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HUMAN RIGHTS COMMITTEE

Sixty-seventh session

SUMMARY RECORD OF THE 1800th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 28 October 1999, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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GE.99-45061 (EXT)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Cameroon (CCPR/C/102/Add.2; CCPR/C/67/Q/CMR/1) (continued)

1. The members of the delegation of Cameroon resumed their places at the Committee table.

2. The CHAIRPERSON invited the Cameroonian delegation to continue replying to the questions posed orally by Committee members on the subjects in the list of issues to be taken up in connection with the consideration of the third periodic report.

3. Mr. EBANG OTONG (Cameroon), speaking as Governor of Littoral Province, replied to questions on the dialogue between the Cameroonian Government and the opposition parties and on the establishment of an independent electoral commission. The Government of the Republic was very open to dialogue but a willingness to talk was not enough: one also needed someone to talk to. Some opposition parties had chosen to leave the negotiating table; one of those was the Social Democratic Front (SDF), which appeared to have made the establishment of an independent national electoral commission a precondition for talks. The Government's view was that such a commission would not be truly independent as it would be made up of the political parties themselves and it was well known that such commissions in other countries had met with failure. Moreover, a constitutional council responsible for ensuring the lawfulness of elections already existed. The creation of such a body was therefore not on the agenda in Cameroon, unless it was an obligation under the Covenant, in which case Cameroon could comply with it; however, to his mind, it was an unconstitutional demand.

4. Mr. ZOGO (Cameroon), speaking as an official of the Ministry of Communication and replying to a question on censorship in Cameroon, reaffirmed that there was no longer any administrative censorship, which had been abolished by Act No. 96/04 of 4 January 1996 amending the Act of 1990 (art. 14). The Act went even further by including a provision (art. 16) whereby, if the administrative authority – for reasons to do with the maintenance of law and order or a breach of public decency – decided to carry out a pre-publication check and to seize or ban a newspaper or magazine, that decision would henceforth be open to appeal in the ordinary court, when that appeal challenged an administrative act, which was an additional guarantee. There was, moreover, already case law in that area, since an ordinary court had already ruled itself competent to consider an appeal and had found in favour of the publication, a periodical from Yaoundé *(Mutation)*, which had been banned by the Deputy Prime Minister and Minister of Territorial Administration. The ruling had been confirmed on appeal. There was therefore evidence that the administrative authority was under the jurisdictional control of the ordinary court. Furthermore, in order to ensure ideological pluralism, the public service media were obliged to produce and transmit party political broadcasts ("Expression directe") in which parties that were not in power also participated, as all the parties represented in the National Assembly were able to give their views. The same programmes were also allowed at election time pursuant to a decree by the President of the Republic and an order of the Minister for Communications.

5. He then offered some clarification on the cases of journalists who had been arrested, pointing out that there were currently no journalists in prison in Cameroon. The first case concerned Mr. Pius Njawe, editor of the newspaper *Le Messager*, who had been prosecuted by the government procurator for gross defamation and slander of the President of the Republic in December 1997: under a pseudonym he had published an article in which he claimed that the President had had a mild heart attack at a sports event. The burden of proof had fallen on the government procurator, who had been able to prove that the report was untrue, and Mr. Njawe had been sentenced to two years' imprisonment, the maximum sentence being five years; the sentence had then been reduced and the defendant had been pardoned by the President. The second case concerned Mr. Moussalat, of the newspaper *Aurore Plus*, who had effectively been arrested and

sentenced for defamation for writing that the director of the national port of Douala had imported weapons to that port in order to form militias in preparation for a coup. The port director had lodged a complaint and brought criminal indemnification proceedings, and it had been found that the weapons, which had indeed been imported through the port of Douala, had been intended to reinforce security around the port facilities, which had often been targeted by looters and robbers; the weapons in question had actually been tear gas and potable water-cannon. Mr. Moussalat had been found guilty of abuse and slander, and had been sentenced to six months' imprisonment and a fine of 100,000 francs and ordered to pay 1 million francs in damages. Following an appeal, he had been released on bail on 4 February 1999 and was currently free. As to Mr. Patrick Tchoua, he had written in his paper *Le Détective* that the Minister of State for the Economy and Finance was accumulating wealth unlawfully. The Minister had lodged a complaint, an inquiry had been opened and the journalist had been questioned, held in custody and then released; the government procurator had decided not to prosecute him. It was therefore a private matter and it was not known whether the Minister had decided to pursue the case in a private capacity. The fourth case was that of the publisher of the *Herald*, who had written that the Governor of Sud-Ouest Province had cut the salaries of some employees without having the authority to do so. The publisher had been questioned and given a hearing, after which the proceedings had been dropped; however, he had later apologized to the Governor and admitted he had been mistaken.

6. Mr. MAHOUVE (Cameroon), Deputy-Director for Criminal Law in the Ministry of Justice, gave details of the case of the Secretary-General of the Office of the President of the Republic, who had been accused of misappropriation of public moneys and prosecuted, together with his subordinate, under article 184 of the Penal Code. The two men had been found guilty and sentenced to 15 years' imprisonment, the sentences under the Penal Code for such misappropriation being very severe; the sentence had been confirmed on appeal. It should be emphasized that that was not the only case of a senior official being prosecuted in Cameroon for misappropriation of public moneys; at that very moment, proceedings were under way against the Minister of Posts and Telecommunications and some of his colleagues, as well as the Director-General of the National Social Security Fund. Those individuals were not being prosecuted and detained because of their political ambitions or because they were opponents, but because they had committed acts governed by ordinary law, which seriously affected State finances.

7. Addressing the issue of torture, he gave details of the recently adopted law on that subject, namely Act No. 97/009 of 10 February 1997, which incorporated in the Penal Code an article making torture punishable and providing for the internal implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Proceedings had been started against law-enforcement officials under that law, which established extremely severe sentences for anyone perpetrating acts of torture, ranging from 2-5 years' imprisonment to life imprisonment, plus a fine of between 50,000 and 200,000 francs. His delegation did not have a complete list of every case brought before the courts but could cite some cases that showed how strongly the authorities were committed to denying impunity to torturers. First, a number of police superintendents – high-ranking State employees had been prosecuted and sentenced to long terms of imprisonment for beating to death a person locked up in a police cell. Second, two police officers who had tortured someone to death had been sentenced in 1998 to 10 years' and 6 years' imprisonment respectively. A less well-known case concerned a gendarme who had tried to avoid punishment by claiming he never thought that hitting the victim on the head with a belt would cause damage; he had been prosecuted for torture and sentenced. Those three cases had concerned physical torture, but mental or psychological torture was not overlooked by the Cameroonian courts. For example, a decision had been handed down by the Bafia court of first instance against a judicial police officer who had refused to allow a person in custody to see his doctor. The court had considered that such an act was not only an attack on the right to life, but also constituted torture, and the police officer had been given an 8-month prison sentence with a 3-year suspended sentence. Another police officer who had refused to allow a person in custody to contact his family had been given a 12-month prison sentence with a 3-year suspended sentence, as the judge considered that the act had, constituted mental torture under article 132 *bis* of the Penal Code. Those examples showed the willingness of the Cameroonian Government to prosecute persons who

committed acts of torture. It was too early to say if the law had reduced the incidence of torture, as it had only been passed in 1997. Nevertheless, the Government expected the sentences handed down to have a deterrent effect, and was also counting on the impact of human rights education. Consequently, it was through education, which was being provided in Cameroon at all levels – in schools, universities and associations, that it was hoped to stamp out torture.

8. Mr. EBANG OTONG (Cameroon), responding to the questions on the situation of prisoners, said that the implementation of the provisions of Decree No. 92/52 of 27 March 1992 had been a major factor in making living conditions in prisons more humane. The only "discriminatory" measures found in prisons were the separation of tried and untried prisoners and of men and women, and the practice of reserving special quarters for prisoners sentenced to death, dangerous prisoners, prisoners held incommunicado and imprisoned police and security officers. No distinction was made between prisoners with regard to their food and keep, which were entirely provided by the State. Moreover, every prisoner received a medical check-up on arrival in prison and, after that, minimum standards of hygiene were observed in the cells. Every prison had an infirmary where sick prisoners could go for medical care, and if an infectious disease or epidemic broke out, all possible preventive measures were taken to isolate or hospitalize the patient and thereby prevent the spread of the disease.

9. Ms. MBASSI (Cameroon), referring to the conditions in which an individual's passport could be withdrawn, said that the only authority with the power to issue an order banning someone from leaving the country, and thus to withdraw a passport, was the Government Procurator, after judicial proceedings had been started against the person concerned and the police had taken the necessary steps to ensure that the person could elude justice.

10. In reply to the question on the refugees from Chad and Equatorial Guinea, she said that people recognized as refugees were placed under the protection of the Office of the United Nations High Commissioner for Refugees (UNHCR); and there was no way they could be sent back to their country without going through the relevant procedure. Nevertheless, it did happen that some people requested refugee status in Cameroon when in fact they had committed ordinary offences in their country of origin and were thus trying to escape justice. In that case, the authorities of the country of origin requested the Cameroonian State to begin extradition proceedings.

11. With regard to the special measures taken by officers in charge of the security forces to discipline staff, she said that the law in that area was indeed laid down by the National Assembly, but officers often had to take additional measures to ensure that their subordinates were better informed of the legislation in force and thus better able to enforce it.

12. The CHAIRPERSON thanked the Cameroonian delegation for its answers relating to the last part of the list of issues and invited Committee members to ask any further questions, they might have.

13. Mr. BHAGWATI said that valuable time could have been saved in the discussions with the State party if the Cameroonian Government had supplied all the necessary information in its third periodic report. Nevertheless, he thanked the Cameroonian delegation for its detailed answers to Committee members' questions.

14. He still had concerns about the independence of the judiciary: while that principle was established in article 37 of the Cameroonian Constitution, there was nothing to show how it was applied in practice. In that respect, the fact that only the President of the Republic was authorized to appoint judges and that he was not required to take into consideration the opinions of the Supreme Council of the judiciary raised serious doubts about the judiciary's independence. Perhaps the Cameroonian delegation could indicate whether the President was nevertheless required to follow a particular procedure in that area. On that point, he referred

to paragraph 36 of the report and sought clarification of the "special procedure" under which judges were recruited.

15. With regard to the constitutional council, he asked whether it had indeed been established pursuant to article 46 of the Constitution and whether its members were required to have had judicial training. Also, could citizens complain to the constitutional council if they believed a law was contrary to the provisions of the Constitution or to those of the Covenant and, if so, had there been any such cases?

16. The Committee had been informed that, pursuant to Act No. 98/007 of 14 April 1998, the military courts had jurisdiction for crimes involving the use of firearms. As the concept of the use of firearms was relatively broad, the question arose whether civilians might not, as a consequence, be tried by military courts, which would clearly be contrary to the provisions of the Covenant. In that connection, NGOs had reported that more than 30 civilians had been sentenced in October 1999 by a military court in Yaoundé, that 10 of them had died in detention, and that several others had been tortured to extract confessions. He would like to know if those allegations had been investigated and, if they had been verified, what measures had been taken to punish those responsible.

17. On the question of abortion, which was categorized as an offence in article 337 of the Penal Code, except in certain specific cases such as rape, he had been given to understand that its criminalization had led to a rise in the maternal mortality rate due to illegal abortions. Had any steps been taken to combat that phenomenon? Finally, he could not understand why defamation or the dissemination of false information should be sanctioned under criminal law, when that kind of offence could simply be the subject of civil proceedings. In his opinion, such a provision was contrary to freedom of opinion and the press, and he would like to hear some explanation of the reasoning behind that measure.

18. Ms. CHANET said that, with regard to freedom of expression, the delegation had merely cited the laws in force and mentioned that censorship had been prohibited since the reform of the law in 1996. Nevertheless, the fact remained that newspapers continued to be seized and banned. In that connection, the delegation had indicated that it was the judicial authority, as the guardian of freedoms, that verified the lawfulness of seizure and banning procedures, which was not in itself contrary to article 19 of the Covenant; rather, the main issue concerned the criteria applied by the judicial authority in taking such a decision, and also proportionality, or the relation between the alleged crime and the punishment imposed. She was also surprised at the stiff penalties for the crime of defamation or dissemination of false information, as it amounted to little more than the expression of an opinion, even if the latter was mistaken or detrimental to someone else's reputation. In the event, the "guilty" parties were arrested and imprisoned under an array of laws that would be better applied to serious crimes of causing damage to property or assault. Again, the question of proportionality arose: what was the possible relation between a libellous attack on someone's reputation and imprisonment? Moreover, it seemed that under Cameroonian law, guilty intent was presumed in cases of defamation, which meant that the regime was even stricter than that under ordinary law, where guilty intent must be proved. Perhaps the delegation could provide an explanation. Concerning the crime of dissemination of false information, she would like to know how the distinction was made, in legislation and in case law, between false information and information considered false because it was accompanied by an erroneous comment. Which was considered to be guilty intent and how was that proved?

19. Mr. KRETZMER said he shared fully the concerns of Mr. Bhagwati and Ms. Chanet on the restrictions on freedom of expression and the punishments imposed on journalists. In that respect, article 19, paragraph 3, of the Covenant did in fact provide for certain restrictions on freedom of expression, but it was very precisely stipulated that they must be necessary and that particular conditions must exist. He also shared Ms. Chanet's concern about the principle of proportionality and asked whether the delegation thought that the two-year prison sentence imposed on the journalist who had published information on the heart attack suffered by the President of the Republic was really proportionate to the crime he was supposed to

have committed. Was such a restriction of freedom of expression really necessary within the meaning of article 19 of the Covenant?

20. Mr. ANDO, referring to the questions raised with regard to article 8 of the Covenant, requested clarification concerning implementation of Act No. 73/4 of 9 July 1973 on non-military national service, which provided for 24 months of compulsory public service for citizens aged 15 and 16. He wished to know what the nature of that service was and what punishment was imposed if someone refused to carry out that non-military service. He also sought more details of the system whereby some prisoners could be assigned to work for private companies.

21. He shared fully the concerns expressed about the penalties for defamation and the dissemination of false information and about the restriction of freedom of expression in general. Moreover, since all the television stations belonged to the State, he asked whether candidates from the majority and opposition candidates enjoyed the same amount of airtime during election campaigns, and whether it was intended to authorize the creation of private stations.

22. With regard to trade-union freedom, he understood that civil servants could form unions, but that registration of those unions was rarely authorized, so that they were generally not protected by labour laws and any conventions of the International Labour Organization to which Cameroon was a party. He asked the delegation for clarification of that point. He would also like to know whether teachers in the public and private sectors were entitled to set up unions and to what extent their union rights were guaranteed.

23. Finally, with regard to the situation of refugees, especially those from Chad and Equatorial Guinea, he asked whether the Cameroonian Government intended to promulgate a domestic law with a provision on measures for cooperating with UNHCR.

24. Mr. KLEIN said he shared the concerns of the other Committee members. Another aspect that continued to trouble him was the existence of military courts in Cameroon. That type of court was a destabilizing element in any democratic society based on the rule of law, as it cast doubt on the independence of the legal system. In the case of Cameroon, those doubts were reinforced by the jurisdiction *ratione personae* and *ratione materiae* of the military courts. The Cameroonian authorities should review the organization of the judicial system of their country and, in any case, withdraw the military courts' jurisdiction over civilians.

25. With regard to respect for the right to freedom of expression, he had the same concerns as the other Committee members. According to his figures, more than 10 journalists had been charged under the provisions governing freedom of the press during the last three years. However, it was often very difficult to tell what was an erroneous piece of information and what was the expression of an opinion contrary to that of the authorities and it should be borne in mind that in a democracy the press did not exist only to report facts, but also had a duty to instigate and encourage discussion on the need for reforms and the form they should take. He invited the Cameroonian authorities to look more closely at all those issues.

26. Ms. EVATT emphasized that the criminal provisions prohibiting the dissemination of false information and defamation were absolutely incompatible with the Covenant, and asked whether the Cameroonian Government intended to repeal them.

27. With regard to detention conditions in Cameroon, the information in paragraphs 26-28 of the report (CCPR/C/102/Add.2) was very worrying. The Cameroonian delegation had referred to the case of Mr. Nana Koulagna, but without mentioning his complaint that members of a private militia had attacked several of his supporters and killed two of them. Apparently, none of the members of the militia had been arrested. The Cameroonian delegation had also not mentioned that the judicial authorities had apparently ordered the release of Mr. Koulagna a year after his arrest, but that that decision had not been put into effect,

since he was still being held in administrative detention and had been summoned to appear before a military court. She found it hard to understand how a person whose release had been decided by a civil court could be kept in detention and charged by a military court, and sought clarification on that point.

28. Mr. LALLAH said he was very concerned at the situation regarding freedom of expression in Cameroon, and stressed that what was at issue was the very legitimacy of the legal provisions governing that right, particularly in the light of the provisions of article 19, paragraph 3, of the Covenant. Generally speaking, freedom of expression was a sensitive subject in a democratic society. Cameroon, which had chosen to follow the path of democracy and a multi-party system, should guarantee freedom of expression as one of the major instruments in attaining those goals. He was sorry to see that the Cameroonian authorities had apparently not made the right choice in that area. He recalled in that respect the case of the journalist sentenced to two years in prison seemingly for expressing his beliefs, a punishment that was not only out of proportion but also lacking in legitimacy. Lastly, with regard to the manner in which judges were appointed and dismissed, he wished to know how many judges had been relieved of their duties or sanctioned in some other way since the submission of the previous periodic report (CCPR/C/63/Add.1) and for what reasons, whether they had been given a hearing and if so, by which body, and finally, whether they had been able to contest the action taken against them.

29. Mr. HENKIN said he shared the concerns expressed by the Committee members who had already spoken. A member of the Cameroonian delegation had said that the law was not sufficient to change patterns of behaviour rooted in culture and tradition, and that an educational effort was needed, especially to end discrimination against women. He supported that idea but stressed that it was also valid in all the other areas mentioned earlier by Committee members. In general, it was important to bear in mind that the law should help change patterns of behaviour, and the Government had a responsibility to encourage change, whether in terms of the abolition of the death penalty or other matters, and, in any case, it must ensure that domestic legislation was in conformity with the Covenant.

30. Mr. SOLARI YRIGOYEN noted that the creation of an independent electoral commission had been rejected on the grounds that such a body would be unconstitutional. In those circumstances, it was important that the authorities should offer other electoral guarantees. With regard to the right to freedom of expression, he endorsed the concerns of the other Committee members. Concerning the practice of torture, which was far from being eliminated despite the measures taken by the Government, efforts evidently needed to be stepped up in order to put an end to it. With regard to cases of unlawful use of force, particularly extrajudicial executions, he had requested details from the Cameroonian delegation but it had not yet provided any reply; he hoped it would do so later in writing. Finally, he pointed out that his comments on refugees from Equatorial Guinea had been misunderstood. He was not criticizing the Cameroonian authorities for sending the refugees back to their country, but as those people had been held in Cameroon since 1997 a solution to their plight needed to be found and they should be given an assurance that they would not be returned to their country.

31. Mr. EBANG OTONG (Cameroon) said that the constitutional council had not yet been set up as it was one of the institutions planned in the 1996 reform that were to be established gradually. In the meantime, the tasks of the council were being carried out by the Supreme Court. The future constitutional council would consist of 11 members, appointed for a non-renewable term of nine years. They would be chosen from judges and members of the Senate, the National Assembly, and the Economic and Social Council. The constitutional council would be competent to rule on the constitutionality of laws, and of treaties and other international agreements to which Cameroon was a party. Citizens would be able to bring matters before it, as in fact they already had done when the Supreme Court was sitting as the constitutional council.

32. With regard to trade-union rights, he said that civil servants had the right to form unions; there were in fact many trade unions for civil servants, especially for teachers. As a rule, every public official was

aware of the procedure for obtaining approval from the authorities; his delegation had explained the procedure to the Committee. In general, the administration did its best to inform citizens of their rights and duties and, correspondingly, ignorance of the law was no excuse.

33. Mr. MAHOUVE (Cameroon), referring to the issue of the independence of the judiciary, observed that the application of that principle raised questions in every country where judges were appointed by the executive. Nonetheless, the principle of independence was not necessarily compromised by the mere fact that the President of the Republic was also head of the Supreme Council of the judiciary. In fact, he seemed to recall that the European Court of Human Rights had handed down an opinion to that effect. In Cameroon, the President of the Republic appointed the judges and was assisted in that task by the Supreme Council, which gave an opinion on the proposed appointments and on disciplinary measures taken against judges. The Supreme Council was currently chaired by the Head of State, its Vice-Chairman being the Minister of Justice. For the rest, it consisted of three members of parliament, selected from a list of 20 members of parliament drawn up by the National Assembly, and of three judges, selected from a list of 10 drawn up by the Supreme Court. It also included an independent person, selected for his or her expertise by the President of the Republic. The latter took into account the views of all those eminent people before appointing judges. The Supreme Council was also the disciplinary body for judges. For government procurators, a disciplinary commission performed that function. Before any sanctions were imposed, an inquiry was carried out, by the Procurator-General if the measure was directed at a government procurator, or by a member of the Supreme Council of the judiciary if it was directed at a judge. Once the inquiry had been completed, a report was made and the accused was summoned to appear before the disciplinary body. The accused might be assisted by a lawyer or a colleague, and was systematically heard before any action was taken against him or her. More generally, the question of the composition of the Supreme Council of Justice and its possible enlargement must be seen in the context of the series of measures that would be taken to implement fully the constitutional reform of 1996. With regard to the number of judges who had been the subject of disciplinary measures, the Committee would understand that his delegation was not in a position to provide exact figures on the spot. However, he could confirm that a number of judges had been disciplined, while the delegation had previously described the grounds for sanctions and the various types of sanction available under the law.

34. Mr. ZOGO (Cameroon), responding to the objections raised by members concerning respect for freedom of expression, and freedom of the press in particular, read out article 19 of the Covenant, which stipulated, among other things, that the exercise of freedom of expression carried with it special duties and responsibilities, and that it could be subject to certain restrictions necessary for respect of the rights or reputations of others and for the protection of public order, in particular. The Cameroonian legal provisions that permitted administrative action, which might take the form a ban, seizure or suspension of a publication, clearly stated that such a step must be linked to the maintenance of public order or the protection of public morality. The action could be challenged in court as an infringement of property rights or illegal seizure of property. If the publication concerned believed the measure to be illegal, it could request the competent interim relief judge to rescind it. He knew of no institutional information system in the world that did not have a general administrative police service responsible for ensuring that the dissemination of a piece of information did not damage public or private interests, in cases where a simple remedy in rem would be insufficient.

35. With regard to the question of the legislation governing radio and television-broadcasting by private companies, the Government, noting that the law did authorize such broadcasting provided that it was in conformity with the provisions on telecommunications, had begun work in 1990 on a bill relating to the operation of private radio and television-broadcasting activities. At the same time, a reform of telecommunications legislation had been undertaken, leading to the promulgation in July 1998 of a law that excluded from the field of telecommunications all frequency bands assigned to radio and television broadcasts, which had not been the case in the previous legislation. The above-mentioned bill had thus had to be revised, but it had now been completed and was ready to be signed. The bill represented a move

towards the complete liberalization of production, programming and transmission activities in the area broadcasting.

36. Mr. MAHOUVE (Cameroon) emphasized that the problem with freedoms in general was one of reconciliation; thus, in a democratic society, freedom of expression had to be reconciled with other freedoms. It might be legitimate to question whether sentencing a journalist to two years in prison for spreading untrue stories was consistent with the principle of the proportionality of the punishment. The law was clear on the subject and guaranteed the equality of all citizens, journalists included, before the law. In most of the cases in which journalists had been prosecuted, they had not been prosecuted for disturbing public order but for offences against the honour of certain people and for defamation. The law that applied in that case was intended to protect all citizens, not only senior officials. Spreading false information was indeed an offence under the Penal Code, and was punishable by up to five years' imprisonment, which might seem harsh; that was why a review of criminal legislation had been initiated. The review should provide a firmer assurance that the principle of proportionality would be applied. There was talk of decriminalizing offences against freedom of expression, and replacing prison sentences with fines. On the other hand, the question arose whether fines would undermine the freedom of the press, since newspapers in Cameroon rarely had substantial financial resources . Those were the real difficulties facing Cameroon in its efforts to give full effect to the provisions of the Covenant.

37. Ms. KEM (Cameroon) said it was true that abortion was a crime in Cameroon. In the 1970s, the country had opted for a policy designed to increase the birth rate and protect the unborn child, which explained why abortion was a criminal offence. However, there were exceptions: abortion was allowed when there was a danger to the mother, in cases of rape and when there was a definite risk that the child would be handicapped or malformed. A debate on all those issues was currently under way in Cameroon, particularly on the decriminalization of abortion, the question of the beginnings of life, etc. Moreover, under the law a pregnancy could be terminated for medical reasons when it was considered a danger to the psychological, physical or moral integrity of the woman. Aware of the importance of information and prevention in that area, her Government had launched a plan to encourage responsible parenting and to educate the population about safe sex and family planning. As well as that, information campaigns were being carried out, particularly in schools and the media. It could therefore be stated that Cameroonian women were able to avoid having children if that was what they wanted, and, although abortion was still a criminal offence, the State was doing everything it could to enable women to avoid unwanted pregnancies.

38. The CHAIRPERSON thanked the Cameroonian delegation for its clear replies to Committee members' questions, which had been so numerous because of the shortness of the periodic report. A general problem arose in the case of Cameroon, namely, that of the implementation of the Covenant through laws, decrees and other enactments. The Committee noted that quite a few provisions of the Covenant were not reflected in domestic laws. The dual nature of the legislative systems and its consequences for women were also a matter of concern. It was true that one could not completely change cultural phenomena by law, but the law was an educational tool. Consideration should therefore be given to repealing laws that were incompatible with the Covenant and to ending the dual system, which created many problems, particularly with respect to marriage and the matrimonial regime. In that respect, Committee members would have liked to know how many customary marriages took place in Cameroon and how many people were able to make a will. In all those areas, women had no legal protection, which was why it was not enough to carry out information campaigns: the most important thing was to change the law.

39. With regard to the question of torture and inhuman, cruel and degrading treatment, the Committee had already deplored such practices in its consideration of previous reports, and the delegation itself had condemned them. An independent body should be set up to investigate cases of torture. The Committee would like to know how many allegations of torture had been recorded and who conducted the investigations. It was also concerned about the situation regarding administrative detention, as its duration and the conditions under which it was extended were contrary to the provisions of the Covenant.

40. With regard to freedom of expression, the Cameroonian delegation's replies had not satisfied Committee members, who had already expressed their concern about that subject when considering previous reports. The Committee believed that the State should reconcile freedoms and coordinate human rights within the framework of the Covenant, not outside it, as freedom of expression was essential for democracy. Crimes such as spreading false information or defamation, as defined in Cameroon, were incompatible with the provisions of the Covenant and reflected a fear of criticism that seriously jeopardized democracy. The new law on telecommunications, once it entered into force, would certainly liberalize the sector but it was not clear if it would be sufficient to protect freedom of expression.

41. Finally, the competence of the military courts to try civilians was a matter of serious concern to the Committee. On that question, the Committee would have liked to hear the delegation confirm or deny information it had received to the effect that a person who had been initially cleared by a civilian court had later been sentenced by a military court for the same acts. The Committee urged the Cameroonian Government to take note of all its observations and would expect responses to them when it considered the fourth report.

42. Mr. NGOUBEYOU (Cameroon) thanked the Committee members for the constructive work carried out together with his delegation on the protection of human rights in general and the promotion of the Covenant in particular. He welcomed the frankness and sincerity, and also at times the firmness, of the various speakers. As Governments had enemies as well as friends, however, it would be desirable for the Committee to check very carefully the reliability of its information sources if it did not wish to upset its harmonious relations with States parties.

43. In the area of human rights, little was to be gained by rushing ahead without giving people of goodwill a chance to express themselves. In the event, despite all its good will, the State was not in a position to implement all the provisions of the Covenant overnight. The Government was attempting to disseminate the spirit and the letter of not only the Covenant, but also the Universal Declaration of Human Rights. Some gaps were inevitable. Nevertheless, while taking into account the Committee's comments, the State would do its best to achieve excellence. To that end, it intended to cooperate more closely with the assistance services of the Office of the High Commissioner for Human Rights, and was also counting on bilateral cooperation from donor countries. He assured the Committee that information on questions the delegation had not been able to answer would be provided in the next report.

44. The Cameroonian delegation withdrew.

The meeting rose at 6 p.m.