



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
4 January 2010
English
Original: French

Committee on the Elimination of Racial Discrimination

Seventy-sixth session

Geneva, 15 February–12 March 2010

List of issues to be taken up in connection with the consideration of the fifteenth to eighteenth periodic reports of Cameroon (CERD/C/CMR/15-18)*

General information and statistics

1. Please provide detailed and updated statistics on the demographic composition of the population. Please also provide information on categories of persons who could be subject to discrimination on the grounds of race, colour, descent or national or ethnic origin.

Institutional framework

2. Paragraphs 24 and 25 of the State party's report mention the fact that the National Committee of Human Rights and Freedoms has been converted into the National Commission of Human Rights and Freedoms (NCHRF). Please provide additional information on the composition and operation of NCHRF and on the human and financial resources at its disposal. The Committee would also like to know whether NCHRF is equally competent to deal with cases of violations relating to the Convention. In the affirmative, please give examples of cases in which NCHRF has applied the Convention. Please also indicate whether steps have been taken to bring NCHRF into line with the Paris Principles, particularly with regard to its independence.

3. Paragraph 28 of the State party's report states that the Directorate for Human Rights and International Cooperation was established by decree in 2005, and explains that it is responsible for: (a) monitoring human rights issues generally; and (b) monitoring the application of the international human rights conventions. Please provide additional information on the Directorate, particularly with regard to its duties and the human and financial resources available to fulfil its mandate. Please also indicate what role it has played since its establishment in effectively monitoring the implementation of the Convention.

* Paragraph numbers in brackets refer to the State party report, issued as document CERD/C/CMR/15-18.

Application of the Convention in domestic law

Article 1

4. Please clarify the status of the Convention in domestic law and indicate whether it ranks higher than domestic laws and whether its provisions may be invoked directly before the national courts. In the affirmative, please give examples of case law in which the Convention has been directly invoked and applied by the national courts.

Article 2

5. According to paragraph 51 of the State party's report, "the Government has been working to achieve the following results: (a) the representation of all population groups without distinction on all electoral lists and the same applies to the different elements making up the electoral districts; (b) the involvement of national and, indeed, ethnic minorities in the electoral process". Please provide detailed information and figures on the results achieved in this regard. Please also furnish statistics disaggregated by ethnic or racial origin on:

- (a) Candidates who stood and were elected during the legislative elections of 2002 and 2007 and the municipal elections of 2002;
- (b) Members of the Government (paras. 68 and 69);
- (c) The composition of Parliament.

6. The State party indicates (para. 35) that with regard to the prohibition of discrimination in education, in accordance with article 7 of Act No. 98/04 of 14 April 1998 on education guidelines in Cameroon, "the State shall guarantee to every person equal opportunities in regard to access to education, without distinction as to gender, political, philosophical and religious opinion, social, cultural, linguistic or geographical origin". Please inform the Committee of measures planned or adopted to include in the Act a prohibition of racial discrimination using the same wording as appears in article 1 of the Convention, which encompasses discrimination based on race, colour, descent or national or ethnic origin. In addition, paragraph 38 (f) of the State party's report mentions priority education zones (ZEP). Please specify which education zones are considered as priority zones by the State party and provide data disaggregated by ethnic or racial origin on their demographics. During the universal periodic review, the State party endorsed the recommendation concerning the ratification of the UNESCO Convention against Discrimination in Education (A/HRC/11/21, para. 76 [6]). Please indicate what steps have been taken to implement this recommendation.

7. Please also indicate to what extent the following laws, policies and programmes, mentioned in the State party's report, incorporate the provisions of the Convention:

- (a) The Labour Code as revised by the State party (para. 150);
- (b) The Electoral Code (para. 141);
- (c) The draft Declaration on the National Employment Policy prepared by the Ministry of Employment and Vocational Training (para. 160);
- (d) The Sectoral Strategy for Health (SSS) and the Strategy Document on Poverty Reduction (DSRP) (para. 196).

8. According to paragraph 127 of the State party's report, "the National Commission of Human Rights and Freedoms (NCHRF) issued a press release condemning the ethnic conflicts that occurred in the Northwest Province following a dispute over land (Oku/Mbessa and Bawock/Bali)". Paragraphs 129 and 130 of the report describe the

financial and institutional measures adopted by the State party in this case. In addition, please provide information on inter-ethnic conflicts in the State party and describe the measures, particularly of a political nature, implemented to encourage dialogue and the peaceful coexistence of ethnic groups and to discourage ethnic and racial divisiveness, including the steps taken to promote multi-ethnic integrationist organizations and movements.

9. Please describe the various stages involved in the preparation of the report and indicate whether NGOs contributed to it.

Article 4

10. Please indicate what measures have been adopted pursuant to the Committee's previous recommendations to review domestic legislation, particularly the Criminal Code, in order to include in it all the provisions required by article 4 of the Convention (CERD/C/304/Add.53, para. 15). Please expand upon, in particular, the information provided in the State party's report (paras. 122–126) concerning the criminalization of racial discrimination so that it will become clear to the Committee whether or not the definition of that offence fully meets the requirements of article 4.

Article 5

11. Please provide updated information on Act No. 97/012 of 10 January 1997 governing the conditions of entry into, residence in and departure from Cameroon (para. 9). Please also describe what specific steps have been taken to prevent and eliminate acts of discrimination against aliens, as recommended by the Committee in its previous concluding observations (CERD/C/304/Add.53, para. 18). According to the information available to the Committee, Nigerian migrants are allegedly victims of discrimination and abuse by State officials. Undocumented migrants from Nigeria and Chad are also apparently subjected to ill-treatment and imprisoned. Please provide the Committee with information about these allegations.

12. Please furnish additional information on the provisions of Act No. 2005/006 of 27 July 2005 on refugee status (para. 9) and indicate to what extent they are in line with principles and international standards relating to refugees, including the 1951 Convention relating to the Status of Refugees. Please specify whether the Act explicitly recognizes refugees' right to health and medical care and whether specific steps have been taken to eliminate malnutrition among refugee children, to establish a system for registering refugee children and to guarantee them equal access to public health services and drinking water.

13. According to paragraph 81 of the State party's report, the Government has undertaken to draft a law for the protection and advancement of marginal population groups, and a call for tenders has already been launched in regard to the drafting of this bill. Please provide updated information on the progress of the bill and indicate to what extent the State party is considering including the definition of indigenous peoples established in the United Nations Declaration on the Rights of Indigenous Peoples, which has been accepted by Cameroon, in the bill. Please also provide updated information on the draft sectoral policy for the integration of marginal population groups and on steps taken by the State party with a view to drafting a national action plan for the Second International Decade of the World's Indigenous Peoples (para. 82).

14. According to paragraph 77 of the State party's report, the following measures were to be put into effect as of 2008: (a) a project to enhance environmental and social management capacities for large-scale investments in the energy sector that have an impact on marginal population groups; and (b) the establishment of a development plan for pygmy

peoples under the Forest-Environment Sectoral Programme. Please provide up-to-date information on the progress made in implementing these measures.

15. According to information at the Committee's disposal, most of the forests and farmlands traditionally used by pygmy communities for their livelihood have been expropriated, sold or converted into protected areas. Please provide detailed information on those allegations and explain to the Committee what measures have been adopted to protect the land rights of indigenous peoples. Please indicate whether or not the State party plans to draft a specific law on this subject.

16. Please provide detailed and updated information on the follow-up given to the urgent joint appeal made in 2007 by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Representative of the Secretary-General concerning the situation of the Mbororo-Fulani herders in the Northwest Province of Cameroon, whose human rights have been violated in connection with the transfer of their traditional lands to a private entrepreneur. Please also provide updated information on the result of the inquiry conducted by the ministerial commission into this case.

17. In paragraph 205 of its report, the State party refers to the establishment of "a Ministry of Culture ... [whose] specific responsibilities include defining and implementing cultural policy, getting culture to a wider audience and safeguarding and enhancing the cultural heritage". Please inform the Committee what specific measures have been adopted by the Ministry so as to ensure that the history, culture and traditions of indigenous peoples are protected, widely disseminated and passed on to future generations as an integral part of the national cultural heritage. Please also provide information on the legislative provisions which specifically protect the history, culture and traditions of indigenous peoples in Cameroon.

18. Please provide further details on the measures adopted to improve the working conditions of indigenous peoples, particularly with respect to the plan for ensuring equal opportunities and treatment in respect of employment and occupations and their participation in vocational training. Please also state what steps have been taken to combat the exploitation of indigenous peoples, including pygmy communities.

Article 6

19. Please state what judicial and extrajudicial remedies are available against racial and ethnic discrimination and explain, with reference to the Committee's previous concluding observations, what specific steps the State party has taken to facilitate access to the courts and the right to reparation for victims. Please also provide information on measures adopted, particularly in rural areas and among women, to raise public awareness of the effective remedies that are available in the event of racial or ethnic discrimination. The Committee would also like to have updated information on the progress made with the reform of the judicial system and on the results obtained, in particular with regard to corruption and the lack of an independent justice system, which are major obstacles to the effective realization of the right to a remedy and reparation for victims of racial and ethnic discrimination.

20. In paragraph 202 of its report, the State party mentions the cases of *Bindzi Obama Clément v. Dame Mezoli Justine* and *Zamcho Florence Lum v. Chibiko Peter Fru and others*, in which "the Supreme Court of Cameroon, in 1973, and the Bamenda Court of Appeal, in 1993, reaffirmed the Constitutional principle of the equality of the sexes when authorizing access for the two ladies concerned to the ownership of land inherited from their respective fathers". Please specify the ethnic origin of the women concerned and indicate what measures the State has adopted to rectify traditional and customary practices

involving discrimination against women on the basis of their ethnic origin in connection with the enjoyment of their rights, including rights pertaining to matters of inheritance.

21. In addition, the Committee would like to receive information on cases specifically concerning racial and ethnic discrimination that have been tried in court. The Committee would also like to receive information and statistics on the number and nature of complaints of racist acts that have been filed, the corresponding prosecutions and sentences, and reparations granted by the courts.

Article 7

22. In its previous recommendations, the Committee recommended that the State party should take all appropriate steps to acquaint the population with the Convention and to publish the Government's periodic reports and the Committee's observations. Please provide information on the steps taken to implement these recommendations, in particular among women in rural areas and indigenous populations in remote areas. The Committee would also like to know whether the media (radio, television and press), including the rural radio stations mentioned in paragraph 208 (c) of the State party's report, regularly broadcast programmes promoting tolerance among the different peoples and ethnic groups in Cameroon.

23. In accordance with the Committee's previous recommendations, please indicate what steps have been taken to train State officials in human rights in general, and to familiarize them with the provisions of the Convention, in particular. Please also provide updated information on the arrangements made to implement the recommendation by the State party during the universal periodic review "to intensify efforts to educate and train police, prison staff, law enforcement personnel and judges on all aspects of human rights" (A/HRC/11/21, para. 76 [24]).
