

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b> <i>African Commission on Human &amp; Peoples' Rights</i>		<b>UNIÃO AFRICANA</b> <i>Commission Africaine des Droits de l'Homme &amp; des Peuples</i>
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**15<sup>th</sup> Extraordinary Session  
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**Consideration of Reports Submitted by States Parties under Article 62 of the  
African Charter on Human and Peoples' Rights**

**Concluding Observations on the 3<sup>rd</sup> Periodic Report of the Republic of Cameroon**

**I. Introduction**

1. The Republic of Cameroon is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), having ratified it on 20 June 1989.
2. The Republic of Cameroon submitted its third periodic report, in accordance with Article 62 of the African Charter, at the 54<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission) held from 22 October to 5 November 2013 in Banjul, The Gambia.
3. The report was presented by the delegation of the Republic of Cameroon, led by H.E. Joseph Dion Ngute, Minister Delegate at the Ministry of External Relations in charge of Relations with the Commonwealth. He was accompanied by:
  - Mrs Chantal Mfoula, Director of African Affairs at the Ministry of External Relations;
  - Mr Christian Ondoua Ntsama, Deputy Director for African Union Affairs at the Ministry of External Relations;
  - Mrs Linda Ekwe, Secretary for External Affairs at the Department of Legal Affairs and International Commitments at the Ministry of External Relations.
4. The report highlights developments in the Republic of Cameroon in the area of human and peoples' rights, as well as legislative, administrative and other measures taken to implement the provisions of the African Charter, since Cameroon presented its second periodic report at the 47<sup>th</sup> Ordinary Session held from 12 to 26 May 2010 in Banjul, The Gambia.

5. The present Concluding Observations give an account of the positive aspects, factors restricting the effective enjoyment of human rights and the areas of concern with regard to respect for human rights in the country. They also include the Commission's recommendations to the Cameroonian Government towards strengthening the enjoyment of human rights in Cameroon.
6. The Commission commends the delegation of the Republic of Cameroon for its frank and constructive dialogue during the presentation of Cameroon's 3<sup>rd</sup> periodic report and for the information provided regarding the concerns raised by the members of the Commission.

## **II. Positive aspects**

The Commission:

7. Commends Cameroon for its political will and for presenting its periodic reports on a regular basis.
8. Notes with satisfaction the involvement of all stakeholders, including civil society and the National Commission on Human Rights and Freedoms (National Commission), in the preparation and adoption of the report.
9. Welcomes the setting up of human rights promotion and protection mechanisms in Cameroon, including an inter-ministerial committee for monitoring the implementation of recommendations and/or decisions of international and regional human rights promotion and protection mechanisms and an inter-ministerial committee for the prevention and fight against human trafficking.
10. Takes note of the ratification by the Republic of Cameroon of relevant regional and international human rights instruments, including:
  - The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
  - The African Youth Charter;
  - The African Charter on Democracy, Elections and Governance;
  - The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
  - The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and
  - The Convention on Preventing and Combating Corruption.
11. Takes note of the signing by the Government of Cameroon of various human rights conventions, including the AU Convention on Preventing and Combating Corruption, the UN Convention on the Rights of Persons with Disabilities and

its Optional Protocol, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

12. Welcomes the efforts made by Cameroon to combat human trafficking, including the establishment of an inter-ministerial committee for the prevention and fight against human trafficking, the signing – at the sub-regional level, of a multilateral agreement on regional cooperation for the fight against human trafficking in West and Central Africa, and the adoption of a resolution on the fight against human trafficking.
13. Welcomes the promulgation, at the country level, of laws to organize legal aid, protect and promote the rights of people with disabilities, and combat human trafficking.
14. Welcomes the improvement of the election normative and institutional mechanism, including the adoption of a special electoral code and introduction of a biometric system.
15. Welcomes the implementation of a national gender policy aimed at ensuring equal rights for both men and women and their equitable and equal participation in the development of the country.
16. Appreciates the fact that convicted prisoners are separated from other detainees, minors are separated from adult prisoners, and the fact that female prisoners are kept in separate quarters.
17. Welcomes the measures taken to improve health conditions in prisons, including providing prisons with infirmaries and increasing the health budget of prisons.
18. Takes note of the measures taken to ensure that the National Commission on Human Rights and Freedoms is in conformity with the Paris Principles.
19. Commends Cameroon for strengthening the financial capacity of the National Commission on Human Rights and Freedoms by increasing its budget.
20. Welcomes the extension of judicial services through the establishment of new courts in the country.
21. Appreciates the establishment and operationalization of refugee management institutions towards an effective promotion and protection of the rights of refugees.
22. Welcomes the measures taken to improve working environment and conditions and the establishment of a National Labour Observatory.

23. Takes note of the efforts made to improve the health of the population, including by increasing the budget of the health sector and human resource mobilization.
24. Welcomes the measures taken by the Government to prevent HIV/AIDS and ensure the management of people living with HIV/AIDS, including by mobilizing funds, setting up new management units and training specialised workers.
25. Welcomes the implementation of an “AIDS-free School” programme which includes the organization of training seminars, HIV/AIDS screening campaigns and the establishment of medical centres in schools.
26. Welcomes the measures taken in the education sector, in particular the introduction of human rights, teaching of national languages, student grants, institution of paid holiday internships and the Work Study Programme.
27. Takes note of incentive measures adopted for female students, in particular the non-dismissal of pregnant students and nationwide sensitisation campaigns to promote girls’ education.
28. Welcomes the measures to promote the youth, in particular the setting up of youth economic integration funds and the implementation of a national policy for the complete development of young children.
29. Takes note of the measures taken to preserve cultural heritage, in particular the ratification of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.
30. Commends the measures taken to ensure the population’s access to drinking water, including the rehabilitation and extension of drinking water supply systems, the construction and rehabilitation of water infrastructure, and the drilling of wells in major towns and villages.
31. Welcomes the support and psychosocial management of victims of violence and human rights violation, in particular by setting up monitoring, counselling and guidance services across the country.
32. Commends the measures taken to promote women, including capacity-building projects and programmes for women’s poverty alleviation networks, the increase in family income and the establishment of a mechanism to support underprivileged women in women’s advancement centres.

33. Welcomes the popularization of the Maputo Protocol and measures to train magistrates on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.
34. Further welcomes the preparation and implementation of a premarital, matrimonial and family education programme.
35. Commends the efforts made towards an effective protection of the rights of children, in particular regarding orphans, children made vulnerable by HIV, street children and children with disabilities.
36. Welcomes the measures taken to combat child trafficking and sexual exploitation in Cameroon.
37. Appreciates the Government's efforts to promote and protect the rights of children.
38. Welcomes the various measures and initiatives to promote the rights of people with disabilities, including social protection measures and the socio-professional integration of people with disabilities.
39. Welcomes the measures taken to promote the rights of people with disabilities, including the enactment of a law to protect and promote the rights of people with disabilities, advocacy for taking into account the needs of people with disabilities with regard to public infrastructure and facilities, support to the education, training, integration and socio-economic reintegration of people with disabilities, and the preparation of awareness-raising materials on the white cane language.
40. Welcomes the measures taken to recruit the youth and the quota system (10%) for vulnerable groups, including people with disabilities.
41. Appreciates the measures taken to protect older persons, in particular the preparation of a draft guide for active and healthy ageing and the commencement of the construction of a pilot home for the elderly in Yaoundé.
42. Commends the launch and ongoing experimentation of the project called "Rights and Dignity of the Baka Community" which is aimed at improving the education of indigenous children while maintaining their culture.
43. Welcomes the measures taken to protect the environment, including control of the use of environment products and equipment, and the continuation of the Green Sahel reforestation programme.
44. Commends Cameroon for its efforts and measures towards a sustainable forest management.

### **III - Factors restricting the enjoyment of rights guaranteed by the African Charter on Human and Peoples' Rights**

45. The ignorance, by the majority of the population, of national human rights promotion and protection legal instruments, as well as instruments ratified at the regional and international levels by the Republic of Cameroon restricts the effective enjoyment of human rights in the country.
46. The impact of sociological and cultural factors, harmful customary practices and deep-rooted prejudices, in particular against women, continue to prevent women from fully enjoying their rights.
47. Despite the measures taken to ensure the peace of the population, the growing insecurity in some parts of Cameroon is a major concern that is likely to affect the effective promotion and protection of human rights.
48. The conflict and political crises in some countries of the sub-region contribute, in the short, medium or long-term, to restricting the enjoyment of human rights in Cameroon.

### **III. Areas of concern**

Despite the efforts of the Government of Cameroon to promote and protect human rights, the Commission is seriously concerned about:

49. The delay in ratifying already signed regional and international instruments such as the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and the UN Convention on the Rights of Persons with Disabilities and its Additional Protocol.
50. The delay in enacting and promulgating codes and laws that are being drafted or amended, including the penal code, the revised labour code, the bill on the establishment, organization and functioning of social security and the bill governing the general framework for medical insurance, the family code and the forest law; and the lack of urgent and effective measures to ensure that the process is conducted using a participatory approach and that vulnerable and marginalized groups are effectively consulted.
51. The maintenance of the death penalty in the Cameroonian legal system, despite the observation of a de facto moratorium since 1997.
52. The maintenance of legal provisions penalizing press offences.

53. The limited budget of the Ministry of Justice and the low salary of workers in the justice sector, a situation that is likely to undermine the proper administration of justice.
54. The lack of courts in all administrative units, which makes it difficult for individuals to have access to justice.
55. The unduly prolonged pre-trial detention periods and the judicial harassment of detainees.
56. Prison overcrowding, with a large number of people awaiting trial.
57. The insufficient daily food ration of prisoners and poor prison conditions.
58. The delay in establishing and appointing legal assistance commissions and the lack of sensitization of the target public which restricts the effective enjoyment of legal aid.
59. The lack of a national mechanism to prevent torture and monitor places of detention.
60. The limited number of hours devoted to human rights education in training institutions for judicial police officers.
61. The increase in unemployment and under-employment rates, especially among women and the youth.
62. The lack of a national law to promote and protect the rights of people living with HIV.
63. The uneven distribution of health personnel across the country and the unequal access to quality health care between the urban and rural areas.
64. The limited free medical coverage for children below 5 years and pregnant women.
65. The maternal and child mortality rates which remain high despite efforts made by the Government.
66. The limited number of skilled personnel in the reproductive health sector.
67. The limited number of personnel for the clinical management of obstetric fistula cases.
68. The low rate of women's representation in decision-making institutions and the lack of a quota system to ensure women's effective participation.

69. The increase in violence against women and domestic violence.
70. The continuous practice of female genital mutilation despite the Government's eradication efforts.
71. The delay in finalizing the study on the identification of indigenous communities in Cameroon and the fact that to date no concrete steps have been taken to enact a law on indigenous populations, as recommended by the Commission in May 2010 and by the UN Committee on the Elimination of Racial Discrimination in March 2010.
72. The fact that the forest bill does not adequately take into account the rights of indigenous peoples.
73. The fact that indigenous populations are not fully and effectively involved in decision-making processes and are not consulted on issues that affect them directly, including land and forest law reforms.
74. The expansion of agriculture and extractive industries in Cameroon which continue to threaten the rights of indigenous populations to their ancestral lands, in particular through the granting, without their prior, free and informed consent, of land concessions for development projects.
75. The lack of an appropriate legal framework to eliminate the discrimination and marginalization of indigenous populations, particularly by ensuring that their customary ownership rights are promoted and protected under the law in the same way as other ownership rights.
76. The limited infrastructure and the fact that schools and health centres are located far away from the homes of indigenous populations, thus limiting their access to basic social services.
77. The continuous practice of early and forced marriages among young indigenous girls which affects their reproductive health.
78. The insecurity in some parts of the country.
79. The limited access of the population to decent housing.
80. Delays in issuing identification documents to refugees which limit their protection and freedom of movement.
81. The status of Nigerians living on the Bakassi peninsula which became a Cameroonian territory following the decision of the International Court of Justice.

82. The requirement to pay fees in some public primary schools which is contrary to the Government's decision granting free primary education in public schools.
83. The high student population in public schools across the country, especially in the major cities.
84. The judicial harassment, offences against life and other violations of the rights of human rights defenders, in particular the rights of defenders working in the area of sexual orientation.
85. The discrimination, stigma and violation of the right to life and physical and mental integrity of individuals based on their sexual orientation.
86. The limited number of professional workers, as well as the limited material and technical resources for environmental management.

#### **v - Recommendations**

In view of the foregoing, the Commission recommends that the Government of Cameroon should:

- i. Take the necessary measures to expedite the ratification of already signed regional and international instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and the UN Convention on the Rights of Persons with Disabilities and its Additional Protocol.
- ii. Expedite the enactment and promulgation of codes and laws that are being drafted or amended, including the penal code, the revised labour code, the bill on the establishment, organization and functioning of social security and the bill governing the general framework for medical insurance, the family code and the forest law; and take urgent and effective measures to ensure that the process is conducted using a participatory approach and that vulnerable and marginalized groups are effectively consulted.
- iii. Take the necessary measures for the de jure abolition of the death penalty.
- iv. Amend the provisions of the penal code with the aim to decriminalize press offences.
- v. Increase the budget of the justice sector to ensure the proper administration of justice and increase the salary of workers in the justice sector.

- vi. Increase the number of courts and ensure their even distribution in the country to ensure easy access to justice.
- vii. Ensure that the cases of detainees are processed and considered within a reasonable time.
- viii. Reduce prison overcrowding by adopting measures such as alternative sentences, prison sector reforms and by adopting an appropriate criminal policy.
- ix. Ensure that prison conditions are improved, including by providing sufficient food rations and appropriate health care.
- x. Expedite the appointment of legal assistance commissions and conduct public awareness campaigns on the availability of legal aid.
- xi. Set up a national mechanism to prevent and combat torture, in accordance with the Protocol to the Convention against Torture to which Cameroon is a party.
- xii. Increase the number of hours devoted to human rights education in institutions for the training of police officers, and introduce human rights courses at all levels of education in the country.
- xiii. Adopt legislative and other measures to reduce unemployment, in particular among women and school graduates.
- xiv. Continue discussions with all stakeholders on the need to adopt a law to promote and protect the rights of people living with HIV/AIDS in order to combat stigma and discrimination, including in hospitals, in the workplace and in communities.
- xv. Facilitate access to health care for low-income families and increase the number of health facilities and medical personnel, and ensure that they are evenly distributed across the country.
- xvi. Take appropriate measures to extend free health care for children below 5 years and pregnant women to include other diseases such as malaria in order to reduce maternal and child mortality rates.
- xvii. Protect women's reproductive health and ensure women's access to adequate and affordable health services.
- xviii. Recruit and train medical personnel in order to improve the clinical management of obstetric fistula cases.

- xix. Enact a quota law to increase women's representation in decision-making institutions.
- xx. Take appropriate measures to combat violence against women, including domestic violence, and ensure that perpetrators are brought to justice.
- xxi. Strengthen the operational and institutional capacity of institutions to combat female genital mutilation.
- xxii. Support indigenous peoples in their sensitization efforts on the negative effects of early marriage.
- xxiii. Finalize the study on the definition of indigenous communities by referring to existing studies and reports prepared by regional and international organizations.
- xxiv. Prepare and enact – in a participatory manner involving indigenous peoples – a specific law recognizing their rights of ownership over their ancestral lands, as recommended by the Commission in its concluding observations of May 2010 and by the UN Committee on the Elimination of Racial Discrimination in its concluding observations of March 2010.
- xxv. Ensure the effective participation of indigenous populations in the process of reforming the forest law and all other ongoing and future legislative and political reforms having an impact on the rights of indigenous peoples, in particular the land code, the mining code, the national plan to implement the law on regional development and the pastoral code.
- xxvi. Adopt a system of quota or co-optation for graduates from indigenous communities to facilitate their participation, particularly indigenous women, in decision-making institutions.
- xxvii. Facilitate indigenous peoples' access to basic social services.
- xxviii. Continue its efforts with all stakeholders to address the growing insecurity, especially in the northern part of Cameroon.
- xxix. Take appropriate measures to ensure decent housing for low-income earners.
- xxx. Issue without delay identification documents and other relevant protection documents to refugees.
- xxxi. Clarify the status of Nigerians living on the Bakassi peninsula taking into account international standards.

- xxxii. Identify and punish public primary school officials who require pupils to pay school fees.
- xxxiii. Continue its efforts to ensure free and compulsory primary education, in particular for girls and children below 15 years.
- xxxiv. Build more schools to meet the needs of the growing student population and maintain the quality of education.
- xxxv. Implement legislative measures to protect human rights defenders and ensure that they are able to conduct their activities peacefully and safely.
- xxxvi. Take appropriate measures to ensure the safety and physical integrity of all persons irrespective of their sexual orientation and maintain an atmosphere of tolerance towards sexual minorities in the country.
- xxxvii. Assign sufficient qualified personnel to environmental management and provide them with the necessary resources.
- xxxviii. Provide, in its next periodic report, information on the effective implementation of the recommendations contained in the present Concluding Observations.

**Adopted by the African Commission on Human and Peoples' Rights at its  
15<sup>th</sup> Extraordinary Session held from 7 to 14 March 2014 in Banjul, The  
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