



Economic and Social Council

Distr.: General
23 January 2012
English
Original: French

Committee on Economic, Social and Cultural Rights

Forty-seventh session

Geneva, 14 November–2 December 2011

Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

Draft concluding observations of the Committee on Economic, Social and Cultural Rights

Cameroon

1. The Committee on Economic, Social and Cultural Rights considered the second and third periodic reports of Cameroon on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CMR/2-3) at its 41st to 43rd meetings (E/C.12/2011/SR.41-43), held on 21 and 22 November 2011. At its 59th meeting, held on 2 December 2011, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second and third periodic reports of Cameroon, which are generally in line with the Committee's guidelines and which describe the measures taken to implement the recommendations made by the Committee in its previous concluding observations. The Committee notes, however, that the report was submitted seven years late.

3. The Committee also notes with satisfaction the State party's written replies to the list of issues (E/C.12/CMR/Q/2-3/Add.1) and its oral replies to questions raised during the dialogue, although it finds that the replies were often too general.

B. Positive aspects

4. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

5. The Committee notes with satisfaction the efforts by the State party to promote the implementation of economic, social and cultural rights, including:

- (a) Its efforts to reach completion point under the Heavily Indebted Poor Countries Initiative, which enabled it to ease debt and thereby release additional resources to priority areas in the health sector;
- (b) The introduction of free primary education under the Finance Act (No. 2000/08) of 30 June 2000;
- (c) The adoption of Act No. 2010/002 of 13 April 2010 on the protection and advancement of persons with disabilities;
- (d) The opening of 60 units for treating HIV/AIDS in public health centres and the increase in the number of screening and treatment centres for tuberculosis;
- (e) The development of health service infrastructure, including the construction of basic health-care centres and the renovation of other health facilities;
- (f) Ratification of the World Health Organization Framework Convention on Tobacco Control;
- (g) The adoption of Act No. 2009/004 of 14 April 2009 on legal aid.

6. The Committee welcomes the adoption of Act No. 2010/004 of 13 April 2010, amending and supplementing Act No. 2004/016 of 22 July 2004 on the establishment, organization and functioning of the National Commission on Human Rights and Freedoms, which improves the degree of compliance by the State party with the Paris Principles, notably by giving the Government's representatives a consultative role rather than voting powers.

C. Principal subjects of concern and recommendations

7. The Committee is concerned that the Covenant has never been invoked in court decisions, even though it takes precedence over domestic law.

The Committee recommends that the State party take appropriate steps to give effect to the Covenant in the domestic legal system and that it adopt implementing legislation, if necessary. The Committee also recommends that the State party take steps to raise awareness among members of the judiciary and the general public of the Covenant and the justiciability of economic, social and cultural rights. The Committee requests that the State party include information in its next periodic report on decisions by courts and administrative authorities that give effect to the rights set forth in the Covenant. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

8. The Committee notes with concern that corruption continues to be widespread in the State party in spite of awareness campaigns conducted on its effects and the prosecution of individuals involved in corruption cases.

The Committee recommends that the State party take effective measures to combat corruption.

The Committee, while taking note of the activities conducted by the National Commission on Human Rights and Freedoms, which has A status, to promote economic, social and cultural rights, recommends that the State party ensure that the Commission is adequately staffed and funded.

9. The Committee regrets that the State party, in its oral replies, provided insufficient information on the legal framework for protection against discrimination (art. 2, para. 2).

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation listing all prohibited grounds for discrimination, as set out in article 2, paragraph 2, of the Covenant.

10. The Committee remains concerned that, in spite of projects carried out for indigenous peoples, as described in paragraph 194 of the State party's report, some groups do not have the same economic, social and cultural rights as the rest of the population. The Committee also regrets the lack of a comprehensive policy on indigenous peoples (art. 2, para. 2).

The Committee urges the State party to adopt a consistent and comprehensive policy to promote the right of indigenous peoples to an adequate standard of living. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Furthermore, the Committee urges the State party to guarantee the economic, social and cultural rights of indigenous peoples when major projects outlined in the growth and employment strategy paper are launched. It therefore also recommends that the State party raise the awareness of indigenous people to their right to be involved in decision-making that affects them throughout the various phases of those projects.

11. The Committee is concerned about the apparent difficulties confronting disabled persons in education and on the labour market, given that, in spite of legislative and institutional measures adopted by the State party, only 52 out of 25,000 people recently hired by the civil service have disabilities. In addition, while taking note of inter-ministerial decisions designed to facilitate access by such persons to education, the Committee regrets that it has received no specific information about how access by the disabled to education and employment is realized in practice, or on the measures taken or planned on the basis of those decisions to facilitate their access to and use of public or private buildings and institutions, as provided for in the Act on the Protection and Advancement of Persons with Disabilities (art. 2, para. 2).

The Committee recommends that the State party take concrete and effective measures and allocate the resources needed in order to implement the Act on the Protection and Advancement of Persons with Disabilities. In addition, the Committee recommends that the State party promote the inclusion of disabled persons in education and the labour market, in particular by introducing a quota system. It further recommends that the State party ensure that the denial of reasonable accommodation is regarded as a form of discrimination under the law and as a matter of policy. The Committee also requests that the State party provide disaggregated comparative data in its next periodic report on the impact of the measures taken and draws the State party's attention to its general comment No. 5 (1994) on persons with disabilities.

12. The Committee again expresses concern that legislative provisions discriminating against women, the repeal of which it recommended in its previous concluding observations, are still in force in the State party (art. 3).

The Committee urges the State party to ensure that the relevant provisions of the Family Code, the Labour Code and the Criminal Code are amended as quickly as possible and that any provisions discriminating against women are dropped from bills currently under consideration. It recommends that these new laws should be couched in terms that enable the State party to meet its obligation to ensure gender parity in the exercise of economic, social and cultural rights, in accordance with article 3 of the Covenant. In this regard, the Committee draws the attention of the State party to its general comment No. 16 (2005).

13. The Committee regrets that current legislation in the State party combines prison sentences with forced labour, even for prisoners jailed for their opinions. It is especially concerned that, under the law, private bodies may hire detainees without the latter's consent (art. 6).

The Committee urges the State party to abolish the penalty of forced labour and to bring its legislation into line with article 6 of the Covenant. It also recommends that the State party take legislative and other measures to ensure that prisoners work only if they consent to do so. The Committee requests that the State party provide information in its next periodic report on the conditions in which detainees work.

14. The Committee remains concerned about the high rates of unemployment and underemployment, which have worsened since the onset of the economic crisis in the State party, especially among young people and women. The Committee also notes with concern that the great majority of young people work in the informal economy (art. 6).

The Committee, while taking note of the major projects planned for 2012 that the State party maintains should boost employment, recommends that it:

(a) Include in its employment policy measures to overcome obstacles preventing young people and women from entering the formal labour market;

(b) Develop professional training that meets the needs of the labour market;

(c) Ensure that activities of the National Employment Fund, such as support for setting up microbusinesses and vocational training, help to create jobs in the formal economy;

(d) Provide the National Employment Fund and the National Monitoring Service for Employment and Vocational Training with the resources they require to function properly.

The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

15. The Committee remains concerned that the guaranteed minimum wage, which was set after tripartite negotiations, does not provide a decent living for workers and their families (art. 7).

The Committee recommends that the State party ensure that the guaranteed minimum wage is sufficient to provide workers and their families with a decent living, as set forth under article 7 of the Covenant. In this regard, the Committee recommends that the State party ensure that the mechanism for setting and reviewing the minimum wage takes into account the minimum requirements for subsistence and the cost-of-living index.

16. The Committee reiterates its concern about insecure working conditions on plantations, where oversight is lacking, particularly because of subcontracting. The widespread use of subcontracted labour by plantation owners forces some workers and their families to become contractors (art. 7).

The Committee reiterates its earlier recommendation calling on the State party to take concrete and effective steps to enforce basic labour standards on plantations. In particular, the Committee urges the State party to ensure that the regulatory framework for subcontracting adequately protects workers' rights in the specific case of the plantations.

17. The Committee considers reported violations of trade union rights, including the arrest or dismissal of trade union leaders and members, and interference by the State party in the running of trade unions to be a source of concern. The State party reportedly views

some unions favourably while refusing to recognize others, in particular the public-sector trade union federation (art. 8).

The Committee recommends that the State party respect the right of everyone to form trade unions and to take part in trade-union activities, in accordance with article 8 of the Covenant. The Committee also recommends that the State party guarantee equal treatment of trade unions in practice.

18. The Committee notes with concern that the State party's social security system is based only on activity in the formal economy, thus excluding the great majority of the population: the unemployed and those working in the informal economy (art. 9).

The Committee urges the State party to continue modernizing its social security system in order to guarantee this right to everyone. The Committee also recommends that the State party ensure that the system provides the broadest possible protection. It further recommends the gradual introduction of non-contributory schemes to cover persons unable to pay premiums. In this regard, the Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security.

19. The Committee notes with concern that the minimum age for working in the State party is 14 years. It is equally concerned that children under the age of 15 years work in plantations and in private households. The Committee also has doubts about the effectiveness of measures taken by the State party to combat child labour, given the low number of children in the care of public institutions (art. 10).

The Committee urges the State party to bring its legislation into line with international child labour standards, in particular with regard to the minimum age and the various categories of hazardous work.

In addition, the Committee strongly recommends that the State party take all the necessary measures, including more frequent visits by labour inspectors, to enforce legislation prohibiting child labour and to ensure that people who employ illegal child labour are prosecuted. The Committee requests that the State party include information in its next periodic report on prosecutions and convictions in this regard.

20. The Committee notes with concern that acts of violence against women and girls, domestic violence, female genital mutilation and even sexual harassment are still not explicitly prohibited by the law of the State party, in spite of the Committee's previous recommendations. The Committee also notes with concern the absence of penalties under the State party's law for acts such as marital rape and breast-ironing. Furthermore, the Committee regrets the lack of reliable information on how widespread such practices are in the State party (art. 10).

The Committee strongly recommends that the State party expedite the review and adoption of laws designed to strengthen the legal framework to combat violence against women and girls and to ensure that domestic violence, female genital mutilation and sexual harassment, along with breast-ironing and marital rape, are made punishable under the Criminal Code and that perpetrators are prosecuted. The Committee also recommends that national awareness-raising campaigns be conducted to combat all forms of violence against women and girls. The Committee requests that the State party include information in its next report on how widespread the various forms of violence against women and girls are, together with statistics on prosecutions and convictions.

21. The Committee remains concerned that, despite the State party's efforts, which have helped to reduce urban poverty, the problem of poverty has worsened in rural areas and in Adamaoua, East, North and Far North provinces (art. 11).

The Committee recommends that the State party intensify its efforts to combat poverty, especially in rural, disadvantaged and marginalized areas. The Committee also recommends that the State party focus on the rights of vulnerable groups, especially women and children, as well as other disadvantaged and marginalized groups. It refers the State party to its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). The Committee asks the State party to provide in its next periodic report information on how much of the budget is allocated to combating poverty in disadvantaged areas and comparative data disaggregated by sex, region and urban/rural area on poverty rates.

22. The Committee notes with concern the shortage of housing units in the State party, estimated at around 600,000 in urban areas. The Committee is also concerned that 70 per cent of households in urban areas live in districts lacking adequate infrastructure. Moreover, while noting the various projects to build new housing and prepare plots of land, the Committee regrets not having been supplied with information on the existence of a national housing strategy.

The Committee recommends that the State party introduce a national strategy and action plan on the right to adequate housing and ensure that construction of new social housing targets disadvantaged and marginalized individuals and groups, especially slum-dwellers. The Committee further recommends that the State party significantly increase the housing budget in order to address the scale of the problem. The Committee draws the State party's attention to its general comment No. 4 (1999) on the right to adequate housing.

23. The Committee notes with concern the high number of reported cases of forced eviction and demolition of houses conducted without sufficient notice, and without provision of adequate compensation or alternative accommodation. The Committee regrets that the State party has failed to provide details of Decree No. 2008/0738/PM of 23 April 2008 on land management procedures and requirements, or information on access to remedies for the persons concerned (art. 11).

The Committee urges the State party to ensure that the legal framework regulating urban development projects guarantees the provision of appropriate compensation or alternative accommodation in case of eviction, as well as access to remedies for the persons concerned. In addition, the Committee urges the State party to ensure that, in practice, no one is left homeless as a result of eviction. In this regard, the Committee refers the State party to its general comment No. 7 (1997) on forced evictions.

24. The Committee notes with concern that the system of land tenure in the State party is out of step with the country's economic and cultural situation, and that it makes some indigenous population groups and small-scale farmers vulnerable to land grabs. It is also concerned about obstacles such as prohibitive land transaction fees that bar the way to land ownership, particularly by women (art. 11, para. 1 (a)).

The Committee urges the State party to speed up the process of land reform, to guarantee the right of indigenous population groups and small-scale producers to ancestral and community lands and to ensure that obstacles to land ownership, in particular those faced by women, are removed.

25. While noting the improved access to safe drinking water in the State party and the programme that is under way to extend water supply and electricity to rural areas, the Committee notes with concern that much of the rural population still does not have access to them. The Committee also notes the high cost of water and of individual connections to the public network, and the large number of children forced to help fetch safe drinking water (arts. 10 and 11).

The Committee urges the State party to step up efforts to improve access to safe drinking water, particularly in rural areas. It further recommends that the State party take the necessary measures to improve water supply to homes and to ensure that the planned 70,000 community connections benefit the most disadvantaged groups. The Committee draws the State party's attention to its general comment No. 15 (2002) on the right to water. It also recommends that the State party raise public awareness of the very harmful effect on children's health of carrying heavy jugs of water.

26. The Committee is concerned about food insecurity in the north of the State party and the high level of malnutrition in the country. It also notes with concern price rises and the recurring or occasional shortage of certain foodstuffs, which persist despite initiatives by the State party, such as subsidizing certain products and negotiating prices with distributors (art. 11).

The Committee urges the State party to take the necessary measures to protect the right to adequate food, including by setting up a public food distribution system for the most disadvantaged and marginalized regions and groups. It also calls on the State party to tackle structural problems related to food insecurity, such as security of land tenure for small-scale producers, the transport and distribution of foodstuffs, and the availability of agricultural credits. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Food and Agriculture Organization of the United Nations.

27. The Committee remains concerned about the inadequacy of policies implemented by the State party to reduce infant and maternal mortality. It also regrets that the rate of teenage pregnancy remains high and, above all, that 20 per cent of abortions performed on teenage girls are carried out illegally, putting their health and lives in danger (arts. 10 and 12).

The Committee urges the State party to take all necessary measures to reduce infant and maternal mortality and to facilitate the access of women and adolescent girls to sexual and reproductive health services, including family planning and birth control information. The Committee also urges the State party to assess the adequacy and effectiveness of laws designed to prevent maternal mortality caused by illegal abortions.

28. The Committee notes with concern that, in the absence of reasonably priced products, poor quality medicines are sold on the black market (art. 12).

The Committee urges the State party to take appropriate measures to dismantle the informal supply and distribution network for poor quality medicines and to improve access to generic medicines. The Committee draws the attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

29. The Committee notes with concern that cholera epidemics, which are linked to poor sanitation, remain frequent in spite of the State party's efforts to bring them under control. The Committee also observes that, according to data from Cameroon's National Institute of Statistics, only 14.2 per cent of rural households have decent toilets (arts. 11 and 12).

The Committee urges the State party to step up efforts to prevent cholera and to develop public sanitation and waste treatment services and the provision of safe water, especially in rural areas and including in schools. It further recommends that the State party take the necessary measures to improve access to adequate sanitation

facilities. **The State party should provide information in its next periodic report on the implementation of this recommendation and on the percentage of schools equipped with adequate and separate toilets. The Committee refers the State party to its statement on the right to sanitation (2011).**

30. The Committee is concerned about the HIV/AIDS prevalence rate in the State party, which remains high despite a decline in recent years resulting from measures taken thus far (art. 12).

The Committee recommends that the State party continue efforts to improve access to, and the availability and quality of, services for the prevention of AIDS, while also developing treatment services, especially in rural areas, paying particular attention to vulnerable groups such as women, young people and children, and risk groups such as sex workers and prisoners. The Committee also asks the State party to ensure that persons living with HIV/AIDS are aware of their human rights and the laws that protect them.

31. The Committee notes with concern the high rate of smoking in the State party, despite measures taken to cut the consumption of tobacco (art. 12).

The Committee recommends that the State party design effective policies to combat tobacco consumption, strengthen its prohibition on tobacco product advertising, enact legislation imposing a strict ban on smoking in all closed public areas, and intensify public awareness-raising campaigns. It also recommends that the State party allocate part of its revenue from taxes on cigarettes to discourage smoking.

32. Although free public primary education has been introduced, the Committee is concerned about the high cost of related expenses, including parent association fees, which parents have to pay when enrolling their children. The Committee is also concerned about unequal access to primary education in Adamaoua, North and Far North provinces, where girls receive less schooling. In addition, the Committee notes that, although the State party has improved school attendance rates, low retention levels in primary schools and establishments that dispense transitional education to secondary schooling continue to lie at the heart of the child labour issue. The Committee observes furthermore that only 5 per cent of the population goes on to higher education (arts. 13 and 14).

The Committee recommends that the State party ensure that education is free of charge and equally accessible to all. It recommends that the State party offer financial assistance to low-income families to cover education-related expenses. The Committee also insists on the need for stronger measures to reduce the dropout rate. It further urges the State party to expand access to higher education in order to provide the labour market with the skills essential to the country's growth. The Committee draws the State party's attention to its general comment No. 13 (1999) on the right to education.

33. The Committee is concerned that, despite its legal recognition of the cultural rights of indigenous peoples living on its territory, the State party has moved some communities, such as the Baka Pygmy community and the Mbororo community, away from their ancestral lands, which have been opened to third parties for logging, thereby forcing those communities to adapt to other dominant cultures in the country (art. 15).

The Committee recommends that the State party take effective measures to protect the right of each group of indigenous people to its ancestral lands and the natural resources found there, and to ensure that national development programmes comply with the principle of participation and the protection of the distinctive cultural identity of each of these groups. In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

34. The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

35. The Committee encourages the State party to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the optional protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also calls on the State party to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

36. The Committee encourages the State party to cooperate fully with the Special Rapporteur on the human right to safe drinking water and sanitation and the Special Rapporteur on the right to food during their forthcoming visits to Cameroon. It also encourages the State party to consider inviting the Special Rapporteur on extreme poverty and human rights to visit the country and extending invitations to other special rapporteurs dealing with economic, social and cultural rights, in order to benefit from their expertise in developing policies that address the Committee's concerns.

37. The Committee strongly recommends that the State party continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes with a view to realizing economic, social and cultural rights in compliance with its obligations under the Covenant, following up on these concluding observations and preparing its next report.

38. The Committee asks the State party to disseminate these concluding observations widely at all levels of society, in particular among State officials, the judiciary and civil society organizations, and to inform the Committee of all steps taken to implement them in its next periodic report. It encourages the State party to continue involving civil society organizations in the process of discussion at the national level prior to the submission of its next periodic report.

39. The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting, as approved by the international human rights treaty-monitoring bodies.

40. The Committee requests that the State party submit its next periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) by 2 December 2016.
