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Request that the situation of indigenous women of Cameroon be included in the list of questions arising from the Cameroon government's periodic report, for the attention of the pre-session working group (57th Session of the CEDAW Committee)

Dear Sir / Madam,

This request is presented to the pre-session working group for the 57th Session of the Committee on the Elimination of Discrimination against Women by the following organizations: Okani, an indigenous Cameroon organization; the Centre for the Environment and Development, a Cameroon civil society organization working especially with indigenous women and peoples in Cameroon; and Forest Peoples Programme, an international organization that has worked with indigenous peoples of Cameroon since 2001. These are hereafter referred to as the "signatory organizations".¹ The signatory organizations hereby request that, on the occasion of its meeting prior to the 57th Session of the CEDAW Committee, the working group ask the Cameroon government to describe the measures that it has taken, or that it intends to implement, to guarantee protection for indigenous women's rights in Cameroon.

Furthermore, the signatory organizations regret the fact that the Cameroon government makes no mention of the situation of indigenous Cameroon women in its combined fourth and fifth report. This is despite the fact that the aforesaid women face multiple forms of discrimination and live in conditions of extreme vulnerability. They are victims of discrimination that is largely due to their gender. However, their ethnicity, and often their poverty, are also factors. This discrimination does not only violate the international human rights conventions to which Cameroon is party: it is also a clear breach of the provisions of the Convention on the Elimination of Discrimination against Women (CEDAW). Indigenous women in Cameroon remain subject to discrimination that is both racial and gender-based. To date, the Cameroon government has not implemented any measures to ensure that indigenous women can fully enjoy their rights.

From the outset, it is important to note that one of the basic concerns expressed by indigenous women throughout the world is recognition of their collective rights as indigenous peoples, and especially the collective right to self-determination. This includes the right to ownership and control of their ancestral lands and their natural resources.² Furthermore, the International Indigenous Women's Forum claims that the systematic violation of the collective rights of indigenous peoples is the most serious risk factor for indigenous women.³ With this in mind, and out of respect for this approach, this document deals with the rights of indigenous women without separating them from the collective rights of indigenous peoples.

1. Context: Indigenous peoples in Cameroon and their dispossession of their ancestral lands

Today, the indigenous peoples of Cameroon live in the East, Centre and South regions. They include Baka, Bakola, Bagyeli, Bedzang and Mbororo peoples. While there are no exact data available, the indigenous population of Cameroon is estimated at 0.4 per cent of the total population.⁴ The Baka, Bagyeli, Bakola, Bedzang and Mbororo peoples share an attachment to their ancestral lands and to what remains of those forests and savannahs, of which they know every inch. These peoples consider such lands to be common property, and their very existence depends on them. Indeed, these lands have a maternal, sustaining role for them. They are a source of health and medicine, and are the place where culture and religion are practised. The indigenous peoples share a culture that differs from that of the rest of the dominant population: their property is held in common. It is based on sharing natural forest resources, and on consumption of forest products such as game, wild yams and fruit, honey, leaves and various types of bark.⁵

Today, indigenous peoples live in a situation of extreme marginalization and poverty. This marginalization dates back to the colonial era and has been perpetuated ever since. It has had, and continues to have, disastrous consequences for indigenous peoples in terms of access to their lands and forest resources. The marginalization is exacerbated by climate changes, by the arrival and/or extent of industrial plantations - such as the oil palm plantations for palm oil production,⁶ timber cutting activities,⁷ infrastructure projects,⁸ mining⁹ and conservation.¹⁰ In the vast majority of cases, these fail to respect indigenous peoples' right to free, prior and informed consent, denying them their right to own and control their lands.¹¹ Added to this accumulated pressure is the exploitation of land by local elites who are always on the look-out for cultivable lands. As a consequence, indigenous peoples of Cameroon have either lost access to their traditional lands and necessary natural resources, or their access has been severely limited. This threatens the preservation of their culture and their very survival as peoples. The Committee on the Elimination of Racial Discrimination,¹² the Committee on Economic, Social and Cultural Rights,¹³ and the African Commission on Human and Peoples' Rights¹⁴ have all expressed their concerns regarding the marginalization and discrimination faced by indigenous peoples of Cameroon.

2. Indigenous women are subject to discrimination in their access to the land and resources

The dispossession of their ancestral lands has had disastrous consequences for the rights of indigenous peoples as a whole. However, these consequences are particularly harmful for indigenous women who are no longer able to carry out their traditional activities that are necessary for the well-being of their families, and that form the very basis of their culture.¹⁵ They are constantly obliged to struggle with food insecurity. They face serious obstacles to meeting their basic needs, as well as those of their families, such as caring for their families and using traditional medicines. They are also confronted by the difficulty of passing on their huge knowledge to their children. This is a serious threat to the preservation of their culture.

Traditionally, women of the Baka, Bakola, Bagyeli, Bedzang and Mbororo communities gather wood, honey, wild yams, caterpillars, fruits and oils, and also practise fishing and hunting of small animals, along with other activities. These women say that their traditional activities are becoming increasingly difficult because of the growing scarcity of forest and savannah products. For example, logging activity and industrial plantations have significantly reduced the availability of forest products such as animals, fruits, leaves and insects. This seriously hinders the practice of income-generating activities, such as the production of moabi oil, traditionally used by indigenous peoples for nutritional, health and cosmetic purposes. The *bubinga* is a medicinal tree that can cure a large number of illnesses. It is also increasingly difficult to find. This shortage of resources leads to food insecurity, loss of traditional knowledge about the use of resources, and no choice but to resort to modern medicine. However, this is an unrealistic option for most indigenous women who do not have access to basic community health services in their villages, and who do not have the means of meeting the costs associated with medicines.¹⁶ In general, indigenous women of Cameroon live in conditions of extreme vulnerability. The African Commission on Human and Peoples' Rights has recommended that the government of Cameroon: "Take special measures to guarantee the protection and implementation of indigenous women's rights due to their extreme vulnerability and the discrimination to which they are subjected."¹⁷ Despite this recommendation, to date, such measures remain to be taken.

It is vital that the Cameroon government consider the question of the land rights of the country's indigenous peoples. It is true that the Cameroon government is in the process of developing new forest and land laws which parliament is expected to pass shortly. Nevertheless, the signatory organizations regret that the process of drafting the forest law did not guarantee the effective participation of indigenous women and peoples, and that the law does not ensure adequate protection for the right of indigenous women and peoples to own, use and control their lands, territories and resources. This is especially regrettable in light of the fact that the Cameroon government has, in the past, been called on by several human rights bodies including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the African Commission on Human and Peoples' Rights to "take urgent and adequate measures to protect and strengthen the rights of indigenous peoples to land."¹⁸ To date, no such measures have been taken. However, a land reform is under way. This could provide the Cameroon government with an opportunity to ensure that its commitments are met..

3. Indigenous women and girls are subject to discrimination regarding education

The periodic report of the Cameroon government lists the measures taken to facilitate girls' access to education. Nevertheless, indigenous girls continue to be subject to discrimination in the field of education. This situation is common to indigenous peoples throughout the world. They encounter numerous obstacles that prevent them from enjoying their right to education, especially on account of their mother tongue and their culture. Indigenous women and girls are even more vulnerable because they face various forms of gender-based discrimination.¹⁹

The level of teaching for indigenous children, especially for girls, is low. A large number of children are several years behind at primary level. It is rare for such children, especially girls, to reach secondary level, let alone higher education.²⁰ As far as the signatory organizations are aware, to date, no indigenous child has attended university. Despite repeated calls from various United Nations treaty bodies, including the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child,²¹ Cameroon has not embarked on disaggregated data gathering. Such data could be used to assess the situation of indigenous children and girls, and could be the basis for the creation and implementation of the special measures that are an urgent necessity.

The Cameroon report refers to the principle of free education. On this subject, it must be stressed that parents still have to meet the costs of schooling. In the signatory organizations' areas of intervention, those costs total around 11.50 euros to cover registration fees, parent-teacher association fees, the medical card and school record booklet. This does not include the compulsory costs of pupils' school materials and the expenses associated with education. These costs are excessive for indigenous peoples who usually live in situations of extreme poverty. In effect, the costs put education beyond the reach of indigenous children.

Furthermore, various other factors present obstacles to the enjoyment of the right to education for indigenous children. Firstly, registration requires the presentation of a birth certificate. Obtaining such a document can prove extremely difficult for indigenous families. Secondly, the public school system is largely inappropriate to indigenous peoples' culture. School books are not available in their language, and the school calendar is incompatible with the hunting seasons and the transmission of traditional knowledge through practice. Finally, indigenous children are often victims of insults and harassment from some teachers, as well as from other pupils.²² As a result of the actions of civil society organizations, some positive discrimination mechanisms were implemented in favour of indigenous children. However, it is not possible to cite any positive impact in practice.

4. Conclusion

In light of the facts presented, the signatory organizations respectfully suggest that the pre-session working group submit the following questions for the attention of the Cameroon government. It is hoped that these questions will enable the government to coordinate its strategies and the measures that it intends to adopt in order to guarantee protection and respect for the rights of indigenous women and girls in Cameroon.

Suggested questions:

- 1. What measures does the Cameroon government intend to adopt to guarantee protection and respect for the right of indigenous women to their ancestral lands, territories and resources?**
- 2. What measures does the Cameroon government intend to adopt in order to ensure the effective participation of indigenous women in the legal reform process, including the land and forest law reforms under way, as well as in all**

development, mining - including agro-industry and infrastructure projects - and conservation projects that could affect their right to land, resources and territories?

3. What measures does the Cameroon government intend to adopt in order to guarantee the right of indigenous women to health and to ensure that they have access to their traditional medicinal plants?

4. What measures does the Cameroon government intend to adopt in order to ensure that indigenous girls have equal access to all levels of education?

5. What measures does the Cameroon government intend to adopt in order to ensure that indigenous girls have access to an education that is appropriate to their way of life and culture?

¹ Okani: BP 14 Bertoua, Cameroon. Tel: (+237) 22 07 92 23, email: associationokani@gmail.com; CED: BP 3430 Yaoundé Cameroon. Tel: (+237) 22 21 15 51, Fax: (+237) 22 22 38 59, email: ced@cedcameroun.org; Forest Peoples Programme (FPP): 1c Fossey Business Centre, Stratford Road, Moreton-in-Marsh GL56 9NQ, UK. Tel: (44) 01608 652893, Fax: (44) 01608 652878, e-mail: info@forespeoples.org

² Declaration of the International Indigenous Women's Forum, adopted in New York at the Beijing +5 review in 2000.

³ Indigenous Women's Forum (FIMI) [Mairin Iwanka Raya](#), Indigenous Women Stand Against Violence. Toward an indigenous women's approach to gender-based violence. A Companion Report to the United Nations Secretary-General's Study on Violence Against Women, 2006.

⁴ Belmond Tchoumba, *Indigenous Peoples and Poverty Reduction Strategies in Cameroon*, International Labour Organization, 2005, p. 14.

⁵ Sévérin Cécile Abéga, *Pygmées Baka et le Droit à la Différence*, Inades Formation, Cameroon 1998.

⁶ For example, in 2011, the Cameroon government agreed to make 200 000 hectares available to the SIVA Group, of which BioPalm Energy Limited is a member. The first phase of this oil palm plantation development is planned for the department of Ocean, on lands which are part of the traditional territory of the indigenous Bagyeli people, see: Emmanuel Freudenthal, Tom Lomax and Venant Messe, *The BioPalm oil palm project: A case study in the Département of Océan, Cameroon*, Forest Peoples Programme, 2012. In the same department, the SOCAPALM Kienké developments have had a disastrous impact on the Bagyeli peoples in the riparian zones. For further examples pertaining to the arrival of large-scale industrial plantations in Cameroon, see also: Mousse, F. *Massive Deforestation Portrayed as Sustainable Investment: The Deceit of Herakles Farms in Cameroon*, The Oakland Institute, 2012; Nguiffo, S et Schwartz, B. *Le Treizième Travail d'Heraklès? Etude sur la concession foncière de SGSOC dans le Sud-Ouest du Cameroun*, CED, 2012; Mousse, F. *Herakles Exposed: The Truth behind Herakles Farms False Promises in Cameroon*, The Oakland Institute and Greenpeace International, 2013; Biy, V. *Cameroon : Chinese Group to Expand Rubber Production*, allAfrica.com, 2013 <http://allafrica.com/stories/201305280349.html>. In terms of the extent of existing plantations, HEVECAM is that one that will have the most serious effect on the indigenous communities.

⁷ All industrial-scale timber exploitation operations carried out in regions where indigenous communities live have an impact on their way of life. This is especially true with regard to collecting essential oils with a high commercial value or high local value for cultural, medicinal and nutritional purposes. However, mention could be made of certain cases that have been documented and mapped, especially in the east of the Dja Reserve, where all the moabi trees exploited by the companies were also used by the Baka communities.

⁸ Two examples of the large, planned infrastructure projects that could have an impact on indigenous communities are the Mekin dam and the Mbalam to Kribi railway. In terms of projects under way, or already completed, with a negative impact on indigenous communities, examples include the Kribi gas-fired power station and the deep-water port at Kribi.

⁹ There are numerous mining projects in Cameroon located in areas occupied or used by indigenous communities. These include, for example, the concessions of Sinosteel, CMC, Camiron, Geovic and C&K Mining, among others.

¹⁰ See for example: Nelson, J and Hossack, L (eds.), *Indigenous peoples and protected areas in Africa*, Forest Peoples Programme, 2003, especially the case studies regarding protected areas of Cameroon: Case study 6: Nguiffo, S., [Cameroon – Dja Wildlife Reserve One forest and two dreams: the constraints imposed on the Baka in Miatta by the Dja Wildlife Reserve](#); Case study 7: Ndameu, B., [Cameroon – Boumba Bek - Protected areas and indigenous peoples: the paradox of conservation and survival of the Baka in Moloundou region \(south-east Cameroon\)](#); Case study 8: Owono, J.C., [The extent of Bagyeli Pygmy involvement in the development and Management Plan of the Campo Ma'an UTO](#); Emmanuel Freudenthal, Samuel Nnah and Justin Kenrick, *REDD and rights in Cameroon : A review of the treatment of Indigenous Peoples and local communities in policies and projects*, Forest Peoples Programme, 2011.

¹¹ The right to free, prior and informed consent (FPIC) protects indigenous peoples from losing their way of life, culture and identity as peoples by recognizing their right to give or withhold their consent regarding projects and measures that could affect the lands that they traditionally own, occupy or use. FPIC is a process involving transparent and non-coercive consultations, discussions, negotiations and meetings that enable indigenous peoples to reach a consensus and take decisions in line with their customary decision-making processes. FPIC is protected by the United Nations Declaration on the Rights of Indigenous Peoples and by Convention 169 of the International Labour Organization concerning Indigenous and Tribal Peoples in Independent Countries. It has been recognized by the human rights bodies responsible for interpreting the aforesaid instruments as being protected by the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Racial Discrimination.

¹² Concluding Observations of the Committee on the Elimination of Racial Discrimination: Cameroon, UN Doc. CERD/C/CMR/CO/15-18, 30 March 2010, par. 15 (CERD 2010)

¹³ Concluding Observations of the Committee on Economic, Social and Cultural Rights: Cameroon, UN Doc. E/C.12/CMR/CO/2-3, 23 January 2012, par. 10 (CESCR 2012)

¹⁴ Concluding Observations of the African Commission on Human and Peoples' Rights: Cameroon, 12-26 May 2010 (CADHP 2010).

¹⁵ See for example: Daley, E. *Gendered impacts of commercial pressures on land*, International Land Coalition, Rome, 2011; Scalise, E. *Indigenous women's land rights: case studies from Africa*, Minority rights Group, 2012; Polack, E *The global land rush: securing a better deal for women*, International Institute for Environment and Development (IIED), 2013.

¹⁶ The recent film by Phil Agland, 'Baka A cry from the Rainforest' (2012) shows, among other aspects, the health problems that the Baka communities face in terms of access to health care and costs.

¹⁷ ACHPR 2010, *supra* note 15, Section IV, par. 45.

¹⁸ CERD 2010, *supra* note 13, par. 18. See also ACHPR 2010, *supra* note 11, Section IV, par. 33, 35, 37 and 45 and CESCR 2010 par. 10, 24 and 33.

¹⁹ UNPFII, Briefing Note: *Gender & Indigenous Peoples*, May 10, 2010: p. 4, accessible at: <http://www.un.org/esa/socdev/unpfii/documents/Briefing%20Notes%20Gender%20and%20Indigenous%20Women.pdf> ; See also:

Mairin Iwanka Raya: Indigenous Women Stand Against Violence: A Companion Report to the UN Secretary-General's Study on VAW, FIMI, USA, 2006: p. 6: "In Central America, Indigenous Peoples have less access to education and health services, are more likely to die from preventable diseases, suffer higher infant and maternal mortality rates, and experience higher levels of poverty than non-Indigenous Peoples."

²⁰ *Des écoles sans enseignants*, Le Jour, 3 August 2009, p. 3.

²¹ CERD 2010, *supra* note 9, par. 16 and Concluding Observations of the Committee on the Rights of the Child: Cameroon, UN Doc. CRC/C/CMR/CO/2, 18 February 2010, par. 27, 28, 66, 82 and 83.

²² Personal communications with various NGOs working on issues of indigenous peoples in Cameroon.