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DE L'HOMME DU CAMEROUN**

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**STATEMENT BY CAMEROON HUMAN RIGHTS COMMISSION TO MARK
THE INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLES**

9 AUGUST 2022

The Cameroon Human Rights Commission (hereinafter: "the Commission"), established by Law No. 2019/014 of 19 July 2019 and set up on 29 April 2021 following the swearing-in of members before the Supreme Court sitting in Joint Chambers,

Bearing in mind the Resolution A/RES/49/214 adopted on 23 December 1994 by the United Nations General Assembly which decided to declare 9 August of every year the International Day of the World's Indigenous People¹,

Considering that the purpose of this day is to strengthen international cooperation to solve the problems indigenous peoples experience in areas such as human rights, the environment, development, education and health²,

Considering the international theme of this celebration for this year which is ***the role of indigenous women in the preservation and transmission of traditional knowledge***,

Considering also the relevance of the national theme of this celebration which is ***Promotion of inclusive education in a post-COVID-19 context: the place of the indigenous child***,

Affirming that the rights of indigenous peoples are specifically recognized and protected at the national, regional and international levels, especially given their unique character, their way of life, their particularly precarious situation and the threats to their survival,

Considering that there is no universally accepted definition of indigenous peoples³,

Recalling that despite different cultures, ways of life, beliefs, religion and the dominant model, the concept of indigenous peoples encompasses constituted elements such

¹ <https://www.journee-mondiale.com/194/journee-internationale-des-populations-autochtones.htm> accessed on 4/7/2022.

² Ibidem.

³ Legal Opinion of the African Commission on Human and Peoples' Rights on the UN Declaration on the Rights of Indigenous Peoples adopted by the ACHPR at its 41st ordinary session held in May 2007 in Accra, Ghana p. 3.

as self-identification, special attachment, use of their traditional territory, the phenomenon of subjugation, marginalization, dispossession, exclusion or discrimination⁴,

Considering the Preamble of the Cameroon Constitution of 18 January 1996, which provides that "the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law" and that *"the State shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all levels shall be the bounden duty of the State"*,

Bearing in mind that Cameroon has adopted the principle of equal opportunity of access to education affirmed in Articles 7 of the National Education Orientation Law of 14 April 1998 and 11 of the n° 2001/005 of April 16, 2001 on the orientation of higher education that access to education and training is guaranteed to all by the State without discrimination of sex, political, philosophical and religious opinion, of social, cultural, linguistic or geographical origin,

Referring to the African Charter on Human and Peoples' Rights adopted on June 27, 1981 in Nairobi, Kenya and ratified by Cameroon on June 20, 1989, which in Article 22 (1) provides that "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and the equal enjoyment of the common heritage of mankind ",

Considering the African Charter on the Rights and Welfare of the Child (ACRWC) adopted by the then Organization of African Unity on 1 July, 1990, entered into force on 29 November, 1999 ratified by Cameroon on 5 September 1997 whose article 11 states that *"every child has the right to an education, to develop his or her personality, talents and mental and physical abilities to their fullest potential, that this education also includes the preservation and strengthening of positive African morals, traditional values and cultures"* and that "Governments should also take special measures in respect of female gifted and disadvantaged children, to ensure equal access to education for all sections of the community",

Taking note that in April 2000, the UN Commission on Human Rights adopted the resolution E/RES/2000/22 on establishing the Permanent Forum on Indigenous Issues, which was endorsed by the Economic and Social Council on 28 July 2000,

Bearing in mind Resolution ACHPR/Res.51 (XXVIII) of the African Commission on Human and Peoples' Rights which established a Working Group on Indigenous Populations/Communities (WGIP) in 2001, becoming the African Commission on Human and Peoples' Rights Working Group on Indigenous Populations/Communities, whose report was published on 2003,

Referring to Article 1 of the United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007 by 144 States, including Cameroon, which affirms

⁴ *Ibid.*, p. 4.

that "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law,

Considering that Cameroon has displayed its desire to preserve cultural heritage since 7 December 1982, the date on which it ratified the world heritage Convention of the United Nations Organization on education, science and culture for the protection of cultural and natural assets,

Noting that in Article 26 of the Convention of the Rights of the Child adopted on 20 November 1989, which entered into force on 2 September 1990 and was ratified by Cameroon in 1993 urges state parties to "*make primary education compulsory and available free to all, to encourage the development of different forms of secondary education, including general and vocational education and make higher education accessible to all*",

Also noting that indigenous women are pillars of their communities because they play an essential role in the preservation and transmission of traditional knowledge, are at the forefront in the defense of lands and defend the collective rights of indigenous peoples around the world⁵,

Referring to the 2030 Agenda for Sustainable Development, in which the Member States have committed themselves to ensure that no one is left behind, with Goals 1 and 10 aimed at eradicating poverty in all its forms everywhere and reducing inequality in the world,

Taking note in all regions of the world there are indigenous peoples who own, occupy or use 22 per cent of the world's land⁶ that indigenous peoples represent 5 per cent of the world's population and 15 per cent of the number of persons living in extreme poverty across our planet⁷,

Aware that in all the regions of the world there are indigenous peoples who own, occupy or use 22 per cent of the planet's surface area, that indigenous peoples represent 5 per cent of the world's population and 15 per cent of the number of persons who live in extreme poverty across our planet,

Taking note that according to UNESCO statistics, approximately 370 to 500 million indigenous peoples represent more than half of the world's cultural diversity. They have developed and speak the majority of the approximately 7,000 modern languages⁸,

Bearing in mind that at the peak of the COVID-19 pandemic, 1.6 billion learners were affected by school closures across the globe⁹ and the use of digital learning and virtual

⁵ United Nations Department of Economic and Social Affairs, <https://www.un.org/development/desa/indigenous-peoples-fr/uncategorized/2022/07/>, accessed on 5 August 2022.

⁶ UNESCO, *International Day of the World's Indigenous People*, <https://fr.unesco.org/commemorations/indigenouseoplesday>, accessed on 4/7/2022.

⁷ The World Bank, *Indigenous Peoples*, <https://www.banquemoniale.org/fr/topic/indigenouseoples>, 19 March 2021, accessed on 4/7/2022.

⁸ Ibid.

⁹ Ibid.

education to supplement traditional forms of learning revealed the need for structured and suitable systems of distance learning facilitated by digital tools and technology¹⁰,

The Commission reiterates that in Cameroon, all peoples who meet some of the following four internationally recognized criteria established by Convention No. 169 of the International Labour Organization should benefit from national, regional and international safeguards specific to indigenous peoples. These include:

- the occupation of a specific territory
- the voluntary maintenance of cultural characteristics, which could encompass aspects of language, social organization, religious and spiritual values, mode of production, laws and institutions
- self-identification and recognition by other groups as a distinct community
- an experience of subjugation, marginalization, expropriation, exclusion or discrimination.

The Commission deplores the negative impact of the hot spots of conflict, tension in Cameroon on the rights of indigenous peoples and strongly denounces the atrocities, abuses, and all other forms of physical, verbal or written attacks against the indigenous peoples, the repeated attempts to seize indigenous land throughout the country, the exactions and all other forms of physical, verbal or written attacks against these communities, and the perpetrators of such atrocities, exactions and attacks must be sought, arrested and brought to book,

The Commission is deeply concerned, however, that indigenous peoples in Cameroon continue to encounter difficulties that tend to marginalize them, such as:

- high illiteracy rate due to lack of financial means to pay school fees
- difficult access to basic healthcare
- the low rate of birth registration and absence of identification documents due to a lack of knowledge of the procedures and importance of such documents
- community exclusion of the Mbororo, characterized by expulsions from the land where they carry out their agro-pastoral activities¹¹
- exploitation by majority communities
- disagreement with some host communities, which often leads to confrontation
- inadequate resettlement and compensation issues for indigenous forest dwellers after the expropriation of forest land for development projects
- lack of proper representation in decision-making spheres
- discrimination, early and forced marriages
- terrorist attacks on indigenous communities from the interior and neighbouring countries, involving loss of life, hostage-taking for ransom, and theft of livestock.

The Commission reiterates the expressed concerns of the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination concerning, inter alia:

¹⁰ <https://reliefweb.int/report/cameroon/cameroon-s-covid-19-pandemic-education-response-and-shift-distancedigital-learning> consulted on 15/1/2022

¹¹ *Idem.*

- the exclusion of indigenous peoples in Cameroon and the failure to recognize their rights of access to land, ancestral territories and natural resources¹²
- the discrimination and marginalization to which these different groups continue to be subjected concerning their enjoyment of civil, political, economic, social and cultural rights¹³.

The Commission applauds Government efforts to reduce poverty and promote the social inclusion of indigenous peoples, including through:

- the ratification on April 14, 2008 of the UNESCO Convention on the safeguarding of the intangible cultural heritage adopted on October 17, 2003
- the adoption of Law No. 2003/003 of 18 April 2013 governing cultural heritage, which aims to promote the knowledge, conservation, protection, enhancement, promotion and transmission of cultural heritage
- Decree No. 2022/5074/PM of 4 July 2022 fixing the control modalities of social conformity projects with the objective to protect the public especially vulnerable groups (as indigenous peoples), against human and social consequences directly or indirectly generated, by public and private projects
- the official launch of a campaign for the mass issuance of birth certificates by Order No. 000107/MF/MINDDEVEL/SG/DSL/SDSLB on 1 April 2022 by the Ministry of Decentralization and Local Development
- Ministerial Order No. 022/A/MINAS/SG/DSN of 6 August 2013 aimed at establishing the Cross-Sector Committee Monitoring Committee for programs and projects involving indigenous people and whose objective is to create synergy between actors involved in the promotion and/or protection of indigenous people, to ensure the effectiveness and efficiency of their actions
- the construction of classrooms, monitoring of students' education at the primary and secondary levels in remote areas with indigenous communities in collaboration with Plan international Cameroon and *Fondation pour l'environnement et le développement au Cameroun* (FEDEC)
- the holding of sessions of the Cross-sector Committee for programs and projects involving vulnerable indigenous peoples (CISPAV), with its 8th session on 25 June 2021, in Yaounde, which aimed to assess actions carried out by stakeholders in favour of indigenous peoples
- the development of a National Development Plan for Indigenous Peoples by 2035 (PNDPA) by the Ministry of Social Affairs, whose vision is to promote the fundamental rights of indigenous peoples, facilitate their access to basic social services and actively involve them in Cameroon's development actions

¹² Concluding observations of the Committee on Social, Economic and Cultural Rights on the 4th periodic report of Cameroon of 25 March 2019.

¹³ Plateforme GBADANDI, *La situation des peuples autochtones de la forêt du Cameroun - Fiche d'information*, <https://www.forestpeoples.org>, 2019, accessed on 4/7/2022

- the creation of synergy between the Central African States with the strategic plan of the *Réseau des populations autochtones et locales de la Sous-région* (Network of Indigenous and Local Populations of the Sub-region) for the sustainable management of ecosystems, especially concerning the synergy of actions and identification of priority needs
- the granting of authorizations for the use of natural resources in protected areas close to their communities through the signing of a Memorandum of Understanding between indigenous communities and the the Ministry of Forestry and Wildlife
- the establishment of socio-economic development programs for indigenous communities living in the areas planned for implementing major structuring projects, aimed at funding income-generating activities to empower such communities¹⁴
- the implementation of socio-economic development programmes for the indigenous communities in the areas planned for major structuring projects, to fund income-generating activities, thus empowering such communities¹⁵
- the improvement of the living standard of indigenous peoples by supply of drinking water points, construction of social housing, supply of agricultural inputs for the development of lands and the financing of the livestock projects by keys partners as the “*Programme de Consolidation et de Pérennisation du conseil agropastoral*” (PCP-ACEFA) or the “*Projet de développement de l'élevage*” (PRODEL)
- construction of hospitals, training of health personnel and provision of essential medicines under the Health System Performance Enhancement Program (PRPSS/2017-2021), implemented by the Ministry of Public Health
- the provision of vocational training in specialized centres and the recruitment of some young indigenous people into the public service
- the adoption of Law No. 2019/005 of April 25, 2019, amending and supplementing certain provisions of Law No. 2012/001 of April 19, 2012, on the electoral code, and Law No. 2019/024 of December 24, 2019, on the general Code of Collectives decentralized territories which guaranteeing amongst others the participation of indigenous people in public management, on one part their representation in municipal councils, and on another part, the Mayor and the President of the Regional Council should be indigenous personalities
- specific measures to guarantee equal treatment of social differences, such as compulsory primary education and free primary education introduced by Finance Act No. 2000/08 of 30 June 2000
- undertaking a massive reform of the nursery and the primary school curricula to ensure quality basic education for all Cameroonian children, providing them with the

¹⁴ *Ibidem*.

¹⁵ 4th periodic report of Cameroon to the Committee on Social, Economic and Cultural Rights, which Cameroon submitted pursuant to Articles 16 and 17 of the Covenant, due in 2016 and effectively received on 16 November 2017.

opportunity to acquire basic knowledge; knowledge in communal life and national integration; vocational and life skills and equipping them with the capacity to adapt to and transform their environments¹⁶

- implementating a new pedagogic approach called the Competence Based Approach (CBA), in all primary schools nationwide and the development of a new national curriculum whose purpose is to train children for their intellectual, physical, civic and moral development as well as their smooth integration into society bearing in mind prevailing economic, socio-cultural context

The Commission encourages the government to continue working for the Rights of all Indigenous Peoples in the country, especially concerning the preservation of their land heritage, with which they have special spiritual ties, the right to land ownership, the right to education and the right to citizenship contained in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)¹⁷, and the final document of the High-Level Meeting of the United Nations held in New York from September 22 to 23, 2014, especially concerning violence against indigenous women and respect for the sacred places of these peoples,

The Commission for its part conducted several activities in favor of the rights of indigenous people, such as:

- the awareness-raising campaign in the East Region, from 6 to 9 September 2021, on the rights of indigenous women/girls and gender-based violence, which put an end to several violations of the rights of indigenous people
- the publication on 21 July 2021 of the thematic report on the resurgence of violence against civilians in the Far-North, the North-West, the South-West, the Adamawa and the West Regions, in which it denounces and condemns attacks and assassinations against some indigenous peoples (Peuls, Kotokos, Arabes choas) by Boko Haram, armed secessionists and some communities.

The Commission further commends the contribution of non-state actors, including UN agencies, international organizations and civil society organizations, towards achieving the rights of indigenous peoples and advocating for better living conditions for them,

The Commission vigorously denounces the positions taken by ill-informed actors on all sides who falsely claim - in blatant violation of the Constitution of 18 January 1996 and relevant international instruments - that only the Mbororos and the three Bs (the Bakas, the Bakola/Bagyéli and the Badzang) constitute indigenous peoples in Cameroon, stressing that such denial of recognition of other indigenous communities, synonymous with the rejection of their call for equality, violates a fundamental principle and is part of a policy of denial of particularisms which constitutes "the formula of the most terrible forms of homogenising tyranny", in the words of Charles Taylor, Professor Emeritus of Philosophy at McGill University in Canada¹⁸

¹⁶ Ministry of Basic Education. Cameroon Primary School Curriculum English Subsystem Level II: Class 3 & Class 4 (2018)

¹⁷ First Indigenous Peoples Conference

¹⁸ See by this author, Multiculturalism, Difference and Democracy (original title: Multiculturalism and "the Politics of Recognition", Princeton University Press, 1992), trans. D.-A. Canal, Champs/Flammarion, 2007, p. 71

The Commission recommends that the Government should ensure the urgent revision and adoption of laws on forestry, wildlife and land ownership, so communities can protect their ancestral lands, including through appropriate securitisation mechanisms,

The Commission recommends that the Government ensures the adoption of a pastoral Code Pastoral code as best practice from several neighboring countries, to enable indigenous herdsman enjoy land security,

The Commission recommends that the Ministry of Justice, the Ministry of Decentralization and Local Development through the local authorities, the General Delegation for National Security, Elections Cameroon and the National Bureau of Civil Status to facilitate procedures for issuing and obtaining birth certificates, national identity cards and electoral cards,

The Commission recommends that the Ministry of Basic Education ensure that free primary schooling is effectively implemented for indigenous people and the Ministry of Secondary Education should build settlements close to the camps for indigenous people and school curricula tailored to their lifestyles should be developed,

The Commission recommends that the Ministry of Public Health adopt special measures to ensure free maternal and child health care for all Under-five indigenous children,

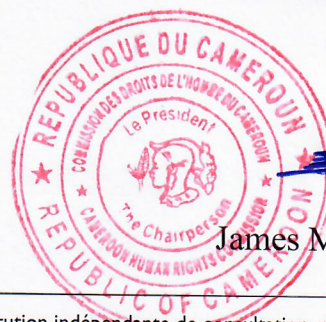
The Commission recommends that the Ministry of Territorial Administration, the Ministry of Social Affairs, and the Ministry of Decentralization and Local Development contribute to the development of economic and livelihood activities of this vulnerable group,

The Commission recommends that the Ministry of Forestry and Wildlife and the Ministry of the Environment, Nature Protection and Sustainable Development ensure the protection of areas of high cultural value to indigenous peoples,

The Commission recommends that the discussions on the issue of land and natural resource management should lead to the reform of the legal framework to ensure the promotion and protection of the land rights of indigenous peoples and their way of life,

The Commission, for its part, will spare no effort to further promote and protect human rights through training workshops, awareness campaigns, advocacy, and visits to all detention facilities, fact-finding missions, handling complaints, self-initiated investigations, and prevention of torture, and the use of its toll-free number, 1523.

Yaounde, the 8 August 2022



James MOUANGUE KOBILA