rural areas. The Committee also deplores the imbalance in the distribution of education resources between Cameroon's 10 provinces.

343. The Committee is concerned about the high level of illiteracy still existing in Cameroon. It also notes with deep concern the cultural preference given to the education of male children. This is reflected in the higher illiteracy rate of women, which is 49.9 per cent compared with 30 per cent for men.

344. The Committee regrets that the delegation was unable to provide specific information concerning the different segments of the population which are enrolled in higher education.

#### E. Suggestions and recommendations

345. The Committee urges the State party to take all appropriate measures, including the enactment of legislation, to ensure that all the people of Cameroon enjoy the economic, social and cultural rights set forth in the Covenant.

346. The Committee calls upon the State party to take more active and positive steps to address the inequality of and discrimination against women in Cameroon, in law and fact. In particular, the Committee urges the State party to repeal all provisions of the Civil and Commercial Codes which discriminate against women.

347. The Committee urges the Government to prohibit customary practices which violate the rights of women and to take active measures to combat such practices and beliefs by all means, including educational programmes. Government action should focus, in particular, on the elimination of the practices of polygamy, forced marriages and female genital mutilation, and the bias in favour of the education of boys. The State party is requested to report on the progress achieved in this regard in its second periodic report.

348. The Committee calls upon the State party to introduce specific legislation and policies to prohibit domestic violence and sexual harassment in the workplace, with a view to strengthening the protection of women.

349. The Committee urges the State party to take effective measures to protect the right of workers on rural plantations, to ensure that they enjoy just and favourable conditions of work.

350. The Committee urges the State party to adopt appropriate remedial action, including a National Strategy against Poverty, to deal with the acute problem of poverty in Cameroon. The Committee suggests in this regard that the State party consult with the specialized agencies and



competent United Nations bodies prior to the formulation of such a strategy.

351. The Committee urges the State party to review its legislation and policy regarding child maintenance, with a view to ensuring the provision of adequate social security for single parents and low-income families.

352. The Committee recommends that the State party review its macroeconomic reform programmes with respect to their impact on the standard of living of vulnerable groups, particularly in the rural areas, and to make efforts to adjust these reforms in a way that better responds to the current needs of such groups. The Committee recommends in this regard that in negotiations with international financial institutions, the State party take into account its international legal obligations to protect, promote and fulfil economic, social and cultural rights.

353. The Committee urges the State party to take effective measures to protect the right of the Baka Pygmies to an adequate standard of living, in particular their right to food, when negotiating contracts for projects which impact negatively on their lives.

354. The Committee calls upon the State party to make safe drinking water accessible to the entire population.

355. The Committee urges the State party to implement laws and policies to combat the problem of forced evictions, in accordance with General Comments No. 4 (1991) and No. 7 (1997) concerning the right to adequate housing (art. 11, para. 1 of the Covenant).

356. In its second periodic report, the Committee would appreciate more concrete information concerning medical services and the problems facing vulnerable groups with regard to access to medical services, especially in rural areas. The Committee would also like more information on the effectiveness of the national pharmaceutical policy in providing high-quality generic medications to all sectors of society.

357. The Committee recommends that the Government take effective measures to end all forms of compulsory parental contribution for primary education. In this regard, the Committee urges the State party to allocate increased resources to education, in particular for infrastructure and human resources, especially in rural areas. In this connection, the Committee draws the attention of the State party to its General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant).

358. In its second periodic report, the State party is requested to provide specific and detailed information on the enjoyment by women of the rights provided for in the Covenant.

359. The Committee urges the State party to review its policies on health in order to address, in particular, maternal mortality, adolescent pregnancies and the HIV/AIDS epidemic. In this respect, the Committee also urges the Government to review its family planning policies with a view to increasing access to information concerning contraceptives through educational programmes.

360. The Committee also recommends that the Government of Cameroon avail itself of technical

assistance from the Office of the United Nations High Commissioner for Human Rights and from the relevant United Nations specialized agencies in the preparation of its second periodic report.

361. The Committee urges the State party to take necessary measures to ensure that the provisions of the Covenant are widely disseminated, through human rights education in all curricula, and among all sectors of society, particularly among the legal profession, members of the judiciary and administrative authorities.

362. The Committee requests the State party to take steps to disseminate widely the concluding observations of the Committee and to submit its second periodic report by 30 June 2001, so that the Committee may be kept informed about the progress made in implementing the rights set forth in the Covenant and its recommendations in this regard.