



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination Eighty-fifth session

### Summary record of the 2305th meeting

Held at the Palais Wilson, Geneva, on Monday, 18 August 2014, at 3 p.m.

*Chairperson:* Mr. Calí Tzay

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article 9 of the Convention (*continued*)

*Combined nineteenth to twenty-first periodic reports of Cameroon*

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

**Consideration of reports, comments and information submitted by States parties  
under article 9 of the Convention** *(continued)*

*Combined nineteenth to twenty-first periodic reports of Cameroon  
(CERD/C/CMR/19-21; CERD/C/CMR/Q/19-21)*

1. *At the invitation of the Chairperson, the delegation of Cameroon took places at the Committee table.*
2. **Mr. Batibonak** (Cameroon), introducing the combined nineteenth to twenty-first periodic reports of Cameroon (CERD/C/CMR/19-21), said that government bodies, civil society and the National Commission on Human Rights and Freedoms had all contributed to the periodic report. The Government had also submitted an updated version of its core document (HRI/CORE/CMR/2013).
3. In accordance with the Committee's recommendation, the Government had abandoned the use of the term "marginal population groups" in 2011 in favour of the term "vulnerable indigenous populations". In view of the difficulty of determining which populations were truly "indigenous" in Cameroon, a study had been launched to identify populations which could be accorded that status under international law. Moreover, the Government had set up a programme with the United Nations Development Programme with a view to sending a team of scientific experts to Cameroon to collect both quantitative and qualitative data on the social, economic and political structure of such populations.
4. To date, only the country's Pygmy groups were recognized as being "indigenous". The Government took special measures to guarantee them access to citizenship, education, land and to natural resources. However, a large proportion of the country's Pygmy population did not possess a document attesting to their civil status. That situation could be attributed partly to their own failure to grasp the importance of such a document and partly to the ineffectiveness of awareness-raising efforts undertaken in that area. A number of initiatives aimed at providing the Pygmy population with birth certificates had been launched and a system for issuing birth certificates and national identity cards to the Pygmy population had been established. Furthermore, several factors, including the decentralization of civil registries and the fact that national identity cards had been made free of charge had led to an increase in the number of Pygmies acquiring official documents. However, there was still a need to raise the awareness of the Pygmy population of the importance of such documents. Such actions had served to increase the participation of Pygmies in national consultations and to improve their access to justice and to education. Topics such as the history of the Pygmies, their way of life and their role in populating Cameroon were part of the curricula in primary schools. The Government had also attempted to adapt the Cameroonian education system to the Pygmy way of life.
5. Cameroonian domestic law contained certain provisions that could prevent the Pygmy population from exercising their right to land and to forest resources. Under the current land law, all communities and Cameroonian nationals were entitled to apply for a land certificate for national lands which they occupied or developed, subject to certain conditions. However, the fact that the Pygmy population was nomadic and left no evidence of land development precluded them from applying for such a certificate. Land and forest laws were currently being revised with a view to guaranteeing the Pygmy population access to land. Organizations representing the Pygmy population were actively involved in the process of revising the aforementioned laws. The Government endeavoured to promote understanding and peaceful cohabitation between the Pygmies and the neighbouring Bantu communities. It also worked to ensure the equal treatment of the English-speaking minority in Cameroon and to promote bilingualism.

6. The Government had designated regions which were home to a large “indigenous” population and where the school enrolment rate was low as “priority education zones”. The Government offered incentives to students such as bursaries, free schoolbooks and school canteens, and took positive discrimination measures to increase the school enrolment rate of students from “indigenous” communities in those zones. Measures included admitting students on the basis of qualifications and not on the basis of an entrance examination. Similar measures were taken to raise the admission rate of students from “indigenous” communities to higher education establishments. The Government was also aware of the need to guarantee boys and girls equal access to education and had launched the project “École amie des enfants, amie des filles” (child-friendly, girl-friendly schools) in 1997 to that end.

7. The Government had also taken measures to improve the living conditions of persons with disabilities in Cameroon, which had included strengthening the institutional framework for persons with disabilities; promulgating a law to protect and promote their rights; providing students with disabilities with material and financial support; and adopting a number of guides on accessibility.

8. Cameroon had received an influx of refugees on account of the crisis in Central Africa and the security crisis in the north of Nigeria. The Government, with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other international partners, had erected more than 300 sites to accommodate those refugees. It was also working to ensure that they had access to health care, food and water, and that child refugees had access to education. Following the adoption of the 2005 law on the status of refugees, the Committee on Eligibility and the Committee for Appeals were set up. It was hoped that those Committees would take over from UNHCR in matters relating to refugees in the near future. Furthermore, an ad hoc interministerial committee had been set up in March 2014 to manage urgent situations involving refugees. The committee was responsible for examining the challenges occasioned by the massive presence of refugees in Cameroon, and for coordinating the efforts of the Government and international organizations in that area. The 2005 law on the status of refugees emphasized the principle of non-discrimination and guaranteed the fundamental rights of refugees.

9. The Senate had been established following the April 2013 elections and was composed of 100 senators, 20 per cent of whom were women. Under the Electoral Code, any political party wishing to put forward candidates for legislative elections was required to take the demographics of its constituency into account when drawing up its list of candidates. In addition, all campaign materials had to be approved by the national body responsible for administering elections. Such measures served to complement the existing legislative provisions intended to combat racial discrimination. The Constitution enshrined the principle of equality for all citizens, while the Criminal Code punished offences committed on the basis of race or religion.

10. While it had made significant progress in combating racial discrimination, the Government of Cameroon was aware of the need to continue its efforts to eradicate that phenomenon from its national territory. The Committee’s comments and recommendations would prove most useful in that endeavour.

11. **Ms. Dah** (Country Rapporteur) said that it was regrettable that the National Commission on Human Rights and Freedoms, which had been granted “A” status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, could not participate in the interactive dialogue. The Committee often found the information provided by national human rights institutions with that status useful in drafting its concluding observations. The Committee would have liked to have asked the National Commission on Human Rights and Freedoms a number of questions, including whether the resources allocated to it by the Government were

sufficient. The Committee hoped that it would be present for the consideration of the next periodic report of Cameroon.

12. According to the State party's report, there were 250 ethnic groups present in Cameroon. However, the Committee had received information to the effect that there were many more ethnic groups present in the country. She invited the delegation to explain that discrepancy. The complexity of the situation of the ethnic groups in Cameroon made it difficult for the Committee to determine whether the State party was fulfilling its obligations under the Convention. Noting that Cameroon did not enquire as to ethnic origin or race when conducting censuses or surveys and so could not provide statistics on the ethnic composition of the population, she recalled that the Committee required statistical data to assess the implementation of programmes and policies aimed at eliminating racial discrimination in the State party. She also recalled that, in her report to the Human Rights Council (A/HRC/25/56/Add.1), the Special Rapporteur on minority issues had stated that collecting disaggregated data could identify problems facing particular groups by, for example, allowing poverty levels to be mapped and progress in poverty reduction to be monitored.

13. She asked what special measures the State party had taken to ensure the advancement of certain ethnic groups and how the State party ensured that candidates from local minorities were included in electoral lists. Noting that cases brought before the courts seldom involved racial discrimination, she asked whether racial discrimination was actually classed as an offence in Cameroonian domestic law. She would also like to know how the State party dealt with conflicts arising between ethnic groups with differing customs. Moreover, the Committee encouraged Cameroon to adopt a definition of racial discrimination which was in line with that contained in the Convention, and to give effect to the recommendation contained in paragraph 12 of its previous concluding observations (CERD/C/CMR/CO/15-18). In particular, she wished to know whether the State party planned to revise the Criminal Code in view of that recommendation.

14. The State party had recognized that some communities were vulnerable and more exposed to discrimination than others on account of their way of life and appearance, namely Pygmies, the mountain peoples and the Mbororos. However, there appeared to be a discrepancy between the population figures of those communities provided by the State party and those from other sources.

15. The Committee welcomed the fact that Cameroon had adopted the United Nations Declaration on the Rights of Indigenous Peoples and that it had launched a study to identify populations which could be considered "indigenous" under international law. She asked whether there was a specific law that defined the rights of "indigenous" peoples in Cameroon.

16. The Committee welcomed the State party's poverty reduction efforts, in particular measures to invest in improving the quality of life of indigenous peoples. Gaps remained, however, in particular with regard to access to education, health care and justice. She wished to know how the State party intended to bridge those gaps. She expressed concern that certain groups of the population were excluded from national campaigns, such as electoral campaigns and the campaign to provide all citizens with identity documents. She asked whether indigenous populations were consulted regarding the use of their lands. The acquisition of informed consent from local populations should be included in legislation on land and forestry management and pastoral law.

17. Bilingualism was enshrined in the Constitution, which stipulated that English and French were both languages of the State and had equal value. She wished to know whether posts in the civil service were equitably distributed between English and French speakers,

and what measures were being taken to eliminate linguistic discrimination in the education system.

18. Cameroon had become a host country for many migrants, most of whom were African. She requested information on the economic contribution made by the small number of non-African migrants and asked in which economic sectors they were active. Prior to the crisis in the Central African Republic, Cameroon had made great efforts to integrate refugees into the local community, using refugee camps only as a last resort. She wondered whether that approach was still possible given the large numbers of refugees arriving from Central Africa. She also asked what measures were being taken to ensure cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations with regard to the management of undocumented refugees. She requested up-to-date information on the proportion of refugees with access to education and housing, as well as on measures taken to protect women and children refugees. Lastly, the Committee would like to know whether the State party intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Convention on the Prevention and Punishment of the Crime of Genocide, the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

19. **Mr. Lahiri** said that, while he welcomed the State party's efforts to keep the activities of Boko Haram in check, greater rigour would be required in order to halt those activities altogether. He expressed concern regarding the lack of data disaggregated by ethnicity and language. Such data would assist the Committee in determining whether discrimination occurred within certain communities. While a detailed breakdown of statistics was not essential, some differentiated indicators on broad categories of peoples, such as the Pygmies, Mbororo people and the mountain communities, would show what progress the State party had made between reporting periods. He welcomed information on efforts to undertake a national study on indigenous peoples and asked whether the Government would consider extending the scope of that study to include the main clusters of the population.

20. **Mr. Avtonomov** commended the structure of the State party's report, which was dedicated partly to the provision of new information and partly to an explanation of measures taken by the State party to implement the Committee's previous recommendations. He expressed concern regarding different pay for workers of different ethnicities and asked how the State party intended to rectify that situation. He requested information about the treatment of albinos, who, in other African countries, were often subject to inhuman discriminatory practices. With regard to the Committee's procedure for receiving individual complaints, he asked whether the State party intended to submit a declaration under article 14 of the Convention. He welcomed the efforts to protect the Pygmy population against discrimination, and in that regard he drew the delegation's attention to the Committee's general recommendation No. 32 (2009) on the scope of special measures. He reminded the delegation that the Committee did not use the term "positive discrimination".

21. **Mr. Yeung Sik Yuen** commended the spirit of solidarity in which Cameroon hosted refugees. With regard to elections, he said that the requirement of prior authorization by the electoral council before electoral campaign materials could be used seemed unduly restrictive and could give rise to abuse. He asked how the electoral council was elected and how its independence was guaranteed. He wondered whether it might not be more appropriate to allow unrestricted use of campaign materials and prosecute any incitement to discrimination. He asked whether there was a real obligation on the part of political parties submitting candidatures to legislative elections to take account of different sociological components of the constituency in question when drawing up their lists of candidates. He

asked what the consequences would be of failure to meet that obligation. He was particularly concerned that the process of selecting candidates for election had been described by independent observers as “scientific racism”.

22. Turning to the right to housing, he said that there was a sizeable deficit in social housing caused by rapid urbanization. He wished to know what financial arrangements were in place with regard to allocating available housing. He asked how many individual petitions the National Commission on Human Rights and Freedoms had received regarding acts of racial discrimination, and whether it was not in fact competing with the courts to handle those petitions. Given that no discrimination cases had been tried in court during the reporting period, he would be interested to know how many complaints the Commission had received. He encouraged the State party to record the presence of interpreters in court cases involving indigenous people, in order to show that trials had been conducted fairly.

23. **Mr. Murillo-Martínez** requested further information on the scope of customary law, its impact and its status within the legal order. He also requested an update on the progress made with the study to identify indigenous groups. He asked whether the State party intended to decriminalize homosexuality, and whether there was a plan in place to abolish the death penalty.

24. **Mr. Lindgren Alves** commended the structure of the State party’s report, which he said could be used as a point of reference in the Committee’s forthcoming meeting about its working methods. Cameroon, as a country with around 150 ethnic groups and tribes that spoke a broad range of languages and dialects, was able to maintain unity in diversity. The Committee should not oblige the State party to identify, define and collect data on each of its ethnic groups, since that could lead to the fragmentation of a currently peaceful and harmonious population.

25. **Mr. Diaconu** said that, while the Committee did not wish to oblige the State party to do anything that went against its principles or Constitution, certain data were necessary to enable meaningful policymaking at the national level. While data disaggregated by ethnicity might not be available through the national census, they could be collected by research institutions. Although information had been provided on the geographic distribution of ethnic groups in Cameroon by region, he would appreciate further details on the economic, social and cultural situation in each of those regions. He asked how the term “race”, as used in the Constitution, was defined.

26. With regard to the Convention’s supremacy over national law, the Committee would welcome examples of court cases in which the Convention had been invoked directly. Since racial discrimination was not explicitly prohibited by law, he encouraged the State party to include prohibitions of racial discrimination in particular in its legislation on employment, education and health. He asked what measures were being taken to provide identity documents for people who did not have a birth certificate. Lastly, he wished to know whether the principle of free and informed consent was applied in respect of the expropriation of indigenous land.

27. **Mr. Vázquez** asked whether joking relationships, which he believed were practised elsewhere in Africa, were used in reducing ethnic tensions and promoting racial harmony. How was that practice interpreted in light of the law prohibiting racial insults in Cameroon?

28. **Ms. Hohoueto** said that paragraph 12 of the Core Document stated that Pygmies were considered the country’s first inhabitants but they were not included among the larger cultural groupings of peoples. She asked for clarification as to whether Pygmies were considered to be a different group with separate programmes and access to public services. She wondered whether they were treated differently or whether their rights were integrated into the administration as a whole. Was Pygmy culture mainstreamed throughout the education system or taught only in secondary schools? How were the land rights of

Pygmies ensured and did legislation concerning land rights also apply to them? How were the rights of Pygmies protected in law and were they consulted on all matters or only on matters that were deemed to concern them?

29. It was disappointing to note that, of the total of 31 per cent of women present in the parliament, 20 per cent were represented in the Senate and 11 per cent in the National Assembly; given that a quota of up to 30 per cent existed for women on electoral lists, she would have expected to see 30 per cent elected to both houses.

30. She sought confirmation that all citizens, including minorities, had access to justice. Had Cameroon established a legal aid system? She was concerned that up to 50 per cent of detainees in Cameroon were held in pretrial detention. She asked what measures Cameroon was taking to reduce the rising rates of maternal mortality.

31. **Mr. Kemal** commended the State party for having made a serious effort to respond to the Committee's previous concluding observations. He had been interested to learn that the indigenous Baka people had requested the lifting of minimum height requirements that prevented them from joining the army and suggested that such discrimination could be avoided by incorporating them in non-combatant roles. He asked whether it was still true that, in social, economic and political spheres, the Baka people were not considered equal to the Bantu people. It was claimed that the Baka, traditional hunter-gatherers, worked as indentured servants to the Bantu farming community and that it was only through the Bantu that they were connected to the modern Cameroonian bureaucracies.

32. Concerning the right to education, he was glad to learn that efforts had been made to combat bullying in schools and he asked whether Baka children did not attend school because it was not part of their culture or because of their physical distance from schools or the disparaging treatment they received there. Deforestation had seriously affected the Baka lifestyle and he wondered whether it might be preserved if they were given a new role in ecotourism.

33. **Mr. Bossuyt**, responding to the points made in the oral presentation by the head of delegation, asked for clarification of the definition of the Pygmies as an indigenous people under international law. Access to citizenship provided access to political and other rights and he therefore commended the fact that Pygmies were entitled to apply for identity cards free of charge. However, access to education should not be dependent on citizenship, since it should be provided to all children, including the children of foreign nationals and illegal migrants.

34. In considering special measures put in place in respect of indigenous peoples, he would prefer to use the term "affirmative action" rather than "positive discrimination", since that term still contained the word "discrimination". He noted that some 200,000 refugees ordinarily resided in Cameroon and asked how many more had recently arrived from the Central African Republic and Nigeria. He asked whether all refugees were assessed by the two commissions set up for that purpose and whether their cases were processed individually or collectively. Concerning the Electoral Code, he questioned the need for all campaigning documents to be authorized before publication: surely it would be sufficient for the authors of any documents that incited violence or hatred to be punished after the fact.

35. **Ms. Crickley** noted that the State party had confirmed in paragraph 117 of its report that, in accordance with the Committee's recommendation, no further use had been made of the notion of "marginal population groups". She asked when the State party expected to complete its national study on indigenous peoples and how the results would feed into enactment of a bill on the rights of indigenous peoples in line with the Committee's recommendation.

36. She assumed that the term “Pygmy” was acceptable to the people themselves given its use in the State party report. The preservation of the lives and cultures of the Pygmy population was an important topic and she was concerned that the delegation had appeared to indicate that nomadism might preclude them from registration and thus from the benefit of special measures. It seemed to her that a sedentary way of life was encouraged and she asked what action was being taken to protect the nomadic way of life. She, too, urged that the Committee’s preferred terms “special measures” or “affirmative action” should be used rather than “positive discrimination”, since the purpose of such action was not to discriminate, but to create conditions in which all people could live equally.

37. She sought information on the remit and resources allocated to the National Commission on Human Rights and Freedoms and how far it undertook work independently of the State. She joined previous speakers in requesting more information concerning access to education and health for indigenous women and women from minorities.

38. **Ms. January-Bardill** said that she had had the privilege of visiting Cameroon on a number of occasions and of observing at first hand the country’s progress in the fields of information technology and communications: she understood that it had the fastest Internet connections on the African continent. She wished to explore further the tension between the drive for modernization and the need to preserve the way of life of established communities such as those of the Pygmies. She requested the State party to address the challenge of achieving a balance with respect to national unity in a country with diverse linguistic and social groups, as well as the issue of rights, in its following report. She understood the complexity of the problem since, in her own country, hunter-gatherer peoples did not necessarily wish to maintain their way of life in the face of diminishing natural resources. She asked what administrative and legal systems and what resources had been put in place to ensure that land and forestry rights were made available to indigenous communities. She wished to learn more about indigenous knowledge systems and how they would be disseminated to young people in order to enrich modern society and to ensure that knowledge of those fading peoples continued to be made available. She was pleased to learn that Cameroon had joined the Secretary-General’s campaign entitled “UNiTE to End Violence against Women” for the sake of indigenous women and those from marginalized and vulnerable groups.

39. **The Chairperson** asked whether Cameroon intended to adopt the term “indigenous peoples” as it appeared in international law and in particular whether it intended to ratify ILO Convention No. 169 concerning indigenous and tribal peoples. He wished to understand the State party’s approach to the concept of customary law.

40. **Mr. Batibonak** (Cameroon) said that he wished to provide some information concerning the Government’s response to the terrorist organization Boko Haram, which had spread from Nigeria to northern Cameroon, massacring and traumatizing the civilian population. A military command post had been set up in the far north of the country in order to better coordinate action on the ground. Cameroon would also participate in a multinational force to patrol the borders around Lake Chad.

41. Turning to other queries, he said that he had particular knowledge of the lifestyle of the Pygmies, who did not live in one region, but in central, southern and eastern Cameroon. On the desirability of land rights reform, certain difficulties were encountered in respect of the Pygmies, some of whom were educated and lived in urban settings, but the majority of whom lived in the forests. The Government attempted to tailor its policies to the target population, but it was difficult to allocate a space to forest dwellers, since they tended to move with the seasons or for cultural reasons: Pygmies would leave a place where a family member had died as they would consider it to be cursed. Allocating land rights in such situations would not be appropriate. It was necessary to understand how the Pygmies lived before criticizing the Government’s response. He personally undertook to escort any



visitors who wished to learn more about the Pygmy way of life. The Government sought to include associations representing Pygmies and other groups in formulating policy and finding appropriate solutions to all issues. National laws were formulated on land rights and special provisions were made within them to accommodate the traditional Pygmy lifestyles that he had described. In forestry management as a whole, the use of timber as a resource had to be balanced with the needs of traditional groups.

42. Concerning the collection of data, it was not always easy to gather statistics on a population that moved continually through the forest. The Government would be able to measure its achievements to date and would do everything to ensure that the entire population enjoyed the full rights of citizenship. As far as registration for school was concerned, all children were asked for their family details so that contact could be maintained with the parents. They all had the right to an education, including the children of refugees. No rights were denied to citizens who were not in possession of an identity card, although the possession of a birth certificate and an address made it easier for the State to ensure that full benefits, including the right to education and health, were enjoyed. Despite its scant resources, the Government was making great efforts to form an inclusive society; albinos, for instance, were not considered as a separate group and could be found in high-ranking positions in the Administration. Although isolated incidents of brutality were recorded, overall the Government presided over a modern and enlightened Administration, which sought to provide Internet access for all and supported those living in urban and rural settings: the number of suicides in cities indicated that it was not always conducive to a happy life. Mobile health clinics and other services were provided for those living in the forests. In Cameroon, the Government established principles in law and then, whether described as positive discrimination or positive action, exceptions were allowed according to specific circumstances. The Government also had to respond to problems on its borders and to deal with the aftermath of its conflict with Nigeria. Cameroon sought to respect diversity and to promote national unity.

43. His delegation would give specific replies to questions on the following day.

*The meeting rose at 5.50 p.m.*