

THE COMMITTEE ON THE RIGHTS OF THE CHILD

75th Session (15 May – 2 June 2017)

CAMEROON

Additional information for the consideration of the Committee on the right of every child to acquire a nationality under Article 7 CRC

14 April 2017

1. The Institute on Statelessness and Inclusion (the Institute)¹ and Citizens Governance Initiatives (CGI)² welcome the opportunity to submit additional information for the consideration of the Committee on the Rights of the Child regarding Cameroon's compliance towards every child's right to acquire a nationality under Article 7 CRC.
2. CGI and the Institute wish to note that Cameroon is yet to respond to the list of issues and we may provide further additional information to the Committee in light of any future responses from Cameroon.
3. Cameroon faces a variety of challenges in the realisation of the right of every child to acquire a nationality and the avoidance of childhood statelessness as a result of discrimination, poor implementation of the law and challenges related to birth registration. The Committee addressed in its previous recommendations the importance of birth registration, particularly for minority groups and those in rural areas.³ Other human rights mechanisms have also acknowledged the importance of the right to a nationality and issued recommendations to Cameroon in this regard. The Committee on the Elimination of All Forms of Discrimination against Women issued recommendations to Cameroon on ensuring gender equality to acquire, transmit and retain nationality and have access to birth registration.⁴ The Committee

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.

on the Elimination of Racial Discrimination also issued recommendations on access to documentation required for citizenship, including for indigenous peoples, minority groups and the populations of the Bakassi peninsula.⁵

4. The submitting organisations made a civil society submission (joint submission) to the Committee, highlighting challenges to realising the right of every child to acquire a nationality – in particular, in relation to Cameroon’s nationality law and birth registration procedures – suggesting questions for the Committee’s consideration to include in the list of issues and providing suggested recommendations to the government of Cameroon to ensure that every child’s right to acquire a nationality is respected and fulfilled. .
5. We are encouraged therefore, that paragraph 3 of the List of Issues adopted by the Committee requests the state to “inform the Committee of any legislative and practical measures taken or under consideration to eliminate discrimination against girls, children born out of wedlock, children with disabilities, lesbian, gay, bisexual, transsexual and intersex children, refugee or asylum-seeking children, internally displaced children, albino children and indigenous children.”⁶
6. As set out in the joint submission, the nationality law of Cameroon is discriminatory towards many children within these categories, with the ultimate effect of undermining their right to acquire a nationality. The nationality law is discriminatory *inter alia*, in the following ways:
 - Unlike children born in wedlock, extra-marital children have to establish their affiliation with the Cameroonian parent in order to acquire a nationality.
 - Cameroonian law differentiates between children born to foreign parents and adopted children as they must satisfy an additional residence requirement to acquire nationality. Whereas the residence requirement for children born to foreign parents is 5 years, no period of residence is indicated for adopted children.
 - Article 25(e) of the Nationality law states that “*Cameroon nationality may not be conferred on a person ... who has not been found to be of sound body and mind*”.
 - Also, children born to people of the Bakassi Peninsula face great risks of becoming stateless. As mentioned in our joint submission: “*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. 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.*”

These additional conditions are discriminatory, are not in the best interest of the child and ultimately undermine the child’s right to acquire a nationality.

7. In the List of Issues, the Committee also ask for statistical data for the past three years on birth registration.⁷ Though the lack of birth registration is not synonymous for statelessness, birth registration is a vital step in the process of acquiring a nationality.

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

⁶ CRC/C/CMR/Q/3-5

⁷ Para 15 (a)

- As mentioned in our joint submission, statistics and data on birth registration are neither systematically available nor up to date. UNICEF data shows that there is a big discrepancy between the rates of birth registration in urban and rural areas. This because the law on birth registration focuses on child birth in hospitals and does not provide for the registration in most rural areas and some urban areas. The lack of birth registration of indigenous people is acute and data of birth registration among IDPs and refugees is unknown.
 - As mentioned in our joint submission, children born in the Bakassi Peninsula are not being registered at birth due to fears of them claiming Cameroonian nationality when their parent's loyalties lie with Nigeria.
 - The costs of civil registration are not addressed as an important cause of the failure to register children for poor and vulnerable families.
8. Drawing on the above information, CGI and the Institute would like to take this opportunity to request that the Committee emphasizes the impact of discrimination and poor birth registration on the child's right to acquire a nationality, and more directly addresses the issue of the child's right to acquire a nationality in its dialogue with the state party during the forthcoming Committee session. In line with the previous Joint Submission we would like to take this opportunity to request the Committee to seek further information and clarification from Cameroon on the following:

Discrimination:

- I. On what basis does Cameroon distinguish between extra-marital children and children born within wedlock, discriminating against the former?
- II. What steps will the state take to end discrimination against children born out of wedlock?
- III. 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?
- IV. 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?
- V. What further information can in provide 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?

Birth registration

- VI. What steps are being taken to increase birth registration and to address the lack of statistical data in the country?
 - VII. 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?
 - VIII. 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?
9. Finally, CGI and the Institute wish to also draw the Committee's attention to the additional recommendations proposed in paragraph 61 of our joint submission to the Committee.⁸

⁸ http://www.institutesi.org/CRC_Cameroon_2016.pdf, para 61.