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Summary record of the 2725th* meeting

Held at the Palais Wilson, Geneva, on Monday, 19 August 2010, at 3 p.m.

Chairperson: Mr. Iwasawa

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Fourth periodic report of Cameroon

* No summary record of the 2724th meeting has been issued.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Cameroon (CCPR/C/CMR/4; CCPR/C/CMR/Q/4; CCPR/C/CMR/Q/4/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Cameroon took places at the Committee table.*
2. **Mr. Nkou** (Cameroon), presenting the fourth periodic report of Cameroon (CCPR/C/CMR/4), expressed confidence that consideration of the report would be an opportunity for constructive dialogue with the Committee; it would enable the State party to cement the relationship of trust that it had always maintained with the Committee and to make further advances in protecting, promoting and defending human rights in Cameroon.
3. Cameroon was certainly not free from human rights problems, but in an Africa subject to many forms of conflict and uncertainty, it could be considered a model of peace and stability. The rule of law, human rights, individual and collective freedoms and good governance were values firmly rooted in Cameroonian democracy. The country had more than 200 political parties and several hundred non-governmental organizations (NGOs) and associations that were highly active in the defence of human rights. Numerous trade unions had been established to protect workers' rights. The media were highly diversified, consisting of no less than 600 press publications, 200 radio stations and at least 10 television channels. In addition, Cameroon had ratified all the main international human rights instruments.
4. Executive power was vested in the President of the Republic, the Government and the local authorities. Legislative power lay with the National Assembly, which included many deputies belonging to opposition parties. The Senate, which was not yet operational, would shortly complete the legislature. The judiciary was entirely independent.
5. Since consideration of its previous report, Cameroon had ratified the United Nations Convention against Transnational Organized Crime, its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its supplementing Protocol against the Smuggling of Migrants by Land, Sea and Air. The legal framework for application of the Covenant had also been fleshed out with the enactment of several important laws in 2004 and 2005, including the Act regulating the organization and operation of the Constitutional Council, the Act relating to the establishment, organization and operation of the National Commission on Human Rights and Freedoms and its implementing decree, the Refugee Act and the Act combating child trafficking and smuggling. A new Criminal Procedure Code, incorporating elements of the Romano-Germanic and the Anglo-Saxon legal systems, had come into force on 1 January 2007 and had considerably enhanced the protection of due process of law. Key provisions of the Code included a suspect's right to have access to a lawyer at the outset of a judicial inquiry and to be examined by a doctor, the right to remain silent, the investigating judge's obligation to specify the duration of pretrial detention, the establishment of a maximum period for such detention, action on habeas corpus or immediate release, the right of a victim of improper detention in police custody or pretrial detention to claim compensation, the possibility of release on bail, with or without surety, at any stage in proceedings, and the inadmissibility of evidence obtained through torture. The new Criminal Procedure Code also incorporated, in updated form, the provisions of the 1964 Extradition Act, as amended in 1997, and extended the grounds for refusal of extradition to include, in addition to the risk of torture, that of being exposed to cruel, inhuman and degrading treatment in the

requesting State. Other grounds for refusal included discrimination based on political opinion, religious conviction, race or nationality.

6. When considering Cameroon's previous periodic report in 1999, the Committee had raised concerns about the prison system, in particular regarding the inspection of places of detention, the oversight of prison administration and prison overcrowding. As the Committee had recommended at that time, responsibility for prison administration, which had previously rested with the Ministry of Territorial Administration, had been transferred to the Ministry of Justice in 2004. Any humanitarian organization that so requested could obtain an authorization granting free access to Cameroon's prisons. In addition, the National Commission on Human Rights and Freedoms had visited many places of detention, either in response to a request or at its own initiative. It also made regular visits to police and gendarmerie stations, at which additional routine checks were performed by chief prosecutors. Prisons and places of detention were also regularly visited by the International Committee of the Red Cross (ICRC). Between 19 and 23 February 2007, for instance, ICRC had visited both the Yaoundé and the Bamenda central prisons after obtaining authorization from the Office of the President. Following the February 2008 riots, at the Government's behest, ICRC delegates had visited Yaoundé, Douala, Bafoussam and Bouéa central prisons, where they had interviewed detainees in line with usual ICRC practice. The prison authorities had fully cooperated in that process. Regular inspections of Cameroon's regional prisons were also performed by several NGOs, which issued periodical reports on their findings. The ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in July 2010 constituted a significant advance with regard to the treatment of prisoners and demonstrated the Government's commitment to effectively combating torture and cruel or degrading treatment by establishing a permanent prevention and protection mechanism.

7. Measures to alleviate prison overcrowding already adopted or in the planning stages at that time included the construction of six new 300-bed prisons, the transfer of inmates from the most severely overcrowded prisons to other facilities and greater use of the alternatives to custody, such as release on bail or parole, set out in the Criminal Procedure Code. The many Presidential pardons granted, which led to the immediate release of the detainees concerned, also helped to ease overcrowding. Other measures adopted to improve conditions of detention included a three-year recruitment programme providing for the appointment of 1,500 additional prison officers to improve inmate support capacity. The programme of instruction run by the National School of Prison Administration had been revised to place greater emphasis on human rights. Lastly, budget allocations for detainee health care and nutrition were being regularly increased.

8. Ad hoc prison inspections were performed on the initiative of the prosecution service or the general prison inspectorate. Places of pretrial detention were inspected on a quarterly basis and a copy of the resultant report was forwarded to the Ministry of Justice by the prosecution service concerned. The prison authorities also produced monthly updates on detainees for submission to the competent regional prosecution service.

9. When considering the previous periodic report, the Committee had expressed concern that journalists could be tried and convicted for disseminating false information. It had recommended that the Cameroonian Government should ensure that any law restricting freedom of expression satisfied the provisions of article 19, paragraph 3, of the Covenant. A number of significant measures had been adopted in response to that recommendation. In application of Decree No. 2000/158 of 3 April 2000, the Government had begun issuing licences to private broadcasters; a national commission had been established to consider applications for private aid for broadcasting and censorship had been abolished. However, the Cameroonian press had an unfortunate propensity to publish false information that

violated the rights and reputations of others. Press offences were still subject to criminal sanctions, the aim being to encourage journalists to act responsibly, to respect professional codes of conduct and to protect civil rights and public order, in accordance with article 19 of the Covenant. Interestingly, most lawsuits against journalists had been brought not by the prosecution service but following complaints by the public. Quite often articles containing false or unsubstantiated information directed against the Government or State institutions did not lead to prosecution. The Committee would be pleased to learn that there were currently no journalists in detention in Cameroon.

10. The National Assembly had adopted three important legislative texts on 13 April 2010. The first of those texts amended the operating regulations of the body responsible for organizing, managing and overseeing elections and referendums in Cameroon (Elections Cameroon or ELECAM), the aim being to increase the body's impartiality by ensuring that political parties, civil society, State authorities and the judiciary all took part. The second text introduced measures that reinforced efforts to promote and protect the rights of persons with disabilities, such as ensuring the availability of psychological and social assistance and access to education, sports and leisure facilities, and facilitating their integration within the workforce. The third text amended the provisions of Act No. 2004/016 of 22 July 2010 on the National Commission on Human Rights and Freedoms to bring them into line with the Paris Principles, stipulating that members of the Commission who represented State authorities should have no voting rights and should contribute to deliberations in an advisory capacity only.

11. With regard to implementation of the Committee's Views on communications alleging violations of the Covenant by Cameroon, negotiations with Mr. Afuson Njaru and Mr. Gorji-Dinka were taking place to determine the amount of compensation that should be paid to them. If no agreement was reached before the end of the year, the Government would fix the amount itself in the light of available resources. Compensation of 100 million CFA francs had been awarded to Mr. Mukong and the Government had taken steps to make contact with Mr. Titiahonjo's beneficiaries. The legal and practical implications of implementing the Committee's Views on the case of Mr. Engo were still being examined.

12. **The Chairperson** thanked the head of the delegation of Cameroon and asked the members of the Committee for their comments.

13. **Ms. Majodina** said that Cameroon's success in overcoming the problems inherent in all post-colonial societies characterized by significant ethnic and linguistic diversity must be acknowledged, and that, as the head of the delegation had rightly emphasized, the peace and stability that prevailed in Cameroon were as remarkable in that part of the world as they were rare. The fourth periodic report provided an opportunity for the Committee without passing judgement, to assess the State party's approach to implementation of the Covenant and to offer guidance on how it might more effectively fulfil its obligations thereunder. It was regrettable in that regard that none of the concerns raised by the Committee in the list of issues had been adequately addressed in the written replies.

14. The State party made it clear in its report and in its written replies that international instruments, and therefore the Covenant, became an integral part of the domestic legal system as soon as they were ratified. That meant that judges were free to invoke or interpret the provisions of the Covenant. During the consideration of its previous periodic report in 1999, the State party had explained that the Covenant had never been invoked by the courts because it was not yet widely known, and it had acknowledged the need to improve awareness of its provisions among judges, magistrates and law enforcement officers in general. The fact that the State party's written replies gave only one example of a case in which the Covenant provisions had been invoked by the courts raised doubts as to whether any real progress had been achieved in that area. If the delegation knew of any other cases in which the courts had based their decision on the Covenant, the Committee would like to

be apprised of them. The State party had not answered the question concerning which provisions of the Covenant had not yet been implemented in criminal law, in addition to the prohibition of torture. Any clarification that the delegation could provide in that respect would be welcome.

15. The steps taken to raise awareness of the Covenant among traditional rulers were commendable and the information provided by the State party on that subject was greatly appreciated. However, the Committee also sought a response to its question about the extent to which customary courts took the Covenant provisions into consideration in their rulings (question No. 4 of the list of issues). Given that, according to paragraph 327 of the periodic report, the Government disapproved of some of the methods used by certain traditional rulers to dispense justice, did it envisage prohibiting those methods?

16. While it was true that the Constitution enshrined the principle that all human beings were equal in their rights and duties, it was quite obvious that in practice women did not enjoy the same rights as men. The persistent discrimination against women was in part explained by the fact that customary law, under which certain rules — especially those concerning ownership and inheritance rights — were clearly discriminatory towards women, was given more weight than statute law in many of the country's regions. It would be interesting to have the delegation's views on those issues. Two specific cases in which female victims of discriminatory customary practices had received redress in court were cited in the written replies, but those cases dated from more than 20 years ago; information on more recent cases would therefore be appreciated. Also, the Committee had not received a response to its main concern, which was whether or not the State party had adopted, or planned to adopt, an actual law prohibiting discrimination against women. Could the delegation therefore provide clarification on that matter?

17. The Committee would like to know the rationale for the State party's decision to incorporate the bill on the prevention and punishment of violence against women and gender-based discrimination into the Criminal Code instead of enacting a new, separate law. The Criminal Code established penalties for rape, but not marital rape. According to a non-governmental source, complaints of rape were rarely investigated or prosecuted. In 2010, 14 cases of rape had been reported. It would be interesting to know whether inquiries had been conducted in any of those cases and whether any suspects had been identified. There was no law expressly criminalizing domestic violence. Persons found guilty of assault causing bodily harm were liable to imprisonment or the payment of a fine but such penalties were rarely imposed when the offences were committed in a family environment. Domestic violence continued to be legitimized by society and was generally regarded by police officers as a private matter; for that reason, complaints were rarely followed up. However, according to a non-governmental organization (NGO) based in Douala, 39 per cent of married or cohabiting women experienced violence at the hands of their partner. Could the delegation comment on that information and, in particular, indicate whether domestic violence was covered by the provisions of the bill on the prevention and punishment of violence against women and gender-based discrimination due to be incorporated in the Criminal Code? Detailed data would also be useful on the number of complaints of domestic violence reported, any legal proceedings initiated as a result of those complaints and, where applicable, the sentences handed down. The Committee also sought information about the availability of shelters for the victims of domestic violence and any awareness-raising campaigns organized to foster public understanding of the unacceptability of violence of that kind and the criminal nature of such acts.

18. The practice of female genital mutilation was a source of concern that the Committee had raised on many previous occasions, including during consideration of the State party's previous report. What measures were in place, in addition to the national plan of action to combat female genital mutilation, to ensure that those who engaged in practices

of that kind were tried and convicted? And what avenues of redress were available for the victims?

19. The National Commission on Human Rights and Freedoms had undergone certain adjustments to bring it into line with the Paris Principles. However, she was not certain that the independence essential to its legitimacy and credibility was fully guaranteed and, for that reason, sought information about the authority responsible for the Commission's oversight. Initially, it appeared, responsibility had rested with the President of the Republic, but was that still the case? If it was, the necessary guarantees of independence were lacking. The best solution would undoubtedly be for oversight of the Commission to be exercised by Parliament. Furthermore, the Commission should not under any circumstances accept instructions from the Government, and the law should expressly prohibit it from doing so. The method by which members of the Commission were appointed was another very important aspect of its independence. It was essential that members should not be nominated by the Executive or the President of the Republic, and that the appointment process should be open and transparent. Lastly, independence also depended on means of finance, and the Commission must in no circumstances accept funding from the Executive. She would welcome the delegation's comments on those points.

20. **Mr. Salvioli** noted that, although the written replies stated that the Committee's Views on the communications alleging Covenant violations by Cameroon were directly enforceable, they had not been fully implemented for any of the communications concerned. In view of that situation, did the Government of Cameroon envisage establishing a mechanism that would enable it to give full effect to the Committee's Views?

21. Endorsing the questions raised by Ms. Majodina in relation to the right to non-discrimination, he asked whether the authorities envisaged adopting a legal definition of discrimination that embraced all aspects covered under international human rights law and that conformed to the Covenant provisions in particular. Discrimination against women was practically legal in Cameroon, as had previously been noted by other treaty bodies, including the Committee on the Rights of the Child, which had raised the issue in relation to early marriage. He asked what measures the State party was taking to reduce the incidence of early marriage and whether it planned to make the minimum marriageable age the same for men and women.

22. The choice of polygamy as a marital regime was, like monogamy, left to the discretion of the future spouses, and the draft Code of the Person and the Family made no provision for the abolition of polygamous unions. He questioned whether that double standard was consistent with the provisions of article 2 and article 26 of the Covenant, and sought the delegation's comments on that matter.

23. Although action had been taken to ensure women's access to education and to employment opportunities, many difficulties remained. Women were subjected to sexual harassment in the workplace in particular, and any statistics about proceedings brought and sentences handed down for offences of that kind, if available, would be appreciated.

24. According to information at the Committee's disposal, a man who committed rape could be exempted from prosecution if he agreed to marry the victim. It was not known whether terminations were legal when the pregnancy was the result of rape and, more generally, how the State party ensured that legislation governing that area was consistent with the Covenant provisions. Furthermore, abortion was apparently a criminal offence, but legal in certain circumstances, although it was not clear which. Clarification on all those points would therefore be appreciated. Information in the Committee's possession attested to a significant number of fatalities as a result of terminations performed, for the most part, in unsanitary conditions. The delegation's observations on that situation would also be welcome.

25. With regard to homosexuality, the content of paragraphs 79 to 83 of the written replies indicated that the situation in Cameroon was inconsistent with the Covenant provisions. The Cameroonian authorities maintained that homosexuals were not denied certain rights or access to certain services on the grounds of their presumed sexual orientation, but the right to choose their sexual orientation did not appear to be guaranteed. As a practical consequence of that situation, many homosexual men and women were treated inhumanly in police stations, frequently being detained on no more than a suspicion of homosexuality. The justification given by the State party in its written replies was based on an interpretation of the Universal Declaration of Human Rights that was held by none of the United Nations treaty bodies. It would also be useful to know which provisions of the Covenant the Cameroonian authorities were invoking to justify the criminalization of sexual relations in private between consenting adults of the same sex, in violation of the right to privacy that was recognized under the Covenant. He would also like to know how many complaints had been filed by persons detained on the grounds of their sexual orientation and with what result. Lastly, he asked whether the State party envisaged amending article 347 of its Criminal Code and what steps it was taking to combat social prejudices surrounding homosexuality.

26. **Mr. Thelin** expressed regret, given the nature of the issues raised in Cameroon's fourth periodic report, that the law enforcement and prison services were not represented in the delegation, although he accepted that insufficient financial resources could be among the reasons precluding their attendance.

27. He appreciated the problems inherent in protecting human rights in a country such as Cameroon, which had inherited a legal system based on two sources of law — common law and civil law — from its colonial past and was populated by around 250 different ethnic groups. Nonetheless, it had to be admitted that the country's human rights situation was still far from satisfactory. A number of recent NGO reports cited frequent human rights violations in Cameroon, including arbitrary arrests and detentions on various grounds and restrictions on freedom of expression, press freedom, freedom of assembly and freedom of association. The NGOs also reported harassment of journalists and human rights defenders, widespread public sector corruption, and frequent instances of vigilante violence, discrimination against women and homosexuals and trafficking in human beings. The diverse cultural beliefs of the different ethnic groups was a source of widespread discrimination and of frequent violations of the rights of women, particularly married women, divorcees and widows.

28. The death penalty had not been applied since 1997, which was commendable. However, the State party had not yet informed the Committee which offences carried the death sentence, which regularly continued to be handed down by the courts. The State party had also yet to indicate whether it intended to establish an official moratorium on executions. Although mention had been made of the possibility of pardons, the Committee would like to know whether any specific appeal mechanism had been established for those under death sentence. It would also be useful to know what specific guarantees were in place to ensure that minors were not subject to the death penalty.

29. The written replies cited only one case of extrajudicial killing, dating back to 1997. The information provided was welcome, but did not reflect the scale of the phenomenon. He asked whether extrajudicial killings were a cause of concern for the authorities, how many killings of that kind had been recorded and whether any mechanism was in place to ensure that allegations of such offences were fully investigated. In particular, he would like to know whether inquiries had been initiated in the five cases reported by NGOs in June 2009 in which the security forces were allegedly implicated. NGOs had also reported vigilante violence claiming further victims in 2009 and 2010, noting, in particular, that a number of persons had been summarily executed on mere suspicion of theft. Such acts of

mob violence were rarely brought to trial and the number of victims had risen in 2010 compared with the previous year. Such mob violence was largely attributable to the population's sense of frustration at the ineffective policing, which resulted in many serious offenders being released without charge. For example, the Fon of Balikumbat, who had been sentenced to 15 years' imprisonment for murder, had been released on bail without explanation, and many Cameroonians believed that he had been released simply because he was an active member of the ruling political party. The delegation's comments on all those matters would be welcome.

30. Lastly, the Committee had requested more information about the "nine missing persons of Bepanda" case and he had been satisfied with the State party's written reply. However, noting the reference to a "rapid response battalion" (*batallion d'intervention rapide*), he asked whether the State party was referring to the same unit that the report described as an "antigang unit" (*unité spéciale des antigangs*). If in fact it was referring to two different units, he would like to know the composition and organization of each, under whose command they fell and what mechanism was responsible for their oversight.

31. **Mr. Pérez Sánchez-Cerro** noted that, although the Constitution enshrined the principle of equality between men and women, there were a number of outstanding problems in that area in Cameroon. In particular, there was no legal definition of discrimination and the protection available to women in the home appeared to be very inadequate. A large number of girls were married off by their families as young as 12 years old and a 2004 United Nations report indicated that 36 per cent of girls aged between 15 and 19 were already married, divorced or widowed, which was a real cause for concern. Acts of physical violence against women were especially frequent because the law did not prohibit domestic violence. In addition, marital rape was not considered grounds for divorce.

32. The situation regarding female access to education and employment was also unsatisfactory. According to official statistics, women accounted for 51 per cent of the total population of Cameroon, but they still had only very limited access to education and employment. Because they were denied full access to education, the only decent jobs that women could hope to obtain lay in the informal sector. The measures in place, including those of a legal nature, were insufficient to redress that situation. Women's political rights were restricted and their opportunities to participate in political life were limited. He would therefore like to know what measures the State party envisaged adopting to improve the situation.

33. A high rate of maternal and infant mortality was often due to inadequate health-care infrastructures and a shortage of appropriately qualified medical personnel, especially in rural areas, and that was undoubtedly the case in Cameroon. Although terminations were authorized under the Criminal Code in the case of pregnancy as a result of rape or where necessary to prevent serious risk to the mother's health, they were often performed in unsanitary conditions comparable to those of illegal terminations. He would like to know how the State party planned to improve the situation.

34. The criminalization of homosexuality and the stiff penalties it carried were clearly contrary to the Covenant and other instruments ratified by Cameroon, including the African Charter on Human and Peoples' Rights. Although some authorities denied the existence of harassment, homosexuals had in numerous cases been arrested and detained simply on the basis of a third-party testimony. That situation was widely acknowledged. For example, on 7 July 2010 the Supreme Court of the United Kingdom had granted asylum to a homosexual Cameroonian man because of the risk to which he would be exposed if returned to his country. Furthermore, arrests of homosexuals were routinely reported in the press, adding to their stigmatization and exposing them to violence in detention.

Homosexuality must therefore be decriminalized and he would like to know whether the State party was taking steps to that end.

35. **Mr. Amor** said that the situation in Cameroon called for certain comments regarding the relationship between culture and human rights. In Cameroon a number of key principles relating to gender equality and non-discrimination were upheld, including through the Constitution. However, the situation of women raised many questions. For example, although a court decision had ruled firmly against levirate marriage, such marriages continued, albeit on an unknown scale. With regard to polygamy, which the Committee described in its general comment No. 28 as a practice that violated the dignity of women, the State party left the option open. The Government of Cameroon opposed female genital mutilation but had not enacted prohibiting legislation. Its stance on the refund of dowries and husbands' rights over their wives was similar; it opposed them without expressly prohibiting them by law. Given the difficult reality, it was understandable that the Government of Cameroon should seek a balance compatible with cultures and attitudes. However, that balance should never result in neglect of its core obligations. While it was true that attitudes did not change from one day to the next, cultures could undoubtedly evolve with the support of proactive Government measures, that included not only awareness-raising and information dissemination but also, first and foremost, legislation.

36. The death penalty still existed, but since no executions had taken place since 1997, he wondered whether the State party might not consider abolishing it by law.

37. **Mr. Bouzid** said that the periodic report and the written replies to question No. 4 of the list of issues indicated that the Government of Cameroon had endeavoured to raise awareness among traditional rulers of the rights protected by the Covenant and that customary courts took the Covenant provisions into consideration. However, he would appreciate more information about the results of the awareness-raising campaigns and the legal activities of traditional rulers, in particular those concerning respect for freedom of expression, protection against bodily harm and non-discrimination.

38. **Mr. O'Flaherty** observed that a considerably larger delegation had been present at the universal periodic review before the Human Rights Council and asked the reason for the disparity. He also noted that the delegation included very few women.

39. Like other members of the Committee, he had been astonished that, in its reply to question No. 9, the State party asserted that the criminalization of homosexuality was supported by the provisions of article 29 of the United Declaration of Human Rights and asked for clarification of that argument, which he had never heard before. He would also liked to be explained how the criminalization of homosexuality helped to preserve and strengthen "positive African cultural values", as was claimed in the written replies. Unlike in other countries, in Cameroon it was not sexual relations between persons of the same sex that were criminalized but homosexuality itself. That situation raised the question as to how it was established that a person was homosexual. A prohibition of that kind opened the door to all kinds of abuse; the delegation should therefore explain what guarantees were in place to ensure that individuals did not fall victim to false complaints and accusations. Lastly, he would like to know whether the State party disseminated public health information for the homosexual community and, more specifically, information on the prevention of HIV/AIDS and other infectious diseases.

40. **Mr. El-Haiba** said that the State party should be commended for its success in managing its considerable ethnic and cultural diversity, which was a source of wealth but also, insofar as human rights were concerned, a source of contradictions and problems. The National Committee on Human Rights and Freedoms had been given an A status accreditation by the Sub-Committee on Accreditation of the International Coordinating

Committee of National Institutions for the Promotion and Protection of Human Rights, which was very positive. However, he questioned why the National Committee's annual report and its reports on specific issues were not made public. In particular, it would be useful to have access to the recommendations that the National Committee made after visiting prison establishments. Received information indicated that the National Committee had dealt with only 19 of the 729 complaints it had received. That required an explanation.

41. With regard to the role of traditional rulers (question No. 4 of the list of issues), noting the State party's educational efforts, he would appreciate more detail about the role of community radio stations, which had a sizeable audience and were widely accessible in the chiefdoms. He asked whether the State party would not consider adopting a national plan of action to address traditional rulers' shortcomings in the human rights arena.

42. Turning to question No. 5 concerning the fight to end discrimination against women, he asked why the draft Code of the Person and the Family, which had drawn on input from all segments of civil society, had not yet been adopted. He would also like to know whether the State party planned to adopt a specific law prohibiting discrimination against women. Although certain laws provided protection against traditions deleterious to women, in practice custom very often took precedence over law and widows' rights continued to be violated. Greater flexibility in avenues of redress was needed to make remedies accessible to women in both rural and urban settings. Although awareness-raising campaigns had been carried out, institutional measures were still lacking and the State party had a duty to review its legislation in order to ensure that only practices underpinned by positive values were preserved and that those resting on values contrary to women's fundamental rights and dignity were discarded.

43. **Mr. Bhagwati** asked for details of the appointment procedure applied to members of the National Committee on Human Rights and Freedoms, the powers and competencies vested in the Committee and the nature of the complaints typically submitted to it. How did the Committee take decisions and how were its decisions put into effect?

The meeting was suspended at 5.05 p.m. and resumed at 5.25 p.m.

44. **Mr. Nkou** (Cameroon) thanked the members of the Committee for their constructive comments and questions. He welcomed the presence of NGO representatives and had read the shadow report with interest. However, he would like to warn against the approach of certain politicized NGOs that he had had the occasion to note in relation to the work of the Human Rights Council, of which Cameroon was a member until 2012. Those NGOs, which were in reality mouthpieces of political movements that could not be recognized as such, systematically strove to denigrate the Government's actions, painting a distorted picture of reality.

45. Homosexuality was a delicate issue, which had already been addressed on several occasions, including during the universal periodic review. Homosexuality was contrary to the customs and values of Cameroonian society and its decriminalization could not be contemplated for the time being. In all countries where such action had been taken, decriminalization had been supported by politicians; in Cameroon, a candidate who backed that cause would have very little chance of gaining support, and still less of being elected. That situation did not, however, detract from all the many efforts made in the country to promote human rights and in particular to reduce poverty and disease. The fact remained that the core elements of a true democracy were in place in Cameroon.

46. Thanks to considerable advances in the enrolment of girls, who were currently almost as numerous as boys at all levels of education, Cameroonian women enjoyed freedom and knew their rights. Women also constituted the largest pool of potential politicians due to their greater number and dynamism. It should be emphasized with regard

to genital mutilation that such practices were not rooted in Cameroon culture but had been imported by the many refugees living there.

47. **Mr. Mahoué** (Cameroon) said that Cameroon's efforts to fulfil its international commitments had brought numerous advances in law-making. Although the legislative advances to date were not in themselves sufficient, they constituted a point of departure from which the country could move forward and set about changing attitudes and practices. The recent ratification of the Optional Protocol to the Convention against Torture, as recommended during the universal periodic review, was a prime example of the progress achieved in the legislative arena. The ratification of the Maputo Protocol on the Rights of Women in Africa was a further testimony to Cameroon's commitment to progress. The difficulty at present lay in effectively implementing those instruments, as that task would require educational and awareness-raising improvements.

48. The Cameroonian legal system was a monist system that recognized the primacy of international law. While it was true that the courts were more likely to cite domestic legislation than international law, to which they would refer only in the event of a loophole or contradiction in prevailing legislation, one of the key elements of the Directorate for Human Right's mandate was to raise awareness of international law among the judiciary. A workshop on the applicability of international human rights instruments in Cameroonian courts had recently been held at the National School of Administration and Magistracy.

49. The coexistence of customary law courts and civil law courts did not pose any real problem. To an extent, it helped bridge gaps in the judicial map: while the 2006 Act on the organization of the judiciary called eventually for the establishment of a court of first instance in each of the country's 422 districts, so far only 67 such courts were operating. The customary courts, which were often presided over by professional judges, were limited to certain commercial and civil cases and so did not encroach on the competencies of the ordinary courts. In addition, the customary courts had accepted the principle that the law must prevail in all cases where customs were incompatible.

50. While it was true that tradition persisted and attitudes were changing only slowly, particularly in rural areas and in relation to women's rights, considerable progress had been achieved in increasing school enrolment rates for girls and reducing early pregnancies. Awareness-raising efforts in that area must continue. It was difficult to say at that juncture whether or not a specific law dealing with the various forms of violence and discrimination against women would be adopted. That decision would depend on the outcome of legislative projects currently under way, which included the reform of the Criminal Code and the drafting of a new harmonized Civil Code.

51. **The Chairperson** thanked the delegation and invited the Committee to continue the discussion at the following session.

The meeting rose at 6 p.m.