



# 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 2306th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 August 2014, at 10 a.m.

*Chairperson:* Mr. Calí Tzay  
*later:* Mr. Avtonomov (Vice-Chairperson)  
*later:* Mr. Calí Tzay

## Contents

Celebration of World Humanitarian Day

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 (continued)*

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*The meeting was called to order at 10.10 a.m.*

### **Celebration of World Humanitarian Day**

1. **The Chairperson** said that World Humanitarian Day was a good opportunity to pay tribute to all those who faced danger and adversity in order to help others, often risking their lives to do so. The date had been chosen by the General Assembly in reference to the attack on the United Nations headquarters in Baghdad on 19 August 2003, in which 22 persons had died, including the United Nations Secretary-General's Special Representative in Iraq, Mr. Sergio Vieira de Mello. He called on everyone present in the meeting room to stand up and give a round of applause for all those who, every day, worked to promote the humanitarian cause and for those who had lost their lives in the line of duty.

### **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 (continued)*  
(CERD/C/CMR/19-21; CERD/C/CMR/Q/19-21; HRI/CORE/CMR/2013)

2. *At the invitation of the Chairperson, the delegation of Cameroon took places at the Committee table.*

3. **Mr. Nkou** (Cameroon) said that human rights were at the core of the Cameroonian Government's concerns, and that it spared no effort, despite its limited resources, in building a State that respected the fundamental rights of everyone. He assured the Committee that the concluding observations it adopted at the end of the session would be accepted in full, and asked for its assistance in implementing them.

4. **Mr. Diaconu** asked the delegation to explain what was understood by the term "race", used in the report, in Cameroonian law. Noting that, according to paragraph 73 of the report, Cameroon comprised approximately 250 ethnic groups, divided into 3 main sociocultural families, namely the Bantu, the Bantoids or semi-Bantu, and the Sudanese, Hamites and Semites, he asked whether the members of those large groups belonged to the same race, in the traditional sense. He wished to know whether Cameroonian legislation covered all the aspects of discrimination set out in article 1 of the Convention, particularly discrimination based on colour, national or ethnic origin or descent.

5. **Mr. Nkou** (Cameroon) said that the concept of "race" was totally alien to Cameroonian culture. The hundreds of ethnic groups in Cameroon were differentiated on the basis of their tribe or religion but never on the basis of race.

6. **Ms. Adebaba** (Cameroon) said that, under the 1967 Cameroonian Criminal Code, discrimination on the basis of gender, ethnic origin and other grounds was an offence, but racial discrimination as such was not, since all Cameroonians belonged to the same race.

7. **Mr. Amir** asked how the State party ensured that imams did not preach messages of hatred in mosques and what measures the Government was taking to deal with individuals who described themselves as Muslims and had been relentlessly terrorizing the inhabitants of the Sahel subregion and the rest of the continent.

8. **Mr. Nkou** (Cameroon) said that the followers of the three revealed religions lived in harmony in Cameroon. Referring to the ultra-violent Boko Haram movement, which had no respect for women, he said that the State had deployed increased military assets to eliminate the terrorist threat posed by that group. Cameroon was hopeful that it would be successful, with the support of Chad and the Niger and the cooperation of France and the United States of America, in particular.

9. **Ms. Nama** (Cameroon) said that, in addition to the security measures taken to combat the terrorist threat in the subregion, the Government was also endeavouring to mobilize all population groups – Christian, pagan and Muslim. The media and churches were raising public awareness of terrorism in order to help people to ensure their safety.

10. **Mr. Lindgren Alves** said that the notion of “race” was not a scientific concept but rather a social construct built on prejudices invented during the colonial period, which had been used by European States to justify slavery in good conscience. However, the fact remained that the purpose of the Convention was to combat discrimination based on race, as difficult as that exercise might be for certain countries. In the case at hand, the issue was whether any tribe or ethnic group enjoyed greater advantages than any other in Cameroon.

11. **Mr. Nkou** (Cameroon) said that the concept of race was entirely subjective; for example, although he himself had black skin, many members of his family considered him a “white man” when he returned to his village. The issue of race was very sensitive, as it involved clichés and undefined prejudices. The only race on earth was the human race, regardless of the level of development or wealth of the individual members.

12. **Mr. Avtonomov** said that although it was true that there was only one race, the fact remained that racism was a real problem. While the concept of race did embody prejudices, it was those very prejudices that needed to be challenged. He took issue with the reference to “positive discrimination” in the report; the Committee considered that expression to be inappropriate, implying as it did that certain forms of discrimination might be positive, which was not the case. He urged the State party to instead use the term “special measures”, as mentioned in article 1, paragraph 4, of the Convention, and drew its attention to the Committee’s general recommendation No. 25. He welcomed the measures taken by the State party to enable indigenous peoples to preserve their traditions and way of life, but would be interested to be given more examples, perhaps in the next periodic report, of specific measures to combat discrimination.

13. **Ms. Crickley** said that, bearing in mind the tensions that existed in Cameroon between development and modernization, sedentarism and nomadism, and forestry and the protection of forest-dwelling minorities, she would be interested to know what specific measures were in place to guarantee the right of Pygmies to continue to live in their traditional habitat. She asked when the decision to replace the expression “marginal population groups” with “vulnerable indigenous populations” would actually come into effect and whether specific programmes for women, particularly women belonging to minorities, were in place or being planned.

14. **Ms. Nama** (Cameroon) said that the Government had set up a number of projects for indigenous peoples, including the Indigenous People (“Pygmy”) Development Plan, which aimed to preserve the cultural diversity and living environment of that people, the national project to strengthen environmental and social capacities in the energy sector, whose objective was to reduce the harmful environmental impact of hydroelectric projects in areas where indigenous peoples lived, and the Agricultural Competitiveness Project, which, in view of the scarcity of means of subsistence in the forests, encouraged the sedentarization of indigenous peoples through agricultural projects tailored to their traditional way of life. Awareness-raising days were organized regularly in order to combat the stigmatization of indigenous peoples, change the view majority ethnic groups had of indigenous peoples and ensure that they were no longer the targets of offensive behaviour that hindered their integration. Given that education was still largely based on the Bantu culture, the Government had launched initiatives to ensure that the culture and way of life of indigenous peoples were taken into consideration in education. In cooperation with the National Language Centre, the Government had developed a plan for the integration of Pygmy languages into school curricula so that Pygmy children could learn the basics of

their language before starting to learn French and English. Pilot projects had been launched in eight model schools.

15. There was no definition of indigenous peoples in international law, not even in the United Nations Declaration on the Rights of Indigenous Peoples. The national study on the indigenous peoples in Cameroon included a list of six cumulative criteria that must be met in order for a people to be considered indigenous. As part of the second phase of the national study, which was now under way, experts, including statisticians, would make field visits to collect disaggregated data in order to make a census of groups that might be recognized as indigenous peoples. The majority ethnic groups faced the same difficulties as indigenous groups, particularly with regard to access to land, health and education.

16. **Ms. Adebaba** (Cameroon) said that the purpose of article 151 of the Electoral Code, under which lists of candidates must be drawn up taking account of the different sociological components of the constituency in question, was to ensure balanced representation of the various ethnic groups in electoral lists. Non-compliance with that article was subject to penalties. Members of political parties who believed that they were the victims of a violation of that article could refer the matter to the national body for the administration of elections or the Constitutional Court, which, if necessary, could declare the electoral list in question invalid. The National Commission on Human Rights and Freedoms had been involved in the drafting of the report, partly through the organization of meetings with civil society organizations. In 2013, the Commission had received 608 complaints, 526 of which it had examined. The majority of the complaints concerned violations of the right to a fair trial and unfair dismissal. The Commission had the authority to conduct unannounced visits — to prisons, for example — that were not necessarily linked to a complaint. On 31 December 2013, the prison population had stood at more than 26,000 — approximately 11,000 remand prisoners and 15,500 sentenced prisoners — although the prisons had a capacity of 18,825. In order to address prison overcrowding, the focus was primarily on reducing the number of remand prisoners; to that end, the Ministry of Justice regularly encouraged judges to release suspects on bail from the start of the investigation to the extent possible.

17. In view of the fact that there were 250 ethnic groups in the country and customs varied a great deal from one region or ethnic group to the next, there was no codified customary law. The traditional courts applied local customary law, provided it was not incompatible with ordinary law. Persons whose cases were being heard by the traditional courts must give their prior consent to being tried by those courts and the judges must be properly qualified to apply local customary law, failing which the court in question would not proceed with the case. With regard to the right to a fair trial and, in particular, the right to the assistance of an interpreter, statistics compiled in recent years showed that significant progress had been made, as interpretation services had been requested in more than 1,500 cases in 2012 and almost 3,000 cases in 2013. Legal aid was not granted automatically but was available to anyone who applied for it and met the criteria set out in the relevant law. Cognizant of the fact that many people were not aware of that law, as could be seen from the fact that the number of requests for legal aid remained static, or was even in decline, the State planned to launch an information campaign targeting the most disadvantaged sectors of the population.

18. *Mr. Avtonomov, Vice-Chairperson, took the Chair.*

19. **Ms. Hohueto** asked whether there was any link between overcrowding in places of pretrial detention and the fact that judges tended to deal with the cases of defendants who had a lawyer more quickly than those of defendants who were not represented by counsel.

20. **Ms. Adebaba** (Cameroon) said that, under the Code of Criminal Procedure, it was mandatory for defendants to be represented by counsel and if they did not have the means

to hire their own, they would be assigned one by the court. However, court-appointed lawyers did not always show up to hearings because they tended to give priority to cases for which they were better paid.

21. **Mr. Yueng Sik Yuen** asked whether there were established criteria for the level of income of persons applying for legal aid, whether legal aid was also available for civil cases and whether it was granted from the investigation stage or only once proceedings had started.

22. *Mr. Calí Tzay, Chairperson, resumed the Chair.*

23. **Ms. Adebaba** (Cameroon) said that the law on legal aid listed the categories of beneficiaries, and applicants simply had to prove that they belonged to one of those categories in order to receive legal aid. Persons who did not fit into any of the categories had to produce a certificate of hardship, issued by the mayor of their municipality. Legal aid was also available in civil matters. In criminal cases, legal aid was provided only during the trial.

24. **Mr. Vázquez** expressed surprise that the National Commission on Human Rights and Freedoms had not received any complaints in relation to cases of racial discrimination, and asked whether cases of discrimination based on ethnic origin were also taken into account. He stressed that an absence of complaints did not necessarily mean that such discrimination did not exist. He wished to know whether there were any costs involved in lodging a complaint and wondered whether the lack of information on legal aid might be a factor behind the absence of complaints before the courts and the Commission. Lastly, he asked what efforts the State party was making to encourage the peaceful settlement of inter-ethnic disputes and whether *parenté à plaisanterie* (a tradition that allowed members of certain groups to mock each other without harming their relationship) was practised in Cameroon with a view to defusing inter-ethnic tension.

25. **Ms. Adebaba** (Cameroon) said that there had been no complaints in relation to cases of racial discrimination based on ethnic origin and that the State spared no effort in combating such discrimination. The lack of information on legal aid was probably one of the reasons behind the absence of complaints, and the State would take measures to remedy the situation. Complaints could be lodged with the Commission free of charge either by unstamped letter or online.

26. **Ms. Nama** (Cameroon) said that cases of inter-ethnic conflict, usually related to land or inheritance matters, were sometimes brought before the competent authorities, and it was generally the prefects, representing the Ministry of the Interior, who were responsible for the mediation and settlement of such disputes. In Cameroon, the practice of *parenté à plaisanterie* was followed by nephews, who, in an extended family, were the ones responsible for speaking the truth. According to the custom, people could not get angry with nephews for anything they said to their maternal uncles because of their special status. The tradition was mainly followed among the Bantu.

27. **Mr. Diaconu** requested data on the economic, political and sociocultural situation of certain ethnic groups, such as the Bantu, the semi-Bantu and the Sudanese, in order to ascertain whether there were cases of racial discrimination based on tribal origin. He said it was regrettable that the State party had not adopted a general law prohibiting racial discrimination in all the areas covered by the Convention and asked whether the Government planned to remedy that situation. He wished to know whether the provisions of the Criminal Code covered all the elements of article 4 of the Convention.

28. **Ms. Adebaba** (Cameroon) said that it was not possible for the State to adopt a general law for each instrument pertaining to discrimination to which it was a party. The legal instruments in force in Cameroon covered all aspects of discrimination addressed in

the Convention, including discrimination against persons living with HIV, and it was thus not necessary to adopt a general law.

29. **Mr. Lindgren Alves** asked the head of delegation why he was considered a “white man” in his home village and whether that had any discriminatory connotations.

30. **Mr. Nkou** (Cameroon) said that the term “white man” was used to refer to persons who were successful and had an above-average standard of living. It was a mark of esteem and in no way derogatory. Based on the solidarity that was a feature of African families, the “white man” received requests for assistance from those close to him and had a duty to be generous to them.

31. **Mr. Yeung Sik Yuen**, noting that electronic means of communication were very fast in Cameroon, suggested that the State party should use videoconferencing to facilitate the appearance of remand prisoners in court.

32. **Ms. Hohoueto** asked whether there had been any problems, such as discrimination, in relation to the refugees Cameroon had taken in from the Central African Republic.

33. **Mr. Nkou** (Cameroon) said that his country had had to deal with the sudden influx of a very large number of refugees from the Central African Republic as well as organizing the repatriation of a sizeable Cameroonian community from the Central African Republic. The repatriation of the Cameroonian nationals was now complete, but refugees continued to be accepted in the border regions, which was a heavy burden for a developing country. The Government had requested assistance from the international community, but it had not been sufficient to entirely stabilize the situation. In general, Cameroon lacked the resources to ensure the promotion and protection of the rights of the population as a whole. He requested the Committee’s indulgence and asked it to take into consideration all that his country had done to combat racial discrimination and improve the standard of living of its people.

*The meeting rose at 12.45 p.m.*