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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States Parties under article VII
of the Convention

Addendum

UNITED REPUBLIC OF CAMEROON

[6 October 1977]

I. CONSTITUTIONAL PROVISIONS

The Constitution of 2 June 1972 instituting the United Republic of Cameroon states in its preamble that:

"The people of Cameroon,

"Declares that the human being, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights;

"Affirms its attachment to the fundamental freedoms embodied in the Universal Declaration of Human Rights and the United Nations Charter and, in particular, to the following principles:

"Everyone has equal rights and obligations. The State endeavours to assure for all citizens the conditions necessary for their development.

"No one shall be harassed on account of his origins, opinions or beliefs in religious, philosophical or political matters, subject to respect for public order.

"Freedom of religion and freedom to practice a religion are guaranteed."

Article 1 of this Constitution states that the United Republic of Cameroon is democratic, secular and dedicated to social service. It ensures the equality before the law of all its citizens.

These constitutional provisions, which have been continuously in force since Cameroon's accession to international sovereignty, are reproduced in several texts concerning relations among Cameroonians themselves and relations between Cameroonians and aliens.

The Cameroonian State would be contradicting itself if, in international declarations and acts of solidarity, it were to condemn racial discrimination abroad, and yet tolerate it in its own territory.

II. LEGISLATIVE AND STATUTORY TEXTS

There are many such texts and it is not possible to give an exhaustive list here. The most important are therefore cited below:

A. In the penal sphere

In penal matters Cameroonians and aliens are equal before the law (cf. article 1 of the Criminal Code).

(1) This legislative principle embodied in article 1 of the Criminal Code ("All persons, without exception, are equal before the law") has been the basis for numerous court decisions. Suffice it to recall the main political cases since 1960 which demonstrate that the criminal law is applied irrespective of whether the person concerned is a minister (cases of KAMDEM NIYIM in 1963, KAMGA Victor in 1966), a deputy (cases of NYA Thaddée in 1965) or a bishop (case of Mgr. NDOGMO in 1970); suffice it to recall, also, certain cases in which aliens were implicated (cases of INGOLD et al., KALAMPIKIS, assassin of PAPADOPOULOS).

(2) The criminal law also provides the same protection for all persons living in the United Republic of Cameroon:

protection of freedom of conscience: articles 269 to 274;

protection of the family: articles 337 to 358;

protection of freedom of work: articles 292, 293 and 342.

(3) Cameroonian criminal law establishes penalties in particular for racism and tribalism: articles 241 and 242 of the Criminal Code.

"Article 241: Offences against races and religions

"(1) Any person who commits an offence as defined in article 152 in regard to a race or religion to which several citizens or residents belong shall be punished by a term of imprisonment of from 6 days to 6 months and a fine of from 5,000 to 500,000 francs.

"(2) If the offence is committed through the Press or the radio, the maximum fine shall be increased to 20 million francs.

"(3) The penalties provided for in the two previous paragraphs shall be doubled if the offence is committed for the purpose of arousing hatred or contempt among citizens."

"Article 242: Discrimination"

"(1) Any person who refuses access to places open to the public or to employment to another person on account of his race or religion shall be punished by a term of imprisonment of from one month to two years or by a fine of from 5,000 to 500,000 francs."

B. Other legislative texts promoting the equality of all persons before the law

(1) Act No. 66-LF-18 of 21 December 1966 on the Press (cf. Journal officiel de la République fédérale du Cameroun of 1 February 1967, supplement):

Article 1 of this Act states that: "Freedom of the Press is guaranteed throughout the territory of the Federal Republic of Cameroon."

Article 29 of the same Act states that: "Publications, whether periodical or not, must contain no illustration, comment, account, report, news item, insertion, publicity or advertisement casting a favourable light on any acts held to be felonies or misdemeanours or of such a kind as to corrupt children or young people, and in particular banditry, lying, theft, idleness, hatred, debauchery, tribalism and racism."

Finally, article 34 of this Act states, that: "The author of a document whose object or purpose is to promote disunion between communities shall be punished by a term of imprisonment of from 6 months to 1 year and by a fine of 25,000 francs, or by one of these two penalties only."

(2) Act No. 67-LF-6 of 12 June 1967 instituting the Labour Code (Journal officiel de la République fédérale du Cameroun, 1967, p.97, supplement), particularly articles 1 (paragraph 2), 3 and 4.

(a) "Article 1: (paragraph 2). For the purposes of this Act a worker shall be deemed to be any person, regardless of sex and nationality, who has undertaken, for remuneration, to place his professional activity under the direction and authority of another physical or moral person, public or private, the latter being deemed to be the employer. In determining whether a person is a worker, no account must be taken of the legal status of the employer or of the employee."

(b) "Article 3: The law recognizes, without restrictions of any kind and without any need for prior authorization, the right of workers and employers freely to form trade unions and associations whose object is to consider, defend, further and protect their interests, and particularly their economic, industrial, commercial and agricultural interests, as well as the social, economic, cultural and moral progress of members. Any political activity which is not such as to promote these objectives is prohibited."

(c) "Article 4:

"(1) Workers and employers, without any kind of distinction, have the right to join a trade union or association of their choice within their profession or branch of activity, on the sole condition that they conform to its statutes.

"(2) However, the exercise of this right may be limited, in conformity with the provisions of relevant international conventions, by decree of the President of the Federal Republic of Cameroon.

"(3) Workers affiliated to a trade union shall enjoy adequate protection against all acts of discrimination interfering with trade union freedom in matters of employment.

"(4) They shall likewise be protected against any practice whereby their employment is made conditional on their not joining a trade union or on their ceasing to be members of a trade union, or whereby they are dismissed or wronged in any way because of their membership in a trade union or their participation in trade union activities when the latter are lawful under the provisions regulating them."

(3) Act No. 67-LF-19 of 12 June 1967 on freedom of association (cf. Journal officiel de la République fédérale du Cameroun, 1967, p. 204, supplement), particularly articles 1 and 18.

"Article 1: Freedom of association is recognized in the territory of the Federal Republic of Cameroon. It is defined by the provisions of this Act."

"Article 18: Foreign associations may not engage in any activity in the Republic of Cameroon without prior authorization from the Minister for Territorial Administration.

"They may have establishments in the Cameroon only by virtue of a separate authorization for each such establishment.

"Applications for authorization shall be addressed to the Prefect of the Department where the association or establishment operates."

(4) Order No. 73/17 of 22 May 1973 on the organization of Social Insurance, etc.

C. In the administrative and judicial spheres

Decree No. 74/138 of 18 February 1974 establishing general regulations for the Civil Service makes no distinction between the sexes, subject to physical fitness requirements and to the requirements peculiar to certain types of employment as laid down in specific regulations.

Article 5 of these regulations reads: "Access to public employment shall be open, with equal rights and without distinction as to sex, to all Cameroonians fulfilling the conditions prescribed in title IV of this Decree, subject to their physical fitness and to the requirements peculiar to certain types of employment as laid down in specific regulations".

This principle of equality of the sexes has resulted in very eloquent court decisions: for example, decision No. 43 of 16 January 1968 of the Supreme Court of East Cameroon found that the deceased's male next-of-kin is no longer de jure the guardian of minor children in the case of the father's death, but that the widow of the deceased father is henceforth entitled to be the guardian of their minor children; consequently, this decision condemns the principle of masculinity and promogeniture in matters of customary succession.

Other decisions of the same Court, dated 11 June 1963 and 19 May 1964, have affirmed that, following the proclamation of the equality of the sexes by the Cameroonian Constitutions, there is no longer any obstacle to daughters being appointed as the heirs of their father on the same footing as the latter's male descendants.

There is certainly equality between Cameroonians, but there is also equality between Cameroonians and aliens; the latter, who cannot be appointed to established posts in the civil service, may however work under contract with assimilated status and with entitlement to all the benefits available under the social legislation in force.

D. In the political and economic spheres

Decrees Nos. 63-DF-211 and 212 of 2 July 1963 and 65-DF-544 bis of 15 December 1965 (decrees Nos. 211 and 212 of 2 July 1963, Journal officiel de la République fédérale du Cameroun, 1963, p. 677) as well as the texts concerning their application (texts of application Nos. 19 and 19 bis of 27 July 1963 - ibid., pp. 808 and 809) prescribe measures against South Africa, Portugal and Rhodesia prohibiting commercial exchanges, access to Cameroonian ports and airports and overflight of Cameroonian territory.
