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Numéro Vert.- 1523



REPUBLIC OF CAMEROON
Peace – Work – Fatherland

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SUB-COMMISSION IN CHARGE
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STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION TO MARK THE INTERNATIONAL DAY OF THE WORLD'S INDIGENOUS PEOPLES

9 August 2024

Theme. – *Access to citizenship: a fundamental right for indigenous peoples*

The Cameroon Human Rights Commission (hereinafter: "the Commission" or "the CHRC"), established by Law No. 2019/014 of 19 July 2019 and rendered operational on 29 April 2021, following the swearing in of its Commissioners before the Supreme Court sitting in Joint Benches,

Bearing in mind the United Nations Conference on *Environment and Development*, also known as '*Third Earth Summit*', held in Rio de Janeiro, Brazil, from 3 to 14 June 1992, which adopted a programme of action for the 21st century known as Agenda 21, Chapter 26 of which is devoted to the recognition and strengthening of the role of indigenous peoples and their communities,

Bearing in mind that during the above-mentioned "*Third Earth Summit*", indigenous peoples from Africa, the Americas, Asia, Australia, Europe and the Pacific met to discuss their own priorities in various areas of life, including the area of human rights, which includes the right to citizenship,

Considering, furthermore, that this Conference was an important event for indigenous peoples in that the United Nations (UN) recognised that they have an essential role to play in social development because of their ancestral knowledge and traditional practices linked to their identity,

Recalling that by resolution 45/164 of 18 December 1990, the General Assembly of the United Nations proclaimed 1993 as *International Year for the World's Indigenous People*, to highlight the need for States to further promote and protect the rights of indigenous peoples,

Recalling further that, pursuant to a recommendation of the World Conference on Human Rights held in Vienna, Austria, from 14 to 25 June 1993, the United Nations General Assembly, by Resolution 48/163 of 21 December 1993, proclaimed the first International Decade of the World's Indigenous People (1995-2004) on the theme *Indigenous People - Partnership for Action*

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Créée par la loi n° 2019/014 du 19 juillet 2019 la CDHC est une institution indépendante de consultation, d'observation, d'évaluation, de dialogue, de conciliation et de concertation en matière de promotion et de protection des Droits de l'homme. La Commission fait également office de Mécanisme National de Prévention de la torture du Cameroun, en abrégé "MNPT".

Created by law n° 2019/014 of 19th July 2019, the CHRC is an independent institution for consultation, monitoring, evaluation, dialogue, conciliation and deliberation in the promotion and protection of human rights. It shall also serve as the Cameroon National Mechanism for the Prevention of Torture, abbreviated as "NMPT".

and the second between 2005 and 2014 by Resolution 59/174 on the theme *Partnership for Action and Dignity*,

Recalling also that the aim of these decades has been to strengthen international cooperation to resolve the problems faced by indigenous communities in areas such as the environment, development, education and health, especially as concerns the right to identity,

Bearing in mind that the United Nations General Assembly Resolution A/RES/49/214 of 23 December 1994, proclaims 9 August of each year as the *International Day of the World's Indigenous People*, and that this date marks the first meeting of the United Nations Working Group on Indigenous Populations was held in 1982,

Noting that the United Nations is taking this opportunity to draw the attention of governmental institutions, non-governmental organisations (NGOs), civil society organisations (CSOs) and the population, to issues relating to the rights of indigenous peoples, to encourage them to further mobilise for the promotion and protection of their rights and cultures,

Noting that, the United Nations Permanent Forum on Indigenous Issues (UNPFII), established by resolution 2000/22, on 28 July 2000, is the principal consultative body of the United Nations Economic and Social Council mandated to address issues of concern to indigenous peoples, including those related to *access to identity and social development*,

Having regard to the proceedings of the 23rd session of the UNPFII held at the United Nations Headquarters in New York from 15 to 26 April 2024 on the theme *Enhancing the Indigenous Peoples' Right to Self-Determination in the Context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasising the Voices of Indigenous Youth*,

Welcoming the theme chosen by the United Nations to celebrate at the universal level the 2024 International Day of the World's Indigenous People, entitled "*Protecting the Rights of Indigenous Peoples in Voluntary Isolation and Initial Contact*", which highlights the situation of indigenous peoples who still face "*unique challenges that are often overlooked by the surrounding world*"¹,

Also welcoming the contextualisation of the celebration of the International Day of the World's Indigenous People in Cameroon in 2024, under the theme "*Access to citizenship: a fundamental right for indigenous peoples*". This contextualisation follows on from the reflections launched in 2023, according to which "*citizenship education for indigenous peoples would enable them to effectively exercise their right to participate in areas of public life and bring about the desired changes for their empowerment*"². This will also enable them to participate in social life (birth registration and issuance of national identity cards), political life (registration on electoral rolls and participation in elections) and sustainable development,

Emphasising that the theme chosen for the celebration of this Day in Cameroon in 2024 derives its relevance from the opportunity to strengthen the promotion of the individual and

¹ See United Nations, International Day of the World's Indigenous Peoples, 9 August, <https://www.un.org/en/observances/indigenous-day>, accessed on 2 August 2024.

² See Ministry of Social Affairs (MINAS), « *Note conceptuelle élaborée à l'occasion de la célébration de la 30^e édition de la Journée internationale des populations autochtones au Cameroun* » (Concept note on Cameroon's celebration of the 30th International Day of Indigenous Peoples in Cameroon), 6 pp., spec. pp. 3-4.

collective rights of indigenous peoples, in particular their access to civil status and their participation in political life,

Observing, in agreement with Pierre Mazeaud, the former President of the French Constitutional Council, who stated on 7 January 2007, during the ceremony for the presentation of best wishes to the President of the French Republic, that: “*there is no citizen without a nation, and no citizen without democracy*”. This statement implies that citizenship is legally derived from nationality and can only exist within that context, but also that the notion of citizen consists in the ability of an individual to enjoy “*civil and political rights within the State of which they are a national*”³, thus emphasising the exercise of civil and political rights as an essential attribute of citizenship⁴,

Emphasising, in the words of Claude Blumann, a French university professor, that citizenship is “*the legal quality which enables a person to participate in the life of the State by enjoying civil and political rights and by being subject to certain duties in return*”⁵ and that a citizen is a person who, in a democratic State, participates in the exercise of sovereignty, either through indirect democracy by participating in the election of the representatives of the people or through direct democracy, by participating in the People's Assembly, by exercising his or her right to vote, to stand for election and to hold public office, among other rights,

Noting that there is no universally accepted and authoritative definition of ‘indigenous peoples’ in international law. However, Articles 9 and 33 of the United Nations Declaration on the Rights of Indigenous Peoples provide guidance on this matter:

Indigenous peoples [are individuals who assert their] right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned, and [to whom] the right to determine their own identity [is acknowledged] ⁶

Emphasising that International Labour Organisation (ILO) Convention No. 169 on Indigenous and Tribal Peoples distinguishes between tribal and indigenous peoples and stresses the importance of ethnic belonging,

Underlining the fact that, in the Cameroonian context, indigenous peoples are considered as:

[all] peoples constitute the demos of the country, each people being indigenous to its own land, [and that] only those indigenous peoples whose vulnerability is determined by their socio-economic situation, as a consequence of historical injustices, [in particular the dispossession of their lands], are eligible for the constitutional and international protection of indigenous peoples⁷,

³ See Serge Guinchard / Thierry Debard (Dir.), *Lexique des termes juridiques*, 29^e édition, Paris, Dalloz, 2021-2022, p. 182.

⁴ See « Appartenance et altérités. La citoyenneté aux époques moderne et contemporaine », appel à contribution (Inclusion and Otherness. Citizenship in the Modern and Contemporary Era”, call for papers), Calenda, published on Tuesday 2 April 2024, <https://doi.org/10.580779/w5eg>, accessed on 15 July 2024.

⁵ See Claude Blumann, « Citoyenneté européenne », in Joël Andriantsimbazovina et al. (dir.), *Dictionnaire des Droits de l'homme*, Paris, Presses universitaires de France, 2^e édition, 2012, pp. : 152-159, spec. p. 152.

⁶ See United Nations, *United Nations Declaration on the Rights of Indigenous Peoples*, originally published by the Department of Economic and Social Affairs, September 2007.

⁷ See James Mouangue Kobila, *La protection des minorités et des peuples autochtones au Cameroun, Entre reconnaissance interne contrastée et consécration universelle réaffirmée* (Protection of minorities and indigenous peoples



Recalling that the promotion and protection of the rights of indigenous peoples in Cameroon is achieved through the techniques of the right to indifference and the right to be different, the common objective of which is harmonious coexistence⁸,

Clarifying that the technique of the *right to indifference* applied to indigenous peoples concerns all the principles contained in national, African and universal human rights instruments, such as equality, respect for human dignity and non-discrimination; and that the technique of the *right to be different* consists in applying to these peoples legal instruments containing specific rights, such as the right to self-determination and the right to practise, promote and teach their customs and practices,

Considering the preamble to the Constitution of the Republic of Cameroon of 18 January 1996, which states that "*all persons shall have equal rights and obligations [and that] the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law*", as well as Article 57(3) of this Constitution, which states that "*The Regional Council shall be headed by an indigene of the Region elected from among its members for the life of the Council*",

Having regard also to Section 2 of Law No. 1968-LF-3 of 11 June 1968 on the Nationality Code of Cameroon, which stipulates that "*Cameroonian nationality shall be acquired or lost by birth, by operation of law or by a decision of a public authority taken in accordance with the conditions laid down by law*", and Section 3 of the same law, which provides for the applicability of the provisions of universal instruments relating to nationality in the event of their incompatibility with the law,

Considering further that Ordinance No. 81/002, of 29 June 1981, on the organisation of civil status and various provisions relating to the status of natural persons, Articles 30, 41 and 43 of which establish the procedures for acquiring nationality,

Having regard to Order No. 022/A/MINAS/SG/DSN of 6 August 2013, which establishes the Inter-sectoral Monitoring Committee for Programmes and Projects Involving Vulnerable Indigenous Populations (CISPAV), a joint body in which the indigenous peoples represented ensure that the actions undertaken by the public authorities and their partners meet their specific development needs as a priority, effectively and sustainably⁹,

Considering also that the provisions governing the national identity card in Cameroon, in particular Article 1(2) of Law No 90/042 of 19 December 1990 establishing the national identity card and Article 5(2) of Decree No 2016/375 of 4 August 2016 laying down the characteristics and procedures for the establishment and issuance of the national identity card, establish the obligation

in Cameroon; Between contrasting internal recognition and reaffirmed universal consecration), Paris, Dianoïa, 2009, 295 pp., spéc. p. 15.

⁸ See Emmanuel Latendresse Ngambeket, Gédéon Mpacko Ekelle, *La construction de l'unité nationale dans la Constitution camerounaise*, *Revue des réflexions constitutionnelles* (The Construction of National Unity in the Cameroonian Constitution, Review of Constitutional Considerations) n° 022 de juin 2022, pp. 27-56.

⁹ See MINAS, « MINAS - CISPAV : garantir aux populations autochtones leur droit d'accès à la citoyenneté », <http://minas.cm/fr/actua/325-cispav-garantir-aux-populations-autochtones-leur-droit-d%E2%80%99acc%C3%A8s-%C3%A0-la-citoyennet%C3%A9.html>, accessed on 15 July 2024.

for everyone to possess and keep the card and the evidential value of the national identity card for the identification of a natural person,

Bearing in mind the stipulations set out in African regional and universal legal instruments that recognise and enshrine the principles of equality, non-discrimination, civil status registration and the right of every person to have a nationality¹⁰,

Recalling that the adoption of the African Charter on Human and Peoples' Rights (AChHR) in 1981 by the African Union (AU) represented a significant milestone in the advancement of indigenous rights in Africa. This was achieved through the establishment of the African Commission on Human and Peoples' Rights (ACnHR), as well as a Working Group of Experts on Indigenous Peoples, Communities and Minorities in Africa (WGIP),

Recalling further the United Nations Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007, which, in Article 6 states that "*every indigenous person has the right to a nationality*", while Articles 2, 3, 5, 14 and 33 relate to the participation of indigenous peoples in the political, economic and social life of the State,

Recalling also certain stipulations of the instruments for the promotion and protection of the rights of indigenous peoples, in particular Article 1.1 and Articles 25 and 27 of the International Covenant on Civil and Political Rights¹¹, as well as the Convention on Biological Diversity, which was adopted in Rio de Janeiro on 5 June 1992, and ILO Conventions such as Convention No. 169 on the Rights of Indigenous and Tribal Peoples in Independent Countries and Convention No. 111 on Discrimination in Respect of Employment and Occupation,

The Commission commends the initiatives undertaken to advance and safeguard the rights of indigenous communities. In particular, the Commission recognises the efforts to raise awareness about the detrimental impact of genital mutilation and early marriage on the education of young indigenous girls, namely:

- Participation in a conference-debate organised by *Actions pour le Développement Communautaire* (ADC) and the Mbororo Social and Cultural Development Association (MBOSCUDA) in partnership with the Alliance Française in Garoua, under the theme

¹⁰ Concerning equality, See Article 2 of the United Nations Declaration on Indigenous Peoples; Articles 2 and 3 of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, of 27 June 1989; Articles 8(1) and 10(3) of the African Charter on Democracy, Elections and Governance; In addition, Article 24(2) of the International Covenant on Civil and Political Rights provides that "*every child shall be registered immediately after birth and shall have a name*", Article 24(2) of the same Covenant provides that "[e]very child has the right to acquire a nationality" and Article 6 of the United Nations Declaration on the Rights of Indigenous Peoples provides that "[e]very indigenous individual has the right to a nationality".

¹¹ Article 1 (1): All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

"Mechanisms for the promotion and protection of the rights and programmes for indigenous peoples", during which the CHRC, through its Garoua branch, presented a paper on *"Mechanisms for the promotion and protection of the rights of indigenous peoples at the CHRC"*

- the organisation of an awareness-raising campaign for women and young girls from the Guidar community on 22 February 2024 on the Figuil Town Hall esplanade, followed by a legal clinic, during which it emerged that women from this community were complaining about the persistence of early marriages and genital mutilation to which they were subjected as a result of the complacency of certain community leaders and certain traditional chiefs,

The Commission welcomes the decision of the Head of State to instruct the MINDCAF, through the Minister of State, Secretary-General of the Presidency of the Republic, to report Order No. 01683/A/MINDCAF/SG/D1/D12 of 20 June 2024, exercising the State's right of first refusal on land title No. 175/Mfoundi, issued in favour of the J. Bastos Company of Central Africa, over land situated in the "Ekoudou" locality, Yaoundé I Sub-division, Mfoundi Division, and the retrocession of the said land to the Mvog Balla Ekobena and Ekobena indigenous communities,

The Commission also welcomes the Government's initiatives to further protect the rights of vulnerable indigenous peoples (VIPs) in general and, more specifically, to work towards increasing the number of mechanisms to guarantee their rights in the localities where indigenous peoples reside, including by focusing on their social integration and participation in public affairs, in particular by raising awareness, between September 2023 and August 2024, of 38,668 VIP children, including 21,080 girls and 17,588 boys, in the context of educational talks on the *importance of education, citizenship and hygiene*, jointly organised throughout the entire national territory by MINAS and the Ministry of Youth and Civic Education,

The Commission also welcomes the efforts made by MINAS in the context of the social inclusion of indigenous populations, particularly in terms of access to basic social services for 11 900 people from some vulnerable indigenous communities¹² - including 5,370 women - distributed as follows:

- 8,754 VIPs supported to register at the Civil Registry, including 4,008 girls/women and 4,746 boys/men
- 3,135 VIPs assisted to obtain a national identity card (NIC), including 1,359 girls/women and 1,776 boys/men.
- 22 Mbororo families received support from the French Red Cross to facilitate their access to basic social services, in particular to obtain birth certificates,

The Commission also welcomes the participation of the vulnerable indigenous peoples of Cameroon, represented by the Network of Indigenous and Local Peoples of Central African States (REPALEAC), at the 23rd session of the United Nations Permanent Forum on Indigenous Issues, held at the United Nations Headquarters in New York from 15 to 26 April, under the theme

¹² See MINAS, *Rapport annuel de performance 2023*, chapitre 42, 50 pp., p. 33.

"Enhancing indigenous peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: Amplifying indigenous youth voices,

The Commission, however, remains concerned about the difficult access of indigenous children to basic education, the regional disparities in school infrastructure and in the allocation of teaching staff, and the fact that some pupils have not completed primary education, which jeopardises the future exercise by these children of their rights as citizens,

The Commission regrettably persists on certain difficulties faced by the indigenous population, such as:

- The high number of indigenous peoples who have neither civil status documents (notably the birth certificate) nor national identity cards, due to geographical remoteness and the complex and costly administrative procedures involved in obtaining these documents which place them out of reach of these indigenous populations
- the weak presence of state institutions dealing with civil status, justice and health in remote/closed areas, which does not facilitate indigenous peoples' access to basic social services, justice and health, as well as linguistic and cultural barriers
- the low level of participation of indigenous peoples in decision-making processes on issues that affect or may affect them,

The Commission recalls that at the conclusion of the fourth cycle of the Universal Periodic Review (UPR), the State accepted 220 recommendations during the adoption of *Cameroon's Evaluation Report* on 26 March 2024. This included eight recommendations for indigenous peoples, which were addressed, for implementation, by the CHRC to State institutions and political parties as follows:

- *The Ministries of Economy, Planning and Regional Development, Territorial Administration, Decentralisation and Local Development, Social Affairs, Basic Education, Secondary Education, Higher Education, Public Health, Youth Affairs and Civic Education, and political parties, to improve the quality of school infrastructure and programmes in rural areas, to provide better access to education for indigenous and forcibly displaced children*
- *To the Ministries of the Environment, Protection of Nature and Sustainable Development (MINEPDED), Forestry and Wildlife, and Decentralisation and Local development, to intensify endeavours focused on the conservation of ecosystems, particularly forests and rivers, to protect biodiversity and peoples' livelihoods*
- *To the Ministries of Environment, Protection of Nature and Sustainable Development, Forestry and Wildlife, Decentralisation and Local development, and Ministry of Livestock, Fisheries and Animal Industries, to collaborate with the local populations especially those affected by climate change, to create adaptation strategies and enhance resilience*

- *To the Ministries of Environment, Protection of Nature and Sustainable Development, Forestry and Wildlife, Decentralisation and Local Development, Livestock, Fisheries and animal industries and Public Health, to adopt measures to alleviate and combat the negative effects of climate change on the land, territories and resources of indigenous peoples*
- *To the Ministries of Social Affairs, Decentralisation and Local Development, Basic Education, Secondary Education, Higher Education, and Youths Affairs and Civic Education, to strengthen mechanisms in priority education areas, to guarantee an indiscriminate access to and quality education for all thereby increase the schooling rate of indigenous peoples in particular*
- *To the Secretariat General of the Presidency of the Republic, the Prime Minister's Office and the Ministries of Economy, Planning and Regional Development, Public Health, Basic Education, Secondary Education, and Social Affairs, to adopt measures to make available and accessible education and health services to all ethnic groups and indigenous peoples by strengthening the infrastructure of existing establishments and increasing the number of schools and health centres, especially in violence-affected areas and remote regions*
- *To the Senate, National Assembly as well as to Ministries of Justice and Social Affairs*
 - o to strengthen the legal and general framework protecting the rights of indigenous peoples
 - o to adopt stronger measures for the legal protection of marginalised or vulnerable peoples, particularly by strengthening the legislation to hold perpetrators of human rights violence against minority ethnic groups accountable for their actions,

The Commission reiterates its recommendations stated during the previous International Day of the World's Indigenous Peoples and that are linked to the 2024 theme, in particular:

- *To the Ministries of Justice, Territorial Administration, Decentralisation and Local Development through Regional and Local Authorities, the General Delegation for National Security, the National Civil Status Registration Office and Elections Cameroon, each in its own sphere, to:*
 - o Strengthen campaigns for the issuance of civil status documents and facilitate the procedures for the issuance particularly with regards to birth certificates, national identity cards, voters' cards in order to enable indigenous peoples to fully enjoy their right to identity and citizenship
 - o facilitate indigenous peoples' access to decision-making where they can discuss the protection of their ancestral, their right of access to land ownership, to justice and to all the other areas of public life to which they are entitled
 - o ensure that indigenous peoples are no longer exploited or marginalised by dominant communities per the international Conventions on racial discrimination duly ratified by Cameroon
 - o take new concrete measures to resolve disputes arising from repeated confrontations and misunderstanding between indigenous peoples and certain communities with which they share the same geographical territory

- *To the Ministries of Social Affairs and Women's Empowerment and the Family* to intensify awareness-raising campaigns among the indigenous peoples about the importance of civil status documents, particularly birth certificates, national identity cards and the implementation of economic development programmes to empower them,

The Commission recommends that the Government should:

- simplify administrative procedures for the registration of births, marriages and deaths by providing administrative assistance to guide indigenous peoples in these procedures
- reduce or exempt vulnerable indigenous peoples from fees associated with obtaining civil status documents
- ensure that the staff of civil status registries are trained to take into considering cultural and linguistic specificities of indigenous peoples, to ease communication and equally foster their inclusion
- work in close collaboration with traditional authorities or indigenous organisations to better understand their needs,

The Commission especially recommends to the *Ministries of Basic and Secondary Education*, to recruit teachers from indigenous communities who have been trained in teaching methods adapted to their culture to enable the registration in every school of indigenous children without birth certificates and to assist in establishing (or reconstituting) their official documentation in partnership with Regional and Local Authorities,

The Commission recommends to the *Ministry of Social Affairs and the Ministry of Women's Empowerment and the Family*, each in its own sphere, to:

- increase awareness raising campaigns among indigenous populations of the issues concerning the establishment of birth certificates and national identity cards, to enable indigenous children attending school to complete their education
- step up awareness-raising activities among indigenous populations to enable them understand that they can be more open to the rest of the world and fully participate in the management of public affairs, while preserving their identity and culture, on which would further contribute to combating the stereotypes that hinder the exercise of their right to citizenship
- strengthen the organisational and advocacy capacities of indigenous communities to enable them better defend their rights and participate actively in the decision-making process, especially in their favour,

The Commission recommends to civil society organisations to:

- step up awareness-raising and information campaigns for VIP on the importance of registering civil status events and addressing the procedures involved in the establishment of the related certificates
- support and train indigenous leaders in administrative procedures, rights and possible remedies for effective support of their communities

- increase human rights promotion activities among rural populations in the East Region in collaboration with development stakeholders
- work closely with the relevant authorities such as *MINAT*, *MINDDEVEL* and *BUNEC*, to identify challenges and find concrete solutions to the problems of obtaining birth, marriage, and death certificates, as well as the issuance of national identity cards (CNI) for indigenous peoples,

The Commission calls on all stakeholders working to support the rights of indigenous peoples to join their efforts, build on their achievements in the management of civil registration and to further protect the rights of indigenous populations in Cameroon,

The commission will dedicate its resources to the promotion and protection of human rights, with a particular focus on the rights of indigenous peoples. This will be achieved through training workshops, awareness-raising campaigns, advocacy, the handling of complaints and self-initiated investigations, including via its **toll-free number 1523** (free calls).


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Yaoundé, 08 AOUT 2024



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