


AFRICAN UNION		UNION AFRICAINE
<b>الاتحاد الأفريقي</b>  <b>African Commission on Human &amp; Peoples' Rights</b>		UNIÃO AFRICANA  Commission Africaine des Droits de l'Homme & des Peuples
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**Forty-Seventh Ordinary Session**  
**12 - 26 May 2010, in Banjul, The Gambia**

**Consideration of Reports submitted by States Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights**

**Concluding Observations and Recommendations on the Second Periodic Report of the Republic of Cameroon**

**I- Introduction**

1. The Republic of Cameroon (Cameroon) has been a State Party to the African Charter on Human and Peoples' Rights (the African Charter) since 20 June 1989. Cameroon presented its second Periodic Report during the 47<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission). The present Report covers the period from 2003 to 2008.
2. The Delegation of Cameroon was led by His Excellency Mr. Sébastien Foumane, Secretary General at the Ministry of Foreign Affairs and comprised Mrs. Helen Galega FEH, Deputy Director of International Cooperation in the Ministry of Justice, Mrs. Hermine Kembou, Head of Studies Division, Assistant in the Human Rights Division in the Ministry of Justice, Mr. Owono Zang Gabriel, Head of Department in the African Affairs Division in the Ministry of Foreign Affairs.

3. The present Concluding Observations take into account not only the information contained in the above mentioned Report, but also the questionnaire prepared and sent to the State Party. They also take into account the discussions and the dialogue the members of the African Commission had with the Delegation during the examination of the Report.

## **II- Positive Aspects**

The African Commission:

4. Lauds the efforts deployed by the State Party in the preparation and presentation of its Report. It congratulates Cameroon for the regularity in the submission of its Reports.
5. Expresses satisfaction with the constructive dialogue that it had with the Delegation particularly the manner of presentation of this second Periodic Report.
6. Notes with satisfaction that Cameroon signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Protocol on the Rights of Women in Africa) on 20 May 2009, and urges it to pursue the deposit of the instruments of ratification of the said Protocol.
7. Appreciates Cameroon's initiative in having organized a Seminar on the Rights of Indigenous Populations, held from 13 to 16 September 2006 in Yaoundé, and considers this Seminar a positive step forward in the struggle for protection of the rights of indigenous populations.
8. Welcomes, with satisfaction, the involvement of the State Party in the combat against corruption and impunity.
9. Congratulates the putting in place of a hot line for the benefit of women in difficulty and victims of violence.

10. Notes further with satisfaction the introduction of human rights in the school curricula in Cameroon, notably the issues of gender and violence against women.
11. Is pleased with the fact that there are laws which guarantee the right to a fair trial, in particular the right to demand and obtain the immediate release of detainees, victims of abusive preventative detention, and the dropping of the case where proceedings are not instituted within the timeframe provided for by the law.
12. Congratulates the State Party for the putting in place of professional training programmes specialized in computer science for persons with disabilities.<sup>1</sup>

### **III- Factors Restricting the Enjoyment of the Rights Guaranteed in the African Charter**

13. The African Commission has identified several factors that hinder the enjoyment of human rights in Cameroon:
  - i. The persistence of traditional practices and customs could constitute an obstacle for the realization of human rights.
  - ii. The economic recession and the food crisis, which has struck all the African countries.

### **IV-Areas of Concern**

While recognising the efforts of Cameroon to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned that:

14. The Report does not take into account the Concluding Observations adopted at the 39<sup>th</sup> Ordinary Session by the African Commission following the presentation by Cameroon of its last Periodic Report.

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<sup>1</sup> See para 340, at p 118 of the Report

15. There is no reference in the Report to the conditions under which the Report was prepared and as to the involvement of civil society in the drafting process.
16. Articles 27, 28, 29 of the African Charter were not covered in the Report.
17. The terminology used to designate the indigenous populations in Cameroon responds neither to the principle nor to the regulations of general international law, or regional law on the rights of indigenous populations.
18. The Report does not indicate any legislative or regulatory measures taken to protect the rights of indigenous populations and in particular to guarantee their economic, social and cultural rights.<sup>2</sup>
19. The Report does not provide sufficient information in relation to the measures put in place by the State Party to guarantee free and transparent elections.
20. Defamation is criminalized under Cameroon's Criminal Law despite the Declaration of Principles on the Freedom of Expression in Africa, which urges State Parties to reform the laws that provide for criminal sanctions for defamation.
21. It had identified cases of violations of rights of journalists.
22. The Report does not make mention of measures taken to enhance and ensure women's rights, in particular issues such as maternal and reproductive health of women, the conditions of detention for women and the measures taken to improve this situation; the political representation of women in decision making organs; the situation of women in the informal sector; the prevalence of harmful practices such as Female Genital Mutilation (FGM) and forced marriages.<sup>3</sup>

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<sup>2</sup> See para 342, at p 121 of the Report

<sup>3</sup> See starting from para 317 of the Report

23. The Report does not mention the measures taken concerning the fight against poverty, notably in the areas linked to women's access to housing, to employment, to loans, to free medical care, to education and to revenue generating activities.
24. Several legislative measures related to women's rights are under preparation, but few mechanisms actually protect these rights.
25. Cameroon still maintains the death penalty in its national laws and does not envisage abolishing it, despite the Resolutions adopted by the African Commission on moratorium and on the abolition of the death penalty.
26. The Report does not contain any information on the measures taken by the State Party for the implementation of the Robben Island Guidelines.
27. The Report does not provide sufficient statistics on the condition of prisons and places of detention.
28. The situation of older persons is not included in the Report.
29. The Report gives no information on the rights of persons with disabilities, especially the statistics on motivating measures for their access to the job market/employment, and those related to their protection and enjoyment of medical and social care.
30. It has received a considerable number of reports about cases of violations of the rights of human rights defenders in Cameroon.
31. The Report is silent on the measures taken by Cameroon regarding the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (Protocol on the Establishment of the African Court) and the Declaration under Article 34(6) of the this Protocol.
32. Cameroon has not ratified the African Charter on Democracy, Elections and Governance.

#### IV- Recommendations

The African Commission recommends that the Government of Cameroon should:

33. Harmonize the national legislation with the regional and international standards on the rights of indigenous populations/communities.
34. Collaborate and invite the Working Group on Indigenous Populations to undertake a promotional visit to Cameroon to pursue the dialogue on the theme and to find lasting solutions for the effective implementation of the rights of these populations.
35. Adopt as early as possible appropriate legislation for the protection of the rights of indigenous populations.
36. Abandon the use of the term « marginal populations » to refer to indigenous populations, as recommended by the United Nations Committee for the Elimination of Racial Discrimination in its final observations CERD/C/CMR/CO/15-18.
37. Harmonize the land laws and adopt special measures allowing the indigenous populations to fully enjoy all their rights, in particular their right to land, and to work towards the consideration of their cultural peculiarities including nomadism so as to prevent this factor from restricting the enjoyment of their rights.
38. Take all the necessary measures to guarantee to all political parties free and fair electoral campaigns in the run-up to the upcoming elections.
39. Harmonize the national legislation with the Declaration of Principles on Freedom of Expression in Africa, notably by decriminalizing libel and adopting a law on access to information.

40. Take all the necessary measures to make effective the right to freedom of expression and to guarantee for journalists all the security required in the exercise of their professional activities.
41. To reinforce the programmes and policies adopted in the area of reproductive health in order to raise the level of access by women and adolescents to family planning and to accessible and good quality health services and to reduce maternal and infant mortality rates.
42. Accelerate the reform of the Criminal Code which provides for the inclusion of punitive clauses related to violence against women and to put in place appropriate measures and programmes for the eradication of all forms of violence against women including the training of Judges, Lawyers and Judicial Police Officers.
43. Take the necessary measures to give full effect to the African Union's Solemn Declaration on Gender Equality, starting notably with the submission of annual Reports to the African Union on the situation of the rights of women in Cameroon.
44. Put in place a policy of gender representation in the decision making positions, in particular the adoption of 50% quota for women.
45. Take special measures to guarantee the protection and implementation of indigenous women's rights due to their extreme vulnerability and the discrimination to which they are subjected to.
46. Take the required and urgent measures for the abolition of the death penalty in Cameroon by taking into account the international standards and the Resolutions of the African Commission on the abolition of the death penalty.
47. Guarantee to workers the full and total exercise of all their social and economic rights in order to avoid the infernal cycle of strike action which is liable to paralyse the country's economy.
48. Collaborate with the African Commission for the implementation of the Robben Island Guidelines which carry provisions relating to Torture and cruel, inhuman and degrading punishment, notably by inviting the

- Commission to carry out a sensitization mission to Cameroon on this tool for the protection of human and peoples' rights.
49. Provide disaggregated statistics on the condition of prisons and places of detention.
  50. Give detailed information on the living conditions of older persons as well as on the measures put in place to guarantee their rights.
  51. Provide detailed information on the living conditions of the persons with disabilities and on the measures put in place to guarantee their rights.
  52. Guarantee security in the exercise of their activities for the human rights defenders in conformity with the United Nations Declaration on Human Rights Defenders and the principles prescribed by the African Charter.
  53. Provide reliable statistics and strengthen the policies and plans that promote the enjoyment of economic, social and cultural rights, in particular the right to food, access to clean drinking water, to housing and to electricity.
  54. Take the necessary measures to:
    - i. Ratify the African Charter on Democracy, Elections and Governance;
    - ii. Ratify the Protocol to the African Charter Establishing the African Court, and to make the Declaration under Article 34(6) of the same Protocol;
    - iii. Deposit the instruments of ratification of the Protocol to the African Charter on the Rights of Women in Africa in the earliest time possible.
  55. To collaborate with the National Human Rights Commission, the members of civil society and all the actors involved in the promotion of human rights in Cameroon in the preparation of Periodic Reports from the beginning to the end.
  56. Take all the necessary steps for the presentation of the next Periodic Report in 2012.



57. Take legislative and other measures for the effective implementation of all the rights guaranteed in the African Charter, including Articles 27,28 and 29.
58. Provide disaggregated statistics that depict the state of implementation of the rights prescribed by the African Charter and the evaluation of the progress made and the challenges faced.
59. Inform the African Commission of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

**Adopted at the 47<sup>th</sup> Ordinary Session of the African Commission on Human  
and Peoples' Rights held from 12 to 26 May 2010, Banjul, The Gambia**