

THE COMMITTEE ON THE RIGHTS OF THE CHILD

75th Pre-Sessional Working Group (03 October - 07 October 2016)

CAMEROON

Civil Society Submission on the right of every child to acquire a nationality under Article 7 CRC

1 July 2016

Introduction

1. The Institute on Statelessness and Inclusion (Institute)¹ and Citizens Governance Initiatives (CGI)² welcome the opportunity to make this submission to the Committee on the Rights of the Child regarding Serbia's compliance with Article 7 of the CRC, which states that every child has the right to acquire a nationality.
2. This submission highlights challenges in the realisation of the right of every child to acquire a nationality and the avoidance of childhood statelessness in Cameroon as a result of discrimination, poor implementation of the law and challenges related to birth registration. In light of the Committee's previous recommendations to Cameroon on birth registration³ as well as those from the Committee on the Elimination of All Forms of Discrimination against Women on the ability of women to acquire, transmit and retain nationality on an equal basis with men and access to birth registration and documentation for women and girls,⁴ from the Committee on the Elimination of Racial Discrimination on access to the documentation

¹ The Institute on Statelessness and Inclusion is an independent non-profit organisation committed to promoting the human rights of stateless persons and fostering inclusion to ultimately end statelessness. Addressing childhood statelessness is one of the core thematic priorities of the Institute. The Institute has made thematic submissions to the Committee on the Rights of the Child on the child's right to a nationality and the protection of stateless children in a number of countries including Serbia, South Africa, Estonia, Nepal, Qatar, Saudi Arabia and Sierra Leone. The Institute has also developed a Toolkit to assist civil society organisations prepare submissions to the Committee under this theme. For more information, see: <http://www.institutesi.org/ourwork/children.php>.

² Citizens Governance Initiatives (CGI) is a non-profit association established under Cameroonian law in 2005, whose vision is to foster positive change and partnership between government, communities, and citizens in protecting the public interest and advancing the wellbeing of citizens in Central Africa. CGI founds its action on domestic and international laws, with activities implemented through research, training, working with the media and providing administrative and legal assistance through community paralegal information centres.

³ CRC/C/CMR/CO/2, para. 33-34, 18 February 2010.

⁴ CEDAW/C/CMR/CO/4-5, para. 24-25, 28 February 2014.

required for citizenship, including for indigenous peoples, minority groups and the populations of the Bakassi peninsula,⁵ and the recommendations issued by states to Cameroon during the second UPR cycle on ratification of the 1961 Convention on the Reduction of Statelessness,⁶ birth registration⁷ and access to citizenship for indigenous populations,⁸, the importance of the eradication of statelessness as expressed by the UN High Commissioner for Refugees #IBelong campaign,⁹ and the relevance of Goal 16.9 of the Sustainable Development Goals, which aims to “by 2030, provide legal identity for all, including birth registration”,¹⁰ the submitting organisations hope the Committee will **raise the issue of realising the right of every child to acquire a nationality in its List of Issues for Cameroon and address recommendations to the Government of Cameroon to further prevent and reduce the problem of childhood statelessness in the country.**

3. This submission draws on the experience of CGI in carrying out research on the international, regional and national frameworks of citizenship and the right to nationality in countries of the central African sub-region, with a particular focus on statelessness and the risk of statelessness, inspired by the African Union (AU) call to respect the right to a nationality, which it affirmed as the human right of every African; and the United Nations Agency for Refugees (UNHCR) global campaign to end statelessness over the next decade. CGI is a member of the Coalition for the Right to nationality in Africa (CRAI), a Pan-African project which seeks to end statelessness and the arbitrary denial of nationality in Africa. CRAI currently focuses on a campaign to adopt a protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality. In October 2015, CGI organised a sub-regional conference on “Citizenship and the Right to nationality in Central Africa held in Yaoundé, Cameroon.
4. The Submission also draws on the Institute’s expertise on statelessness and the right to a nationality at global level. The Institute is committed to helping promote children’s right to a nationality, establishing it as one of its five thematic priorities. As part of this work, the Institute has developed a Toolkit, to strengthen civil society engagement on children's right to a nationality with the Committee on the Rights of the Child.¹¹
5. This submission has been structured to highlight issues which may be included in the List of Issues by including them in text boxes under each substantive section, and recommendations which may be drawn on for the Committees Concluding Observations by listing them at the very end of the text. For the Committee’s convenience, this footnote includes links to the text of all relevant Cameroonian laws cited in in this submission.¹²

⁵ CERD/C/CMR/CO/19-21, para. 19, 26 September 2014.

⁶ Recommendation by Djibouti A/HRC/24/15, para. 131.23 (recommendation noted), 5 July 2013.

⁷ Recommendations by Thailand, Republic of Moldova, and Sierra Leone, A/HRC/24/15, paras. 121.89-91, (recommendations accepted) , 5 July 2013.

⁸ Recommendation by Cape Verde, A/HRC/24/15, para. 131.168 (accepted), 5 July 2013.

⁹ The UNHCR #IBelong campaign aims to eradicate statelessness by the year 2024, see further:

<http://www.unhcr.org/ibelong/>.

¹⁰ A/RES/70/1.

¹¹ This Toolkit can be found at: <http://www.statelessnessandhumanrights.org/>

¹² Constitution of the Republic of Cameroon, available online at:

<http://confinder.richmond.edu/admin/docs/Cameroon.pdf>

Loi N° 68-LF-3 du 11 juin 1968 portant code de la nationalité camerounaise, available online at: http://www.atangana-eteme-emeran.com/IMG/pdf/Code_de_la_nationalite.pdf

Law N° 2011/011 of 6 May 2011 to amend and supplement certain provisions of Ordinance N° 81/002 of 29 June 1981 to organize civil status registration and various provisions relating to the status of natural persons is available at :

http://minatd.cm/phocadownload/Telechargements/Etat_civil/law2011_011.pdf

Ordinance N° 81/002 of 29 June 1981 organising civil status registration and various provisions relating to the status of natural persons is available at: <http://www.jafbase.fr/docAfrique/Cameroun/ORDONNANCE%20N%C2%B0%2081-002%20du%2029%20J%20CAMEROUN.pdf?#zoom=81&statusbar=0&navpanes=0&messages=0>

The Report of Cameroon to the Committee

6. The Republic of Cameroon's combined 3rd to 5th periodic report provides an overview of measures taken to implement the Committee's previous recommendations on birth registration (CRC/C/CO/2, para.34). Paragraphs 73 to 76 of the State Report highlights legislative reform of provisions on civil registration to extend deadlines for the registration of births and the establishment of the National Civil Status Bureau (BUNEC). It also mentions increases in the number of Civil Status Centres, mobile court hearings for the establishment of birth certificates in remote and/or isolated communities and efforts to identify unregistered children. Paragraph 180 of the State Report mentions additional efforts to ensure birth registration among refugee children and the establishment of 6,000 birth certificates for refugee children through supplementary judgements between 2010 and 2013.
7. These are welcome developments, but as the report itself acknowledges further efforts are needed to ensure that all children, including those in remote and isolated communities have access to birth registration. The fact that the government is encouraging supplementary judgments for children whose birth certificates have not been established within the legal time limit is a positive development, but it is unfortunate that no information is included about the cost of such decisions for the children and how this affects the availability of such procedures for unregistered children.
8. The State Report does not include any information on the right of the child to a nationality or the measures taken in national law and practice to prevent childhood statelessness. It would therefore be particularly useful for the Committee to ask the State for information on these points in the List of Issues.

9. In light of the above information, the Committee is urged to ask Cameroon in its List of Issues and also in its review, to further elaborate on its periodic report as follows:

- a. **What further steps does the state intend to take to ensure that the births of all children born in Cameroon are registered, and this results in all children being guaranteed their enjoyment of the right to acquire a nationality?**
- b. **What is the cost of supplemental judgments for children and how does this affects the availability of such procedures for unregistered children?**
- c. **Does the state have any information to share in relation to the child's right to acquire a nationality? If not, why does the state not maintain adequate information on this important issue?**

Statelessness and the child's right to a nationality in Cameroon

10. Statelessness is a relatively unknown and poorly understood issue in Cameroon. The group at greatest risk of statelessness in the country are those of the Bakassi Peninsula. A 2002 judgement of the International Court of Justice granted sovereignty over the disputed Bakassi peninsula between Nigeria and Cameroon, to Cameroon.¹³ The number of people affected

¹³ International Court of Justice, Land and Maritime Boundary between Cameroon and Nigeria, Cameroon v. Nigeria, 10 October 2002.

was also disputed between Cameroon and Nigeria, but was alleged by Nigeria to be more than 150,000. Nigeria rejected the Court's judgment but in 2006, a bilateral agreement was reached at Greentree, New York, between the two countries, by which Cameroon promised, among other things, not to force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality. The territory was formally handed over to Cameroon on 14 August 2008, though a Nigerian presence remained during a five-year transitional period, ending in 2013. There have been problems in establishing recognition of nationality both for those Bakassi residents who remained in their homes, in what is now Cameroon (whether of Cameroon or Nigeria), and for those who relocated to the Nigerian side of the border, and they all are at risk of statelessness.¹⁴ The lack of official statistics and data is a serious concern, as this makes it impossible to assess how many children in the Bakassi peninsula have been denied their right to acquire a nationality.

11. Further exacerbating this problem, is the fact that many residents of the Bakassi peninsula do not have identification documents, due to difficulties they face in obtaining them. Unofficial reports indicate that children born in the peninsula are not being registered at birth as a practice, for fear of them claiming Cameroonian nationality when their parents' loyalties lie with Nigeria. The extent to which such discriminatory attitudes prevail and undermine the child's right to a nationality are unclear. An independent assessment to verify and act on these claims is needed.
12. Cameroon is also host to a large refugee population. While the lack of data and official statistics makes it difficult to provide a comprehensive number, according to UNHCR, there are at least 324,083 refugees in Cameroon – 64,938 from Nigeria and 259,145 from the Central African Republic¹⁵. The World Health Organisation estimates 2000 children are born in refugee camps each year – averaging 55 per week.¹⁶ There are also an estimated 190,591 IDPs in Cameroon, of which as many as 116,200 are children, according to UNICEF¹⁷. While refugees and IDPs are not necessarily stateless, there is a lack of information on birth registration and documentation rates among refugees and IDPs, and of steps taken to protect children of both groups against statelessness.
13. Indeed, birth registration rates in Cameroon as a whole are low. The national average for birth registration is 61.4%. While this increases to 80.5% for urban areas, it drops to 47.6% for rural areas.¹⁸
14. The lack of general information on the population in Cameroon is also a matter of concern. Cameroon has held only three population censuses since Independence, in 1976, 1987 and 2005. A fourth census is due, and efforts have been made since 2011 with the reform of the national civil status registration system, which will in the long-term, improve data collection, notably on birth registration. However, this does not address the problem of poor statistics and data collection in the country.
15. The legal framework in Cameroon, which is discriminatory and/or not adequate on various fronts is another factor to throw into this mix. Of particular concern, is the discriminatory treatment of extra-marital children under the Cameroonian nationality code, as well as the discriminatory denial of access to nationality to disabled children. Concerns over an age of

¹⁴ B. Manby, Nationality, Migration and Statelessness in West Africa, A study for UNHCR and IOM.

¹⁵ See : http://www.unicef.org/appeals/files/UNICEF_Cameroon_Humanitarian_Sitrep_April_2016.pdf

¹⁶ <http://www.cameroonweb.com/CameroonHomePage/NewsArchive/WHO-worried-about-Minawao-refugees-birth-rate-363037>

¹⁷ http://www.unicef.org/appeals/files/UNICEF_Cameroon_Humanitarian_Sitrep_April_2016.pdf

¹⁸ http://www.unicef.org/infobycountry/cameroon_statistics.html

majority which is inconsistent with international standards and around discrimination against children of foreign parents and adopted children also prevail, as do concerns around the implementation of the law. These legal provisions are explored in further detail later in this submission.

16. These various factors – the at risk of statelessness population of the Bakassi peninsula, the large displaced population, the poor levels of birth registration, the lack of statistical information and a legal framework which is discriminatory and non-comprehensive – combine to create a context in which the child’s right to a nationality is likely to be undermined and the denial of the right to a nationality and resultant stateless of children is likely to go unnoticed. Indeed, not enough is known about violations of the child’s right to acquire a nationality and resultant statelessness in Cameroon, but there is sufficient information to raise concern that the scope and impact of the violation of this right is likely to be significant enough to justify the closer attention of the Committee.

17. In light of the above information, the Committee is urged to ask Cameroon in its List of Issues and also in its review:

- d. **What further information can be provided on the risk of statelessness in the Bakassi peninsula, and what steps is it taking to address discriminatory attitudes of state officials which may result in a denial of the right to a nationality of children born in the peninsula?**
- e. **What further information can the state provide on the extent of statelessness, and childhood statelessness in particular in Cameroon? If no such information exists, what steps are being taken to address this information gap?**
- f. **What further information can the state provide on the risk of statelessness among refugee and IDP children in Cameroon, and what steps are being taken to mitigate this risk?**
- g. **What steps are being taken to increase birth registration and to address the lack of statistical data in the country?**

Cameroon’s international, regional and national legal obligations

The international framework

18. As a party to the Convention on the Rights of the Child, with no reservations in place, Cameroon is obliged to ensure every child’s right to acquire a nationality in accordance with Article 7 of the Convention and the Convention’s Guiding Principles of non-discrimination, best interests of the child, the child’s right to participate and the right to life, survival and development of the child.
19. Cameroon is also party to the CEDAW, CERD and ICCPR, all of which entrench the right to a nationality and prohibit discrimination in relation to access to nationality. While Cameroon has signed the CRPD, which prohibits discrimination on grounds of disability in relation to the right to a nationality, it has not yet ratified this Convention. It must be noted though, at all of the principles contained within these treaties in relation to the right to a nationality, are entrenched under the CRC, in relation to children. Thus, the CRC prohibits denial of the child’s right to a nationality as a result of discrimination against the child or his or her parents or guardians, on all prohibited grounds including gender, race and disability.

20. Cameroon is not party to the 1954 UN Convention on the Status of Stateless Persons and the 1961 UN Convention on the Reduction of Statelessness. It has however signed the 1951 Convention Relating to the Status of Refugees and has acceded to its 1967 Protocol.

The regional framework

21. At the continental (African Union, hereafter AU) level, several instruments adopted and ratified by Cameroon protect (directly or indirectly) the right to nationality of vulnerable groups such as children, women, refugees, IDPs, migrants and indigenous peoples, or prevent them from becoming stateless. They include:
- a. the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa ratified in 1985,
 - b. the 1981 African Charter on Human and People's Rights ratified in 1989,
 - c. the 1990 African Charter on the Rights and Welfare of the Child ratified in 1997,
 - d. the 2003 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ratified in 2012,
 - e. the 2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa, and
 - f. the 1998 Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

The national framework

22. At the national level, Cameroon's Constitution addresses the question of nationality and citizenship under Article 26-2, which grants power to Parliament to adopt relevant legislation on this issue:

(2) The following shall be reserved to the Legislative Power:

(a) The fundamental rights, guarantees and obligations of the citizen:

(...)

(b) The status of persons and property ownership system:

1. Nationality, status of persons, matrimonial system, succession and gifts;

23. Law No. 1968- LF-3 of the 11th June 1968 establishes Cameroon's Nationality Code, which governs access and loss of Cameroonian nationality. The Code reinforces the principle of the superiority of international instruments duly ratified by Cameroon over national laws, by stating in Article 3 that:

Provisions regarding nationality contained in international treaties or agreements duly ratified and published shall have effect in Cameroon even though contrary to the provisions of Cameroon internal legislation.

24. Considering that the Code was adopted in 1968, this provision has now been given constitutional value under the 1996 Constitution (amended in 2008), which provides under article 45, that *"Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement."*
25. In addition to the Nationality Code, Decree N°. 1968 DF-478 of 16 December 1968 establishes rules of procedure under the Nationality Code. It addresses procedures for the acquisition of

nationality, conditions for the examination of applications for naturalisation and restoration, and mechanisms to prove nationality before the courts.

26. It is also important to note that Cameroon has incorporated the key principles of international protection of refugees 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, naturalisation, and freedom of movement.

27. In light of the above information, the Committee is urged to ask Cameroon in its List of Issues and also in its review:

- a. **Having signed the Convention, why has Cameroon not ratified the CRPD, and what steps is it taking to do so?**
- b. **Will Cameroon consider taking the necessary steps to accede to the 1954 and 1961 Statelessness Conventions?**
- c. **What steps has Cameroon taken to give effect in practice, to Article 45 of the Constitution and Article 3 of the Nationality Code, which affirm the supremacy of international treaties ratified by Cameroon? When will Cameroon amend the provisions of its Nationality Code which contravene its obligations under the CRC and other international treaties, so as to give full effect to these provisions?**

Concerns with the nationality law of Cameroon

Discrimination against extra marital children

28. The nationality law of Cameroon makes a distinction between 'legitimate' and 'illegitimate' children, discriminating against the latter in terms of their access to Cameroonian nationality. Article 6 of the law provides that "*Cameroonian nationality attaches to (a) a legitimate child born of Cameroonian parents; (b) an illegitimate child whose parents are both Cameroonians*"

29. While extra-marital children are not denied access to nationality, additional conditions must be fulfilled in order for them to acquire nationality. As Article 7 further elaborates:

"Cameroon nationality attaches to:

- a) *A legitimate child born of a Cameroonian father or a Cameroonian mother;*
- b) *An illegitimate child born of parents of whom one is Cameroonian, when his affiliation to that one is first established, though the other be foreign; but subject in either case to the minor's right to renounce Cameroon nationality within six months before his majority, either if he was born out of Cameroon or if, according to the national law of the foreign parent, he is able to avail himself of that nationality."*

30. The additional conditions that must be met by extra-marital children is both discriminatory and contrary to the best interests of the child. Furthermore, these conditions can undermine the child's right to a nationality, where it is not possible to fulfil them.

Safeguard against statelessness

31. With regard to the 'renunciation' of nationality alluded to in Article 7, it also must be pointed out that Cameroonian nationality law has a double *Jus Soli* basis, whereby if both the child and their foreign parent were born in the country, they would have access to Cameroonian nationality, which they can renounce. This places the children of stateless parents, or parents who cannot pass on their nationality who were not themselves born in Cameroon, at risk. Article 11 establishes that:

"Cameroon nationality attaches, subject to the right to renounce it within six months before majority, to:

- a) A legitimate child born of foreign parents, if both he and his father or mother were born in Cameroon;*
- b) An illegitimate child born of foreign parents, if both he and the parent to whom his affiliation is first established were born in Cameroon."*

32. It may be argued that Article 15, which sets out that *"the affiliation of an illegitimate child has no effect on his nationality unless established in the course his minority"* serves as a safeguard against statelessness, but only in a limited sense.
33. The more comprehensive safeguards include Article 9, according to which a child born in Cameroon of unknown parents, shall be deemed to never have been a Cameroonian, but only if his affiliation is established with regard to a foreign parent and if in accordance with the national of his foreign parent, he has the nationality of the latter. In other words, if the parents remain unknown, or are found to be Cameroonian, the child should be recognised as Cameroonian. This is underscored by Article 12 which sets out that acquisition of nationality by birth extends automatically to any person born in Cameroon, who is unable to claim any other nationality of origin.
34. However, there remain concerns over the implementation of Articles 9 and 12, particularly in light of poor birth registration highlighted above.

Children of foreign parents and adopted children

35. Cameroonian law also differentiates children born to foreign parents, who must satisfy an additional residence requirement in order to obtain Cameroonian nationality by Declaration. Article 20 states that:

"Any person born in Cameroon of foreign parents may claim Cameroon nationality within six months before attaining his majority by declaration in the manner prescribed by Sections 36 and following of this law, provided that on such date he has had his domicile or residence in Cameroon for at least five years."

36. Similarly, adopted children need to satisfy a residence requirement, although no length of residence is indicated. Article 21 states that:

"The adopted child of a Cameroonian may declare within six months before attaining his majority and in the manner prescribed by Sections 36 and following of this law, that he claims Cameroon nationality, provided that at the time of his declaration he has his domicile or residence in Cameroon."

Discrimination on grounds of disability

37. Of significant concern, is the discrimination on grounds of disability that applies in Cameroon. Contrary to the CRC and CRPD, Article 25 (e) states that *“Cameroon nationality may not be conferred on a person (...) who has not been found to be of sound body and mind.”*

Deprivation of nationality

38. In addition, by allowing for the deprivation of nationality of a person *“who is not of good character and morals, or has suffered conviction of an offence against ordinary law, not expunged by rehabilitation or amnesty”* (article 25 (d)), the law fails to protect the children of such persons, who may not be able to access nationality through their affiliation.

Age of majority

39. Finally, it should be noted that Cameroon lacks a standard age of majority which complies with international law. Under Cameroonian law, the age of majority varies for legal majority, electoral majority, the legal age of marriage, and penal majority, although Cameroon accepts the definition of the child as *“any human person aged less than 18 years”*, in accordance with article 2 of the African Charter on the Right and Welfare of the Child of July 1990, which Cameroon has ratified. Civil society organisations in Cameroon have advocated for the state to address this varied approach to defining ‘childhood’ on multiple occasions.

40. In respect to the right to a nationality, Article 4 of the Code determines the age of majority to be 21 years and 25(a) of the Code establishes that *“Cameroon nationality may not be conferred on a person (...) who has not attained the full age of twenty one years”*

41. In light of the above information, the Committee is urged to ask Cameroon in its List of Issues and also in its review:

- a. On what basis does Cameroon distinguish between extra-marital children and children born within wedlock, discriminating against the former? What steps will the state take to end discrimination against children born out of wedlock?**
- b. How many times since its last CRC review, has the safeguard against statelessness in the Cameroonian nationality code been utilised to protect against childhood statelessness? During this same time, how many children have been denied the right to a nationality in Cameroon and been rendered stateless?**
- c. On what basis does Cameroon justify discrimination against children of foreign parents and adopted children? What steps have been taken to protect such children from statelessness?**
- d. On what basis does Cameroon continue to discriminate against disabled children in relation to their right to acquire a nationality? What steps are being taken to amend this discriminatory legal provision?**
- e. What steps is Cameroon taking to protect children from statelessness in the event of their parents being deprived of their nationality?**
- f. Why does Cameroon consider 21 to be the age of majority for the purposes of its nationality code?**

Birth registration

National Legislation on civil status registration

42. A civil registry first appeared in Cameroon under the German colonial authorities in the 20th Century, principally in urban areas for the attention of European populations. Following World War I, Cameroon was divided into British and French Protectorates. In the Western part (the British Protectorate), civil registration was established by an Ordinance of 25 October, 1917. In the Eastern part, under French mandate, the civil registry was only set up in 1930. A By-law of 16 March 1935 organised indigenous civil status registration but was limited to registration of births and regulation of marriage.
43. After Cameroon's Independence (1st January, 1960), Cameroonian authorities unified the two systems. Law N° 68/LF-2 of 11 June 1968 reorganised civil status registration for the two federations of Cameroon. Until 2011, the main instruments regulating civil registration were Ordinance N° 81/002 of 29 June 1981 on the organising of civil registry and various provisions relating to registry of natural persons and Decree N° 87/1115 of 17 August, 1987 on the modalities for the creation and functioning of special civic registry centres.
44. In 2011, a new law (Law No. 2011/011) was adopted to amend and supplement certain provisions of Ordinance N° 81/002 of 29 June 1981 to organize civil status registration and various provisions relating to the status of natural persons. Additional by-laws have been adopted at the ministerial levels, to ensure the unification of procedures and registration of civil status registry centres and numbering of civil status documents.
45. The new law has brought harmony in the civil status registration process in Cameroon, notably with respect to the question of who has the ability to register births. It abolishes the special civil status registries that existed under the previous law and could be created by ordinance at the discretion of the Ministry in charge of territorial administration and decentralisation. Instead under article 7-1 of the new law, authority to register births is given to the following categories of public servants: Government delegates to city councils and their assistants; Mayors and their assistants; Heads of diplomatic or consular missions and diplomats deputizing for them.
46. The new law also extended the time limit for the declaration of births and provided for sanctions for failure to register births (with penalties set forth in section 151 of the Penal Code (article 83-1)). The current law on birth registration provides that:
- *"Where a child is born in a hospital or medical institution, the head of the hospital or, failing that, the physician or any person who attended the mother, shall be bound to declare the birth of the child within 30 (thirty) days of the delivery"* (article 31-1).
 - After this time limit, the parents of the child have further 60 days to make the declaration at the civil status registry of the place of birth. Article 31-2 states that *"where the birth is not declared within the time-limit by the persons referred to in article 31(1) above, the parents of the child shall have a further period of 60 (sixty) days within which to make the declaration to the civil status registrar of the place of birth"*.
 - Beyond this time limit, *"Births declared beyond the time-limit referred to in the preceding articles may be registered at the instance of the competent State Counsel to whom the matter is referred who shall move the court within 6 (six) months of the birth"* (article 32).

- Beyond 6 months, the civil status registrar may register the birth only by virtue of a judgement by the competent court. Article 33 states that *“Where a birth is not declared within 6 (six) months, it may be registered by the civil status registrar only by virtue of a judgement of the competent court and in accordance with the conditions laid down in Articles 23 and 24 above”*.

47. Article 34-1 of the new law amends and specifies the information to be found on a birth certificate:

- Name of main or secondary civil status registry and civil status registry of attachment
- Name, gender, date, and place of birth of the child
- Name, age, nationality, occupation, domicile or place of residence of the mother and the father
- Name and signature of the civil status registrar and his/her secretary
- Date on which the birth certificate is drawn up

48. In a further effort to preserve and secure civil status registration in Cameroon, Presidential Decree N° 2013/031 of 13 February 2013 on the functioning of the National Office for Civil Status (BUNEC) was adopted in 2013 and created the National Office for Civil Status (BUNEC). This aims to ensure greater efficiency and reliability of information and statistics relating to civil status registration in Cameroon. The National Office for Civil Status is a Public Administration Organ (EPA) with financial autonomy. Presidential Decree N° 2015/430 of 28 September 2015 appointed the President of the Board of BUNEC, while Presidential Decree N° 2015/431 of 28 September 2015 appointed the Director General of BUNEC and his Deputy.

49. BUNEC’s mission is to ensure the supervision, monitoring, regulation and evaluation of the national civil status in Cameroon. It will also seek to prevent fraud on civil status registration. In this respect, it is responsible for the collection, archiving and centralisation of data and documents relating to civil status, with the aim to constitute a national civil status database. It exercises the administrative and technical control of the organising and functioning of civil status registration centres. It is requested to propose and implement, upon government consent, the roadmap for the digitalisation of the national civil status registration system.

50. While the new laws represent progress towards implementing Cameroon’s obligations with regard to the registration of births some problems remain.

Gaps in the law on birth registration

51. The current law on birth registration does not address the issue of costs pertaining to civil status registration for poor and vulnerable families and therefore fails to address one cause of the failure to register children from these families.

52. The law focuses on child birth in hospitals and does not provide for the registration of children delivered outside hospitals, which is still prevalent in most rural areas and some urban localities, due to the absence of sanitary institutions. The lack of specific provisions on this area are particularly problematic in light of the significant difference in birth registration rates between rural and urban areas, with the latest figures from UNICEF putting the rural birth registration rate at just 47.6% (compared to 80.5% in urban areas).

53. The 2011 amended law does not clarify the process of recognition of the child by the father, although article 34-1 requires information on the nationality of the mother and father to be included in the registration record. Article 41(2) states that:

“Recognition and Legitimation, excepting adoptive legitimation, shall be based on blood relationship. Once the relationship has been established, no one may raise objection on the recognition”.

The law does not, however, clarify the procedure for establishing the said “blood relationship”, leaving it solely in the discretion of the mother.

Data collection

54. The establishment of BUNEC is a positive move towards the collection of data on birth registration. However, at present, statistics and data on birth registration are not systematically available, making it difficult to track progress in this area. The data that is available is collected by humanitarian agencies and only provides an approximate figures for birth registration rates. These figures are also not always up to date. They can, however, gives an indication of the level of birth registration and the groups or areas where birth registration is particularly low, particularly when considered alongside other indicators of the level of birth registration.
55. The most recent data from UNICEF covers the years 2002-2012 and shows that birth registration in Cameroon stands at approximately 61.4%. However, there is a serious discrepancy between the rates of birth registration in urban (80.5%) and rural (47.6%) areas. The gap between rich and poor is even wider. Such estimates of the rate of birth registration and proportion of the population with birth certificates can be compared and supported by other indicators, such as the percentage of births with a skilled attendant, which are 86.7% in urban areas and 46.7% in rural areas. The difference in school participation levels between primary school level (110.9%) and secondary school level (44.2%) may also be related to levels of birth registration, since a birth certificate is compulsory in order to sit the Primary School Leaving Certificate examination (CEP/GCE), and many children who are unable to produce this document often drop out of school after primary school.

Vulnerable Groups

56. Despite the new legislation, in practice, difficulties persist with regards birth registration for vulnerable groups. The lack of birth registration among indigenous groups, in particular, is acute.
57. The African Committee on the Rights and Welfare of the Child expressed concern about this subject in 2012 when it identified among the shortcomings in Cameroon’s report “the non-domestication of the Charter, especially regarding (...) the low registration of children at birth observed among certain ethnic groups”.¹⁹
58. The following year the Government of Cameroon responded to concerns regarding indigenous populations in its report to the African Commission on Human and Peoples’ Rights, stressing the steps taken to facilitate access to citizenship:

¹⁹ (EX.CL/744(XXI) Page 4). See “Consideration of the Preliminary Report of the Republic of Cameroon on the implementation of the African Charter on the Rights and Welfare of the Child, paragraph 11).

"A- Access to citizenship

571. To facilitate access to citizenship, after the census of certain vulnerable indigenous populations (Pygmies and Mbororos) in 8 regions of Cameroon, official documents were issued to them. For 2011, the number of national identity cards rose to 6,600 and 4 253 declaratory judgments in lieu of birth certificates issued, including 1,500 birth certificates for children."²⁰

59. While these efforts are welcome, further measures are needed to ensure that all children in these areas are registered at birth and have access to identity documentation.

60. In light of the above information, the Committee is urged to ask Cameroon in its List of Issues and also in its review:

- a. What steps have been taken to improve birth registration rates in rural areas, among indigenous groups and for children not born in hospitals?**
- b. Have any measures been taken to reduce the costs of birth registration? What measures are in place to ensure that cost does not prevent children being registered at birth?**
- c. How, in practice, is the recognition or legitimation of a child under Article 41(2) of Law No. 2011/011 (on civil status registration) established?**
- d. How is a child registered and what information is recorded on the birth certificate if information about one or both of the parents cannot be established?**

Recommendations

61. Based on the content of this submission, the following recommendations are made which we hope the Committee will consider in urging the Government of Cameroon to ensure the right of every child to acquire a nationality:

- I. Ensure that all national laws, regulations and policies are in line with Cameroon's obligations under international law and its Constitution, ensure the right of every child to acquire a nationality, and prevent childhood statelessness.**
- II. Prevent discrimination against children who are particularly vulnerable to statelessness due to their circumstances or discriminatory legal provisions, in particular, children born in the Bakassi peninsula, children whose births have not been registered, extra-marital children, disabled children, children born to foreign parents, adopted children and children whose parents have been deprived of their nationality.**
- III. Take all necessary steps to break down barriers to accessing birth registration, and ensure that the births of all children born in Cameroon are registered immediately. Ensure non-discriminatory, comprehensive and consistent implementation of regulations relevant to birth registration, in particular of children born in the Bakassi peninsula, in rural areas, among indigenous populations and for children not born in hospitals, including by providing for free birth registration for those unable to pay the current costs and raising awareness about the importance of birth registration.**

²⁰ 53rd Session of the African Commission on Human and Peoples' Rights of the African Union, 3rd Periodic Report of Cameroon within the Framework of the African Charter on Human and Peoples' Rights, Banjul, 9-24 April, 2013

- IV. Fully implement the safeguards against statelessness in the Nationality Code to ensure that any child born in Cameroon who would otherwise be stateless may acquire Cameroonian nationality, whatever the place of birth of his or her parents.**
- V. Undertake, as soon as possible, a full population census with a view to improving the available data on the population as a whole. In the course of the preparation and implementation of the census pay particular attention to the Bakassi Peninsula taking into consideration their particular history and culture as well as questions relating to their access to nationality.**
- VI. Ensure the full implementation with Article 3 of the Nationality Code and 45 of the Constitution, according to which the provisions of international treaties ratified by Cameroon take primacy over national laws.**
- VII. Ratify the CRPD and accede to the 1954 and 1961 Statelessness Conventions.**