

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: Fourth Cycle, 44th Session

REPUBLIC OF CAMEROON

I. BACKGROUND INFORMATION

Cameroon is a party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*. The country has not yet ratified the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Cameroon is party to the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. In 2015, Cameroon ratified the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the Kampala Convention) but has not domesticated it. Cameroon has domesticated the refugee conventions by enacting Act No. 2005/006 of 27 July 2005 concerning the Status of Refugees. Most recently, on 28 December 2021, the President signed a decree ratifying the United Nations Convention on the Rights of Persons with Disabilities.

The country continues to be affected by major protection crises and complex humanitarian situations, including: forced displacement caused by continuous violence in the Lake Chad Basin linked to active non-State armed groups; conflict in the North-West and South-West regions that erupted in 2016; the continued influx and presence of refugees, primarily from the Central African Republic, in the eastern regions of the country (East, Adamawa and North); and an intercommunity conflict linked to natural resource sharing (grazing land and fishing waters) between ethnic groups erupted in the Logone Birni Sub Division, generating refugee movements to Chad and internal displacement throughout the Far North region. Furthermore, since August 2022, the Far North region has been experiencing flooding in several localities in the Mayo Danay, Logone et Chari and Mayo-Tsanaga divisions. These floods are the result of heavy rain, the overflowing of rivers and the breaching of dikes.

As of 31 December 2022, Cameroon hosted 9,265 asylum-seekers and 465,410 registered refugees. There were 983,281 internally displaced persons (IDPs), 555,668 returnees formerly IDPs, and an estimated 10,000 unregistered refugees. Refugees from the Central African Republic (CAR) constitute the largest population, with 346,689 individuals, the vast majority of whom (327,198) live in seven managed sites and over 150 villages in the Eastern, Northern and Adamaoua regions, with the remainder living in urban areas such as Yaoundé and Douala. Some 120,286 Nigerian refugees live mainly in the Far North region, of whom 76,063 reside in Minawao camp and the rest reside outside the camp in border regions. A further 4,338 Nigerian refugees live scattered in rural villages in the South-West, North and Adamaoua regions. Finally, the remaining 2,547 refugees are made up of persons of over 20 nationalities, living mainly in urban areas. Around 56 percent of refugees are children and 53 percent are female.

The socio-political situation in Cameroon has been tense in recent years, and the socio-economical context, since November 2021, has been marked by high inflation, driven mainly by shortages and price increases in basic commodities (bread, wheat and related products, vegetable oil and meat), due to the disruption of the global value chain caused by the COVID-19 pandemic and the ongoing conflict between Ukraine and Russia.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Access to asylum and respect for the principle of non-refoulement

In 2018, the Human Rights Committee recommended that Cameroon "ensure that there are no forced collective returns, and strictly respect the absolute prohibition of refoulement."¹ UNHCR had raised this as an issue in its 3rd Cycle UPR submission, addressing "Access to asylum and respect for the principle of non-refoulement in the Far North"²

UNHCR has welcomed the fact that the Government of Cameroon has continued to receive new asylum-seekers since 2020, despite border closures due to the COVID-19 pandemic. Since 2020, UNHCR has not received reports of asylum-seekers being restricted in accessing territory, or of asylum-seekers or refugees being at risk of refoulement. It is important to recall that numerous cases of returns of Nigerian refugees in 2018 and 2019 had been reported in the Far North region, without prior verification of their refugee status or the voluntary nature of their return. UNHCR has continued to advocate and work with the Government of Cameroon at the local, national and international levels to ensure Cameroon's compliance with its international obligations concerning asylum-seekers and refugees. Negotiations have also been conducted so that voluntary repatriation of Nigerian refugees could begin in compliance with the tripartite repatriation agreement signed in 2017.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 3rd cycle UPR recommendations

Issue 1: Ratification of the Statelessness Conventions

Linked to 3rd cycle UPR recommendations nos. 121.42 "Ratify [...] the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Benin)"; 121.87 "Eliminate all discriminatory provisions from the Nationality Code relating to the acquisition of nationality by children born outside wedlock and the naturalization of children with disabilities (Portugal)"; 121.89 "Review the Nationality Code to ensure that men and women have equal rights in the area of nationality (Côte d'Ivoire)"; and, 121.88 "Ensure that women have equal rights to nationality as men under the Nationality Code (Republic of Korea)".

Cameroon has not yet acceded to the *1954 Convention* nor the *1961 Convention* despite having persons at risk of statelessness residing in its territory. These include most notably populations living in the Bakassi peninsula, which was ceded back to Cameroon by Nigeria following the decision of the International Court of Justice in 2002, as well as populations living in other areas where there is a weak birth registration system. There are additional populations at risk of statelessness, in particular in the Far North region, which had one of the lowest rates of birth registration in the country (38 per cent) even before the conflict with Boko Haram. The situation in this region has since been compounded by the Boko Haram crisis and subsequent displacement, as IDP adults and children who never had or have lost documents, face difficulties obtaining proof of their nationality and, in the case of newborn children, registering birth and confirming their nationality in midst of the volatile security situation. Moreover, certain groups of individuals formerly residing in Nigeria have returned to the Far North of Cameroon and claim to be of Cameroonian nationality, but these groups lack documentation to prove this and therefore are at risk of statelessness.

¹ Conseil des droits de l'homme Groupe de travail sur l'Examen périodique universel Trentième session 7-18 mai 2018 ; Compilation concernant le Cameroun ; Rapport du Haut-Commissariat des Nations Unies aux droits de l'homme, P10

² See UPR Submission by UNHCR, 2018, P.4

Moreover, as mentioned by the Committee on the Elimination of Discrimination against Women, Cameroon's Nationality Code (Loi 1968-LF-3 du 11 juin 1968 portant code de la nationalité camerounaise) and its implementing Decree n°68/LF/478 of 16 June 1968 provides for different conditions for women and men as regards the acquisition, transmission and retention of Cameroonian nationality. For example, the possibility for a foreign woman who marries a Cameroonian man to obtain, if she so wishes, Cameroonian nationality, but is silent on whether foreign men marrying a Cameroonian women can exercise the same right. The distinction between children born in and out of wedlock in relation to the acquisition of Cameroonian nationality is also discriminatory. Children born to married parents, where one is a Cameroonian national, automatically acquire Cameroonian nationality. However, a child born out of wedlock with one parent of Cameroon nationality does not benefit from the same automaticity. Furthermore, provisions on naturalization requiring that a person must be "healthy in body and mind" ("reconnu sain de corps et d'esprit") in order to be naturalized could also constitute discrimination against persons with disabilities.

Even without being party to the international conventions relating to statelessness, the Cameroonian Government, which is participating in the UNHCR's global #iBelong campaign for the eradication of statelessness by 2024, made a number of commitments at the N'Djamena Initiative for the eradication of statelessness in Central Africa, which took place in December 2018, and at the High-Level Segment on Statelessness held in Geneva in October 2019. Some commitments have been fulfilled: the adoption of a National Action Plan to combat statelessness in October 2020, which will be implemented until 2024; the ratification of the United Nations Convention on the Rights of Persons with Disabilities according to Decree No. 2021/751 of 28 December 2021; on 22 November 2018, the President of the Republic gave his agreement for Cameroon to accede to the two conventions.

Recommendations:

To call on the Government of Cameroon to:

- a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*;
- b) Implement information and outreach campaigns for inhabitants of the Bakassi peninsula to have their nationality confirmed and issue identity documentation;
- c) Revise the Nationality Code to ensure that women and men have equal rights to nationality, in particular with regard to the acquisition, transmission and retention of nationality, and remove discriminatory provision between children born of married and unmarried parents, and against persons with disabilities; and,
- d) Introduce free mobile courts for issuance of birth certificates, funded by state and municipal budgets; and
- e) Harmonise a reasonable amount for costs related to suppletive judgement procedure on birth certificate. The costs are different per region.

Issue 2: Domestication of the Kampala Convention

Linked to 3rd cycle UPR recommendation no 121.44 "Speedily incorporate the international conventions ratified by Cameroon into national law and implement action plans and laws (South Africa)".

By Decree No. 2014/610 of 31 December 2014, Cameroon acceded to the Kampala Convention. But Cameroon has not adopted a national law to finalise the process of domesticating this convention. The existing texts and mechanisms on the issue of forced displacement suffer from a lack of coordination in their mobilisation, many of these mechanisms are ad hoc, disparate and insufficient to respond effectively and sustainably to the problem of internal displacement in Cameroon. Hence the need for a national instrument that will govern all the issues inherent in this problem, both the needs of the displaced and

those of their host communities, as well as the global and sustainable mobilisation of a multitude of actors, among others.

As noted above, the country continues to be affected by forced displacement caused by continuous violence in the Lake Chad Basin linked to the terrorist group Boko Haram and other non-state armed groups; conflict in the North-West and South-West regions³ that erupted in 2016; and an intercommunity conflict linked to natural resource sharing (grazing land and fishing waters) between ethnic groups erupted in the Logone Birni Sub Division, generating IDPs throughout the Far North region. More than 150,000 people have been affected by flooding resulting from heavy rainfall and river overflow in the Far North region since August 2022.

In collaboration with various stakeholders – among them ICRC, UNHCR, and members of the Parliament – a draft law on the protection and assistance of internally displaced persons in Cameroon was prepared and submitted to the office of the Head of State with the aim of authorizing the Parliament to pass a law for the domestication of the Kampala Convention in 2022. Administrative delay and competing government priorities have resulted in limited progress

Recommendations:

To call on the Government of Cameroon to:

- a) Accelerate efforts to domesticate the Kampala Convention in national legislation, establishing a legal framework that is consistent with its international commitments.
- b) Harmonize and better coordinate protection measures and mechanisms to respond to the needs of internally displaced persons.
- c) Come up with a clear plan for conducting registration and providing support to internally displaced persons.

Additional protection challenges

Issue 3: Improve implementation of the legal framework relating to refugee protection

UNHCR continues to conduct registration and Refugee Status Determination (RSD) procedures, as relevant national refugee management structures have not yet been operationalised in accordance with Act No. 2005/006 of 27 July 2005 concerning the Status of Refugees (the Act concerning the Status of Refugees) and the Decree 2011/389 of 28 November 2011. The National Eligibility Commission is not currently functioning, despite the signature in August 2016 by the Government and UNHCR of the Protocol for the transfer of RSD activities. Moreover, whilst; and Decree 2016/373 of 4 August 2016 and Decree 2007/255 of 4 September 2007 provide for the issuance of refugee identity cards, except for a pilot project of issuance of ID cards to refugees by the Government in the Eastern region funded by the World Bank, Cameroon does not issue identity documents to refugees country wide, resulting in unequal awareness and recognition by local authorities and law enforcement officials of documents issued by UNHCR. Refugees are thus subject to an increased risk of arbitrary detention and limited freedom of movement. During the second quarter of 2022, the Cameroonian Government issued 4,000 refugee cards to Central African refugees settled in the East region. These cards reinforce the refugees' freedom of movement, prevent their arbitrary detention, facilitate access to financial institutions, and enable them to apply for liberal jobs. The project has been suspended due to operational constraints, thus there is a need for the project's reinvigoration and continuation to cover all refugees who have reached

³ In the NW and SW, the conflict which began in 2016, remains a little-mentioned crisis. Some 628,000 people are displaced within the two regions and 420,000 IDPs have returned (OCHA, situation report, 1-30 November 2022). The security situation deteriorated significantly in 2022, leading to further population movements and spill over to other regions, notably the West and Littoral. This adds to the number of vulnerable people in the big cities where they have to live in promiscuity. Finally, those who remain are often the elderly, who consider themselves too old to abandon their land. People with disabilities also remain, and the conflict creates more of them every day. There are also people who have returned to the north and south-west without any humanitarian assistance.

the age of majority.

Recommendations:

To call on the Government of Cameroon to:

- a) Expedite the process of assuming responsibility for the registration of asylum-seekers and refugee status determination procedures, and invest adequate resources to that end;
- b) Issue identity documents to all refugees, in accordance with relevant national legislation;
- c) Take administrative measures to improve the implementation of the Act concerning the Status of Refugees, particularly with respect to access to identity and travel documentation and
- d) Set-up a body for coordination and response to refugees.

Issue 4: Improving access to civil status⁴ for refugees, IDPs and populations at risk of statelessness in Cameroon

In Cameroon, civil status is mainly governed by Ordinance n°81/002 of 29 June 1981, on the organisation of civil status and various provisions relating to the status of physical persons, amended and completed by Law n°2011/011 of 6 May 2011. This text stipulates in its article 4(1) that: "any Cameroonian residing in Cameroon shall, under penalty of the sanctions provided for in article 370 of the Penal Code, be required to declare to the territorially competent Civil Status Officer, births, deaths and marriages concerning him/her that have occurred or are celebrated in Cameroon". The civil registration rate for children under five years was 66% in 2014 according to a Multiple Indicator Cluster Survey⁵. The registration rates for marriages and deaths are unknown. According to the National Bureau of Civil Status (BUNEC), less than 10% of deaths are registered. The issue of access to civil status documents is a major concern for the Cameroonian Government as well as for its partners, including UNHCR, who have expressed concern about the low rate of birth registration for asylum-seekers and refugees and the lack of clear numbers of deaths and marriages of asylum-seekers and refugees. For these groups, the risks of protection are high and their possibilities for inclusion are low. For the purposes of planning or successfully implementing sustainable solutions for the refugee populations in Cameroon, accurate data is needed, and refugees must be able to obtain the necessary documents, including birth certificates and marriage or death certificates.

In response to this problem of low civil status registration rates, Cameroon has embarked on a process of civil status reform over the past few years, which was accelerated in 2018 with the advent of MINDDEVEL (Ministry of Decentralization and Local Development), which is in charge of applying legislation and regulations on civil status. The texts mentioned above did not take into account considerations related to computerization.

A Master Plan for the Computerization of the National Civil Status System (SDIEC) was validated in September 2018, which appears to be a proactive computerization project that will allow for significant improvements in the performance of the civil status system in Cameroon. This computerization project aims to build a reliable, complete and continuously updated civil status database. The country also has a Support Programme for the Modernisation of Civil Status, the cost of which is estimated at 1.7 million USD. This programme already benefits from the support of French, German and Korean partners, and the United Nations Development Programme.

The National Development Strategy 2020-2030 includes measures to strengthen the civil registration system (including the birth registration chain) and the issuance of official

⁴ Civil status event: an event that occurs during the life of a natural person, which determines or modifies his or her status and to which the law confers legal consequences and effects.

⁵ Multiple Indicator Cluster Survey (Enquête par grappes à indicateurs multiples)

documents, such as nationality certificates and birth certificates.

Recommendations:

To call on the Government of Cameroon to:

- a) Take into account the localities hosting refugees, IDPs and people at risk of statelessness;
- b) Implement mass sensitization campaigns on the importance Civil status events;
- c) Strengthen its capacities; and
- d) Improve service delivery.

UNHCR
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