

**Submission by the United Nations High Commissioner for refugees (UNHCR)  
for the Office of the High Commissioner for Human Rights' Compilation Report-  
Universal Periodic Review:**

**CAMEROON**

**I. BACKGROUND AND CURRENT CONDITIONS**

Cameroon is a State party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (hereinafter referred to jointly as the 1951 Convention). Cameroon also ratified the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The country has incorporated the key principles of international protection into its 2005 Refugee Law, including the refugee definition contained in the 1951 Convention as well as the one contained in the OAU Convention, the principles of *non-refoulement* and non-expulsion, and the exemption from sanctions for illegal entry. Legislative provisions on refugee rights explicitly require that refugees be treated equally with nationals in accessing work, education, housing, social assistance, property, justice, naturalization, and freedom of movement. In November 2011, five years after the Refugee Law was promulgated, President Biya signed the implementing decree for the Law relating to the Organization and Functions of the Eligibility and Appeals Commissions. In August 2012, the members of these two Commissions were officially appointed and late September they all sworn before the Court

Cameroon is not a State party to either the 1954 Convention relating to the Status of Stateless Persons, or to the 1961 Convention on the Reduction of Statelessness. Cameroon is the only member of the Economic and Monetary Community of Central African States (CEMAC) that has not signed the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (hereafter 'Kampala Convention').

At the national level, human rights protection is enshrined in the Preamble of the 1996 revised Constitution. Cameroon has detailed legal texts and systems relating to human rights and freedoms. For example, since its establishment in 1994, the National Commission for Human Rights and Freedom has, together with its regional branches, carried out a range of human rights-related activities, including human rights monitoring, investigations, promotion, and training, and produces an annual report. Similarly, the Minister of Justice releases a report on the situation of human rights in Cameroon each year.

In a sub-region scarred by conflict, Cameroon remains a bastion of stability. It has therefore become a safe-haven for a significant number of refugees. As at 30 June 2012, Cameroon hosted approximately 103,600 refugees and asylum-seekers. Most of these persons originated from the Central African Republic (CAR), and a majority of them (86,300) have settled among the local population in around 300 villages spread out along the Cameroonian-CAR border. The refugees in these settlements are nomadic cattle herders belonging to the large

Mbororo ethnic group. They began arriving in Cameroon in 2006 after being subjected to various forms of violence and despoliation by groups of bandits taking advantage of the breakdown of law and order in the north-eastern part of CAR. UNHCR and its partners work closely with these refugees, assisting them to become self-sufficient and helping them fight food insecurity and malnutrition. In light of the current security situation in north-western CAR, as well as the low level of basic services in the refugees' places of origin, repatriation is not currently envisaged for them. At present, UNHCR only facilitates returns to Bangui.

Chadian refugees are also present in Cameroon. They are a mixed group of urban (about 1500) and camp-based (about 1765) refugees with *prima facie* status located in the North of Cameroon, mostly in the Langui camp. While the camp-based refugees arrived as a group in Cameroon after the February 2008 attacks on Ndjamena, the urban refugees arrived in the country individually or in small groups over the last two decades as a result of on-going socio-political instability in Chad. UNHCR and the Governments of Chad and Cameroon intend to sign a tripartite agreement on voluntary repatriation, to enable the majority of Chadian refugees living in the Langui camp to return to their country of origin (i.e. Chad).

There are currently 3220 Nigerian refugees in Cameroon. They form a "residual" population from a group of 17,000 Fulanis who fled to Cameroon in 2002 in response to agro-pastoralist conflicts with their Mambila neighbors. By late 2004, most of them had returned to Nigeria. Those remaining have never expressed any willingness to return; to the contrary, they have repeatedly asked to become Cameroonian. Although they are legally eligible to acquire Cameroonian citizenship, they are unlikely to be naturalized.<sup>1</sup> Discussions are underway with the Government on granting them residency status, but progress is very slow.

More than 8,000 refugees currently live in urban areas of Cameroon. Most of these refugees come from various countries in the sub-region, as well as from the Great Lakes, and West and East Africa generally. All Rwandan refugees will be subject to cessation by mid-2013. However, no large-scale solutions can be expected for the remaining groups in the near or medium future. UNHCR provides basic healthcare services to these urban refugees, promotes primary education for all children and supports small-scale income-generating activities. Refugees with specific needs or on urgent protection grounds are submitted for resettlement in third countries. Despite these efforts, the living conditions of the majority of urban refugees in Yaoundé and Douala remain critical. A large number of refugees live in tiny quarters with sub-standard hygiene and sanitation facilities, without any opportunity of breaking the cycle of poverty.

To UNHCR's knowledge, there have been no official reports of *refoulement*. Moreover, there are no notable obstacles preventing access to either the territory of Cameroon or to the country's asylum procedures. The Government is very mindful of its international obligations regarding refugees, and has remained generous to the many refugees who, over the past decades, have sought refuge from persecution in Chad and CAR.

Acts of xenophobia, ill-treatment and discrimination against refugees do occur; but they are mostly the result of isolated malicious acts, neighbourhood disputes, and corruption. However, refugees are usually employed extra-contractually, and are therefore liable to arbitrary dismissal without financial compensation. Refugees rarely turn to the justice system

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<sup>1</sup> Naturalization occurs on an individual basis and requires a Presidential decree. To UNHCR's knowledge, no refugee was ever naturalized.

in case of abuse or violation of their rights, owing generally to ignorance, fear of reprisal, or lack of confidence in the Cameroonian judiciary.

## **II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS**

UNHCR commends the Government and the people of Cameroon for providing continuous hospitality across the country to a significant number of refugees. UNHCR welcomes the fact that refugees from CAR were allowed to settle in local communities with whom they share cultural similarities. Even though this set-up poses great challenges in terms of access and effective delivery of assistance, it has been an efficient measure to promote self-sufficiency of refugees.

The signature in November 2011 of the Presidential decree represents a breakthrough five years after the signature of the Refugee Law. UNHCR welcomes this important step to fully implement the law and thereby further enhance refugee protection. In addition to establishing the Eligibility and Appeals bodies, the decree paves the way for the delivery of refugee cards by the Government. This measure will protect and give more weight to the status of refugees in Cameroon, in particular in the eyes of law enforcement authorities, potential employers, and public service providers. It should also enable refugees to move more easily throughout the country without being subject to harassment, detention or extortion.

In mid-2010, the text of the agreement pertaining to the return of Chadian refugees to Chad was finalized and agreed upon by the parties thereto (Chad, Cameroon, and UNHCR). For two years, no progress was made towards signature of this agreement; and, but for one exception,<sup>2</sup> no assistance could be provided to Chadian refugees willing and wishing to return home. It now appears that signature of the agreement is imminent. UNHCR welcomes this step, which will establish a legal framework and procedures pursuant to which more than 1400 refugees will be able to exercise their fundamental right to return home.

In the opinion of UNHCR, Cameroon's membership of UNHCR's governing body, the Executive Committee, which commenced in 2011, demonstrates the State's commitment to refugee issues as well as its preparedness to assume increased responsibility for the protection of refugees in its territory.

For many years, UNHCR has trained Cameroonian authorities on international protection. More recently, this training has been directed towards law enforcement authorities, and has emphasized their role as providers of international protection. Police and military officers attending the training, as well as their superiors, have shown great interest in learning more about refugee protection and UNHCR's role and responsibilities. Given the significant turnover of officials, it is important to continue such training events, as they contribute to greater awareness of international refugee protection standards of the authorities.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Issue 1: Implementation of the 2011 Presidential decree**

Following the signature of the Presidential decree in November 2011, the Eligibility and the Appeals Commissions have been formally established. However, they are not yet functioning, and the eligibility officers and support staff have not yet been selected. Therefore, UNHCR

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<sup>2</sup> The exception concerned some 120 very vulnerable refugees

continues to carry out registration, refugee status determination, and ensures the issuance of documents in Yaoundé and Douala, while preparing for a hand-over of these responsibilities to the Government. UNHCR is concerned about the delays in the implementation of the Presidential decree, especially as regards the issuance of the refugee cards and refugee travel documents.

**Recommendations:**

- UNHCR encourages the Government of Cameroon to swiftly operationalize the Eligibility and Appeals Commissions, including through the appointment of eligibility officers and support staff.
- The Government should also issue identity cards to all refugees as soon as possible.

**Issue 2: Transfer of responsibilities from UNHCR to the Government**

Currently, refugee issues are within the competence of the Ministry of External Relations, Division of Protocol and Consular Affairs, Refugee and Migrants Unit (hereafter ‘Minrex’). This unit is staffed by only one person and therefore has insufficient capacity to assume full responsibility for refugee issues. Some ministries have refugee focal points, but these enjoy a low level of decision-making authority, and there is no established forum for these focal points to meet regularly with Minrex and/or UNHCR. Furthermore, many government institutions consider UNHCR to have full responsibility for refugee issues. This constitutes an obstacle to the planned transfer of responsibilities by UNHCR to the Government.

**Recommendations:**

- Further to the establishment of the Eligibility and Appeals Commissions, the Government of Cameroon should consider creating, through an act of Presidential delegation, an independent and fully-developed national institution to implement and coordinate refugee protection and assistance.

**Issue 3: Detention of persons in need of international protection**

Refugees and asylum-seekers are particularly vulnerable to violations of their human rights when dealing with law enforcement authorities. Refugees are often detained for periods longer than those prescribed in the relevant legislation. UNHCR is concerned about the conditions of and in Cameroonian detention centres, which can be over-crowded. Not only do these detention centres often fail to provide for detainees’ basic needs, such as food, water, sanitation, space, sleeping facilities, and health; but, moreover, the safety of detainees is at risk from physical violence and abuse perpetrated not only between inmates but also by prison personnel.

The detention of asylum-seekers and refugees should normally be avoided and be a measure of last resort. Alternatives to detention should be sought and given preference, in particular for certain categories of vulnerable persons. If detained, asylum-seekers should be entitled to minimum procedural guarantees, including the possibility to contact and be contacted by UNHCR.

UNHCR’s Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers highlight that “the position of asylum-seekers may differ fundamentally from that of ordinary migrants in that they may not be in a position to comply with the legal formalities for entry. They may, for example, be unable to obtain the necessary documentation in advance of their flight because of their fear of persecution and/or the urgency of their departure. These factors, as well as the fact that asylum-seekers have often

experienced traumatic experiences, need to be taken into account in determining any restrictions on freedom of movement based on illegal entry or presence.”<sup>3</sup>

### **Recommendations:**

- The Government should ensure that the detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible and that judicial safeguards are in place to prevent arbitrary and/or indefinite detention.
- UNHCR recommends that the Government not only contemplate improving detention conditions but, more importantly, also consider alternatives to detention, especially for asylum-seekers, refugees, stateless persons and other vulnerable individuals, especially when conducting identity verification.

### **Issue 4: Refugees’ access to rights in Cameroon**

Cameroon’s Refugee Law provides that refugees should have access to social services and public assistance on terms of equality with Cameroonian nationals. However, numerous obstacles prevent refugees from accessing these services. As a general matter, lack of resources, unclear and complex procedures, inefficient follow-up of requests, poor reception/counselling of beneficiaries, favouritism and corruption all make accessing social services difficult, especially for refugees. For example, despite the fact that by law public education is free of charge, refugees regularly report that they are required to pay bribes, which they often cannot afford, in order for their children to be enrolled in public schools.

UNHCR welcomes the recommendation made by the Committee on the Elimination of Racial Discrimination in 2010 and which called upon Cameroon to “*take the necessary measures to improve the situation of refugees, particularly in rural areas, and to guarantee their security, housing and access to health care, education, employment and food without discrimination.*”<sup>4</sup> Similarly, the Committee on the Rights of the Child noted in 2010 that refugee children in Cameroon ‘*suffer particular disadvantages with regard to education and access to health and social services*’, and urged the State Party to “*strengthen efforts to end all discriminatory practices against children and ensure equal respect for the rights of all girl and boy children in the State party, including...refugee children.*”<sup>5</sup> The Committee also urged Cameroon to “*take the necessary measures, including allocation of adequate resources, to prevent and combat malnutrition among refugee children and ensure that they have adequate access to essential health services, education, sanitation and safe drinking water.*”<sup>6</sup>

### **Recommendation:**

- The Ministry of Basic Education, Health, and Social Affairs should be encouraged to issue official guidance clarifying the right of recognized refugees to access social benefits on the same terms as nationals.
- UNHCR recommends that the Government of Cameroon enhances living conditions for asylum-seekers and refugees and ensures access of all persons in need of international protection to health services, employment and education.

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<sup>3</sup> See the UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention (2012), Guideline 1 entitled “The right to seek asylum must be respected” at: <http://www.unhcr.org/refworld/docid/503489533b8.html>.

<sup>4</sup> CERD/C/CMR/CO/15-18, 76<sup>th</sup> session, 30 March 2010, *para* 14, available at [http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-CMR-CO-15\\_18.doc](http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-CMR-CO-15_18.doc).

<sup>5</sup> CRC/C/CMR/CO/2, 53<sup>rd</sup> session, 18 February 2010, *paras* 27-28, available at <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-CMR-CO-2.pdf>.

<sup>6</sup> CRC/C/CMR/CO/2, 53<sup>rd</sup> session, 18 February 2010, *para* 68.

- UNHCR recommends that the Government initiate and implement public advocacy and awareness-raising campaigns so as to promote a better understanding of issues relating to human rights, migration, and persons in need of international protection.

### **Issue 5: Accession to 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa**

Despite the momentum in West Africa to sign, ratify and accede to the Kampala Convention on IDPs, Cameroon is yet to accede to this important regional legal instrument. While instances of internal displacement in Cameroon are rare and generally affect only small numbers of persons, nevertheless chiefdom disputes and other local political problems do sometimes cause persons in Cameroon to become internally displaced.

#### **Recommendation:**

UNHCR recommends that the Government of Cameroon accede to the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*.

### **Issue 6: Prevention of Statelessness and Protection of Stateless Persons**

Cameroon is not a State party to either the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Several population groups in the country are at risk of statelessness, including nomadic and indigenous people. Indigenous groups such as the Baka, Bakola, Bagyeli and Bedzang groups, more general referred to as “the pygmies” are at a particular risk of statelessness, as a result of their traditional way of life. Also the fact that they mostly live in remote areas in the forest coupled with a general low level of education result in these populations not being properly documented as far as civil acts are concerned. The Mbororos are nomadic people living across the borders of Cameroon, Central African Republic, Chad, and the Democratic Republic of Congo and they constantly move with their cattle in search of green pastures and kids do not go to school regularly. As nomads, the Mbororos do not have any solid legal link to any country in particular.

Other populations living in regions along the borders may also be at risk of statelessness. This is also the case in the Bakassi Peninsula, which had long been the subject of territorial dispute between Cameroon and Nigeria, but which was found to be part of Cameroon by the International Court of Justice, in 2002. Many persons in the Bakassi Peninsula remain undocumented, unable to prove their Nigerian or Cameroonian citizenship. The majority of the children currently born from Nigerian parents are not registered at birth during the prescribed delays. Physical access to the two civil registration centres, that are not fully functional, is problematic and costly for people living in the mangroves and only moving by pirogues. In addition, although some 80% of undocumented Nigerians have expressed a desire to become Cameroonian citizens, the Cameroonian Government has so far not pronounced itself with respect to this request.

Accession to the Statelessness Conventions would establish a framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief.

Importantly, the *1954 Convention* also guarantees stateless persons a right to identity and travel documents and to administrative assistance.

Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

### **Recommendations:**

- UNHCR recommends that Cameroon positively considers acceding to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.
- UNHCR recommends the Government of Cameroon to review its nationality legislation to ensure compliance with international standards in the field of prevention of statelessness and the protection of stateless persons.
- UNHCR recommends that the Government of Cameroon examine the statelessness risks factors in the Bakassi Peninsula and take all necessary measures to prevent persons living in that region from becoming stateless.

### **Issue 7: Birth registration**

Birth registration helps prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. The poor functioning of civil registration centres throughout Cameroon has resulted in a very low level of level of birth registration, which seriously affects the rights of unregistered children to identity documents and access to basic services.<sup>7</sup> The problem of non-registration of births is particularly acute in rural areas, such as in Bororo, Baka, Bakola, and Mafa due to the poor infrastructure.

In this context UNHCR welcomes the recommendations made by the Committee on the Rights of the Child in 2010,<sup>8</sup> that “*the State Party should strengthen and further develop its national system of registration to ensure that all children born within the national territory are registered, paying particular attention to the most disadvantaged children, including those in Bororo, Baka, Bakola and Mafa, girls, children living in rural areas, and refugee children. In order to implement effective birth registration, Cameroon should:*

*(a) Create institutional structures with adequate human, technical and financial resources at all levels that allow compulsory, accessible and free birth registration especially in rural and remote areas and refugee camps;*

*(b) (...) establish easily accessible registration centres and mobile units for remote and rural areas, giving priority and resources to placing centres in underserved regions which have low rates of birth registration;*

*(c) Seek technical assistance, inter alia from UNICEF, for the implementation of these recommendations.”*

### **Recommendation:**

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<sup>7</sup> See CRC/C/CMR/CO/2, 53<sup>rd</sup> session, 18 February 2010, para 33.

<sup>8</sup> See CRC/C/CMR/CO/2, 53<sup>rd</sup> session, 18 February 2010, para 34.

- The Government should be encouraged to implement a Universal Birth Registration strategy, in order to include all children, including those living in the abovementioned areas of the country, rural areas and refugee children.
- The Government should harmonize its administrative and legal practice with regards to the “Jugements supplétifs” for children who have not been declared within the 120 days. Costs incurred in the judicial process should be equally applied to Cameroonian and refugee children by virtue of the refugee law.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**October 2012**



## ANNEX

### Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies - Universal Periodic Review:

#### Cameroon

We would like to bring to your attention the following excerpts, taken directly from **Treaty Body Concluding Observations and Recommendations**, relating to issues of interest and concern to UNHCR with regards to Cameroon.

#### **Committee against Torture**

CAT/C/CMR/CO/4, 44<sup>th</sup> session

19 May 2010

#### **Practices harmful to women**

29. The Committee reiterates its previous concluding observations on the subject of harmful practices such as female genital mutilation and breast ironing in some parts of the country and among refugees in Cameroon. The State party has not taken sustained and systematic action to eliminate these practices (CAT/C/34/Add.17, para. 11 (c)) (arts. 1, 2, 10 and 16).

**The Committee recommends that the State party pass legislation to prohibit female genital mutilation and other harmful traditional practices, in particular breast ironing, no matter what the circumstances, and to ensure its effective enforcement. It also urges the State party to devise programmes to offer alternative sources of income to those who earn their living by performing female genital mutilation and other harmful traditional practices. It should also step up efforts, through information programmes, to raise awareness and educate both women and men regarding the pressing need to put an end to the practices of female genital mutilation and breast ironing.**

#### **Committee on the Elimination of Racial Discrimination**

CERD/C/CMR/CO/15-18, 76<sup>th</sup> session

30 March 2010

14. The Committee appreciates the welcome given to refugees in Cameroon (...) It is also concerned by the situation of refugees in rural areas, as well as the problems they face in terms of health care, education, housing, employment, food and insecurity (art. 5 (b), (d) and (e)).

**The Committee recommends that the State party (...) take the necessary measures to improve the situation of refugees, particularly in rural areas, and to guarantee their security, housing and access to health care, education, employment and food without discrimination.**

## **Committee on the Rights of the Child**

CRC/C/CMR/CO/2, 53<sup>rd</sup> session

18 February 2010

### **Non-discrimination**

27. The Committee is deeply concerned at the persistence of de facto discrimination among children in the enjoyment of their rights. It is especially concerned that girls, indigenous children, children with disabilities, refugee children, children from poor rural areas, and children in street situations suffer particular disadvantages with regard to education and access to health and social services. The Committee also regrets the existence of traditions under which only male children are regarded as heirs in matters of inheritance.

#### **28. The Committee urges the State party to:**

**(a) Strengthen efforts to end all discriminatory practices against children and ensure equal respect for the rights of all girl and boy children in the State party, including indigenous and refugee children, children living in poor rural areas and children with disabilities;**

**(b) Reinforce the implementation of existing laws related to non-discrimination and bring customary law into conformity with the Convention, in particular with regard to the inheritance rights of girls and women;**

**(c) Include specific information in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee's general comment No.1 (2001) on the aims of education, as well as on the measures taken to follow up on the 2009 Durban Review Conference.**

### **Birth registration**

33. The Committee notes the ongoing review process of birth registration and welcomes efforts made to ensure registration of disadvantaged Bororo, Baka, Bakola and Mafa children. However, the Committee is concerned that despite these measures the level of birth registration remains low and seriously affects the rights of children to identity and access to basic services. The Committee also notes with concern the significant disparities between urban and rural areas in birth registration.

**34. The Committee urges the State party to strengthen and further develop its national system of registration to ensure that all children born within the national territory are registered, paying particular attention to the most disadvantaged children including Bororo, Baka, Bakola and Mafa children, girls, children living in rural areas, and refugee children. Furthermore, in order to implement effective birth registration, the Committee recommends that the State party:**

**(a) Create institutional structures with adequate human, technical and financial resources at all levels that allow compulsory, accessible and free birth registration especially in rural and remote areas and refugee camps;**

**(b) (...) establish easily accessible registration centres and mobile units for remote and rural areas, giving priority and resources to placing centres in underserved regions which have low rates of birth registration;**

**(c) Seek technical assistance, inter alia from UNICEF, for the implementation of these recommendations.**

### **Follow-up to the United Nations Study on Violence against Children**

39. The Committee notes the efforts made by the State party to address violence against children. It notes in particular the measures taken on violence in school as well as the study undertaken by NGOs and the Ministry of Basic Education on violence against children. However, the Committee remains concerned over the extremely high persistence of violence against children.

**40. The Committee recommends that the State party adopt further measures to prohibit and prevent violence against children and strengthen its efforts to protect them against any form of violence. In addition it recommends that the State party publicize the results of the NGO/Government study undertaken on violence against children. With reference to the United Nations Study on Violence against Children, the Committee further recommends that the State party:**

**(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for West and Central Africa (held in Bamako, Mali, from 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- Prohibit all forms of violence against children;
- Strengthen national and local commitment and action;
- Promote non-violent values and awareness-raising;
- Enhance the capacity of all who work with and for children;
- Ensure accountability and end impunity;
- Provide recovery and social reintegration services;
- Develop and implement systematic national data collection and research.

**(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;**

**(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report;**

**(d) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence against Children, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the World Health Organization (WHO), and other relevant agencies, inter alia, the ILO, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.**

### **Children deprived of a family environment**

45. The Committee expresses its concern about the large number of children deprived of parental care: abandoned children, orphans who need care and protection, including those affected by HIV/AIDS, and children victims of trafficking, exploitation and abuse. The Committee is also concerned about the limited availability of residential care facilities and other forms of alternative care, as well as the limited quality of care in private and public institutions. In addition, the Committee expresses concern about the lack of an adequate policy and the insufficient human, technical and financial resources for alternative care.

**46. The Committee recommends that the State party undertake the necessary measures to protect the rights of children without parental care and address their needs, and inter alia:**

- (a) Set clear standards for children without parental care and ensure comprehensive mechanisms of periodic review and monitoring of placement, in light of article 25 of the Convention and the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 adopted on 20 November 2009;**
- (b) Increase the human, technical and financial resources for alternative care and adapt the existing structures in conformity with these standards;**
- (c) Adopt a strategic framework for orphans and vulnerable children;**
- (d) Provide training on children's rights for staff in alternative care settings and access for children to complaints mechanisms;**
- (e) Provide necessary support to families to enable them to care for their children and safeguard their welfare;**
- (f) Undertake a study to assess the situation of different categories of children placed in institutions (residential care) and adopt measures to improve their living conditions and the services provided.**

#### **Asylum-seeking and refugee children**

67. The Committee commends the State party for its efforts to receive refugee children from neighbouring countries. It appreciates in particular the adoption of the Act concerning the Status of Refugees in July 2005 (Act No. 2005/006) and the establishment under this law of a Commission responsible for determining eligibility for refugee status. The Committee also commends the State party for the measures taken in cooperation with UNHCR to ensure birth registration and schooling of refugee children and to implement a programme on sexual violence. However, the Committee regrets that (...) refugee children continue to be victims of sexual violence and early marriage. The Committee is also concerned at the lack of resources to sufficiently address the needs of refugees and is particularly concerned at the high rate of malnutrition among refugee children, especially children below five years of age, and the limited access of refugees to health services, education, sanitation and safe drinking water.

**68. The Committee recommends that the State party strengthen the protection and assistance of refugee children and:**

- (b) Take the necessary measures, including allocation of adequate resources, to prevent and combat malnutrition among refugee children and ensure that they have adequate access to essential health services, education, sanitation and safe drinking water;**
- (c) Adopt concrete measures to protect children residing in refugee camps, particularly girls, from any form of violence, including early marriage and sexual exploitation;**
- (d) Implement effectively the UNHCR programme on sexual violence, prosecute and punish those responsible for violence against refugee children, and provide the victims with adequate psychological and recovery assistance;**
- (e) Set up, in close cooperation with UNHCR and UNICEF, a consolidated data collection system for refugee children, disaggregated by age, sex and nationality, and provide adequate resources to this end.**

#### **Sale, trafficking and abduction**

75. The Committee welcomes the adoption by the State party of the 2005 Act on Trafficking in and Smuggling of Children. However, the Committee is concerned at the continuing trafficking of children and reported cases of abduction of children. It also regrets the low level of enforcement and implementation of the anti-trafficking law, as well as the lack of data and remedial actions taken by the State party.

**76. The Committee urges the State party to:**

- (a) Effectively strengthen and implement the anti-trafficking law as well as the National Participative Action Plan on Child Trafficking and Exploitation;**

- (b) Ensure that perpetrators of child trafficking are brought to justice without delay;**
- (c) Carry out awareness-raising activities in order to make both parents and children aware of the dangers of trafficking;**
- (d) Collect adequately disaggregated statistical data on child trafficking and use such data in developing and strengthening national policies and programmes.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/CMR/CO/3, 43<sup>rd</sup> session

10 February 2009

#### **Trafficking and exploitation of prostitution**

30. The Committee welcomes the measures taken by the State party to combat human trafficking and commends the State for the adoption of Law No. 2005/015 of December 2005 on child trafficking and slavery and the ratification of the United Nations Convention against Transnational Organized Crime and its two Optional Protocols. While noting the efforts taken by the State party to combat human trafficking and exploitation of children (including girls) for commercial ends, including the various subregional, regional and international initiatives, the Committee is concerned about the increase in the State party of trafficking and exploitation of women for commercial ends. It also regrets that most of the initiatives of the State party in this context address children and that there are no specific strategies to address the problem of exploitation and prostitution of women. Furthermore, the Committee regrets the lack of data provided by the State party with regard to the trafficking and prostitution of women and girls.

**31. The Committee calls on the State party to take measures to address the main causes of trafficking and prostitution of women in order to further curb these phenomena. In this regard, the Committee calls upon the State party to educate women and girls on career options in order to eliminate prostitution as the only option. It also recommends that the State party domesticate and apply all regional and international instruments that have been ratified, create shelters for victims of trafficking and take all necessary steps to ensure the rehabilitation and social reintegration of the victims. The Committee also urges the State party to give priority attention to the protection, including witness protection, counselling and rehabilitation of victims, especially girl children. The Committee calls on the State party to enhance measures aimed at the prevention of trafficking, including economic measures to reduce the vulnerability of women and girls, as well as awareness-raising and information campaigns. The Committee also calls upon the State party to provide statistical and detailed information on the trafficking and prostitution of women and girls.**