

LAW N<sup>o</sup> 2019/014 OF 19 JUL 2019

RELATING TO THE ESTABLISHMENT, ORGANIZATION AND  
FUNCTIONING OF THE CAMEROON HUMAN RIGHTS  
COMMISSION

*The Parliament deliberated and adopted,  
the President of the Republic hereby  
enacts the law set out below:*

## CHAPTER I GENERAL PROVISIONS

**SECTION 1:** (1) This law relates to the establishment, organization and functioning of the Cameroon Human Rights Commission, abbreviated as "CHRC" and hereinafter referred to as "the Commission".

(2) The Cameroon Human Rights Commission shall be an independent institution for consultation, monitoring, evaluation, dialogue, conciliation and deliberation in the promotion and protection of human rights.

(3) The Commission shall also serve as the Cameroon National Mechanism for the Prevention of Torture, abbreviated as "NMPT".

**SECTION 2:** (1) The Commission shall have legal status and financial autonomy.

(2) Its headquarters shall be in Yaounde.

(3) The Commission may establish branches in other localities throughout the territory of the Republic, the organization and functioning of which shall be determined by its by-laws.

## CHAPTER II DUTIES OF THE COMMISSION

**SECTION 3:** (1) The Commission shall be responsible for the promotion and protection of human rights as well as the prevention of torture in all places of detention.

To that end, it may request any administrative service to conduct a study or submit a report on an issue falling within its competence, and conduct studies on human rights on behalf of administrative services that so request.

(2) Except otherwise provided by law, all authorities shall be required to provide any information and intelligence or document requested by the Commission within the framework of its investigations.

### I – HUMAN RIGHTS PROMOTION

**SECTION 4:** The Commission shall contribute to developing a human rights culture based on the ideals of peace, equal rights and

responsibilities, mutual respect and sustainable development, particularly:

- by popularizing human rights legal instruments;
- by raising public awareness on various human rights topics, including gender issues as well as the rights of vulnerable groups;
- through research, education and training in the domain of human rights;
- through cooperation in the domain of human rights;
- by advocating the improvement of the legal and institutional framework for human rights promotion.

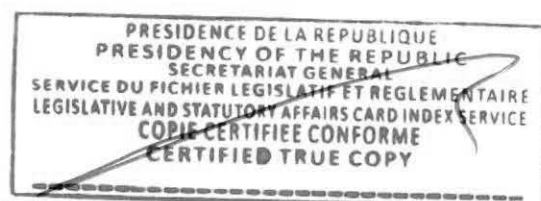
**SECTION 5:** To perform the duties provided for in Section 4 above, the Commission shall:

- carry out sensitization, information and communication campaigns to educate the public;
- contribute to the teaching of human rights in all training cycles and socio-professional environments;
- organize seminars, workshops and conferences on human rights;
- collect documentation and encourage research on human rights;
- prepare and publish documents, reports and awareness-raising tools;
- advocate for the Government and Parliament to sign, adhere to or ratify regional and international human rights legal instruments;
- contribute to drafting the periodic country human rights report;
- collaborate with United Nations agencies, regional and national human rights institutions, civil society organizations, and national and international organizations on human rights issues, where necessary.

## **II – HUMAN RIGHTS PROTECTION**

**SECTION 6:** The Commission shall contribute to strengthening the rule of law and combating impunity in the domain of human rights, in particular by:

- handling petitions and denunciations of alleged human rights violations;



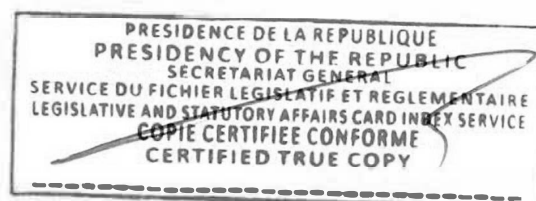
- spontaneously examining allegations which may constitute serious, recurrent or systemic human rights violations brought to its knowledge;
- monitoring the human rights situation;
- providing human rights advice and guidance.

**SECTION 7:** In order to perform the duties provided for in Section 6 above, the Commission may:

- request the competent authorities to carry out searches and require the production of any document or evidence, in accordance with the laws in force;
- refer to the Minister in charge of justice cases of human rights violation established by the Commission;
- use dialogue, mediation and conciliation between parties in non-criminal matters;
- provide legal assistance or take measures to provide any form of assistance, in accordance with the laws in force;
- conduct investigations, in accordance with the laws in force, particularly by:
  - carrying out all necessary inspections;
  - accessing any place of alleged human rights violation;
  - gathering all necessary information.
- request the competent authorities to put an end to the human rights violations noted;
- request, where necessary, the assistance of the forces of law and order in the discharge of its duties, in accordance with the laws in force;
- intervene, where necessary, before any court as amicus curiae. In this case, a written request shall be submitted to the President of the competent court before any decision is taken on the merits. The amicus curiae can present its arguments orally or in writing;
- participate in monitoring the implementation of recommendations made by international and regional human rights mechanisms, including bodies whose treaties have been ratified by Cameroon.

### **III – PREVENTION OF TORTURE IN PLACES OF DETENTION**

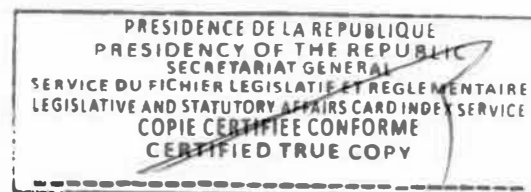
**SECTION 8:** (1) As a mechanism for the prevention of torture, the Commission shall:



- carry out regular visits to all places of detention;
- initiate constructive dialogue with the authorities in charge of the administration and management of places of detention or any other authority;
- participate in monitoring the implementation of the observations made by the United Nations Subcommittee on Prevention of Torture.

(2) Within the meaning of this law, places of detention shall include:

- police and gendarmerie detention cells;
- penal institutions;
- borstal institutes;
- border transit areas on land, at sea and in airports;
- customs detention areas;
- psychiatric centres and hospitals;
- Defence and Security Forces disciplinary cells or premises;
- detainee escort vehicles;
- detention cells of legal departments;
- all other places where people could be detained.



**SECTION 9:** As part of its torture prevention missions, the Commission shall:

- carry out regular, impromptu or notified visits to penal institutions and any other place of detention in the presence, where necessary, of either the State Counsel, State Prosecutor in a Military Tribunal or his representative, or the head of the place of detention concerned. In any case, the State Counsel or the State Prosecutor in a Military Tribunal, where applicable, shall be informed of the planned visit;
- conduct private interviews, with or without witnesses, with detainees, or any other person or entity deemed relevant. Information obtained during these interviews shall remain confidential and may under no circumstances be made public;
- make recommendations to the competent authorities to improve the treatment and situation of detainees and to prevent torture;
- at the request of the Government, make remarks on existing or draft legislation on the prevention of torture;

- participate in monitoring the implementation of the remarks made by the United Nations Subcommittee on Prevention of Torture;
- cooperate with the United Nations Subcommittee on Prevention of Torture, foreign national mechanisms for prevention of torture and other national, regional and international mechanisms for prevention of torture.

**SECTION 10:** Visits to places of detention shall focus on detention conditions.

**SECTION 11:** The authorities in charge of places of detention may oppose the Commission's visit only on serious and overriding grounds relating to national defence, safety, security and public order and serious disturbances in the places visited, on condition that they provide the Commission with reasons for their opposition with a view to scheduling a new date for the visit.

In such cases, the officers concerned shall provide minimum written information on the status of detainees in their institution.

### **CHAPTER III** **COMPOSITION, ORGANIZATION AND FUNCTIONING** **OF THE COMMISSION**

#### **I – COMPOSITION**

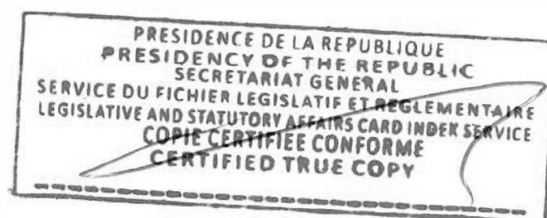
**SECTION 12:** (1) The Commission shall comprise 15 (fifteen) members, including a Chairperson and a Vice-Chairperson.

(2) Commissioners shall be chosen from among personalities of Cameroonian nationality living in the national territory and enjoying their civic and political rights, as well as a reputation of integrity, intellectual honesty and having a good mastery of human rights issues.

(3) The Commission Chairperson, Vice-Chairperson and members shall be appointed by decree of the President of the Republic for a five-year term, renewable once, on the proposal of the services, associations and socio-professional bodies to which they belong.

(4) Membership shall be renewed in accordance with the provisions of this law.

**SECTION 13:** The other 13 (thirteen) commissioners shall be distributed as follows:



- one legal or judicial officer;
- one expert in penitentiary administration or in the management of places of detention;
- one diplomat;
- one lawyer representing the Bar Association;
- one medical officer representing the Cameroon National Order of Medical Doctors;
- one representative of traditional authorities;
- one journalist designated by the Trade Union of Journalists;
- one expert in social work;
- one gender expert;
- one expert in religious matters;
- an expert in trade unionism, designated by workers' unions;
- two members from organizations working on promoting the rights of certain categories of persons, including one representative of persons with disabilities.

**SECTION 14:** (1) The Commission Chairperson, Vice-Chairperson and Members shall be referred to as "Commissioners" and shall work full time for the Commission.

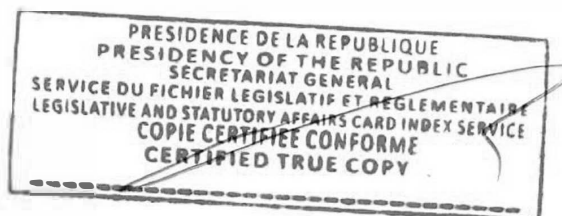
(2) Commissioners shall be selected with due consideration for linguistic, regional and gender balance.

(3) Women must account for at least 30% of the Commission members.

**SECTION 15:** (1) The duties of Commission member shall be incompatible with holding any other elective or non-elective public or private office, with the exception of research, teaching or consultancy.

(2) The conditions for the application of Section 15(1) above and the provisions relating to the management of real or apparent conflicts of interests of members shall be laid down in the By-laws of the Commission.

(3) Commission members falling under the public service shall be seconded from their service of origin.



**SECTION 16:** The term of office of Commission members shall end in the following cases:

- (a) normal expiry of the term;
- (b) death or resignation of the Commissioner;
- (c) advent of a case of incompatibility as provided for under Section 15 above.

**SECTION 17:** (1) The status of Commissioner shall be lost in the event of:

- (a) occurrence of a case of ineligibility, subsequent to the appointment of a member, and established by two-thirds of the Commissioners;
- (b) unavailability of a Commissioner duly established by the Commission;
- (c) prolonged absence or gross misconduct or breach of the By-laws duly established by the Commission;
- (d) a prison sentence duly established by the Commission.

(2) The conditions for loss of status of Commissioner shall be laid down in the Commission's By-laws.

(3) The loss of status of Commissioner shall be established by decree of the President of the Republic.

**SECTION 18:** In the cases provided for in Sections 16 and 17 above, a new Commissioner shall be designated following the conditions laid down in this law.

**SECTION 19:** Where the Commission Chairperson and/or Vice-Chairperson lose their status as Commissioner, they shall be replaced following the same procedures provided for in Section 12 above.

**SECTION 20:** (1) Prior to assuming office, the Commission Chairperson, Vice-Chairperson and Members shall take the oath before the full bench of the Supreme Court.

(2) The wording of the oath shall be as follows: "*I (full name) solemnly swear to diligently and faithfully perform the duties assigned to me as Commissioner with probity, impartiality and independence, to observe professional secrecy, the secrecy of deliberations and, in every*





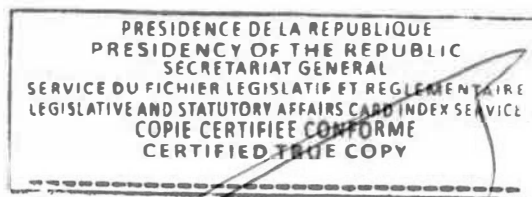
*circumstance, to comply with the restrictions imposed on me thereunder”.*

**SECTION 21:** A Commissioner may not be prosecuted for any idea or opinion expressed in the exercise of his duties.

## **II – ORGANIZATION**

**SECTION 22:** To discharge its duties, the Commission shall have:

- an Office of the Chairperson;
- a General Assembly of Commissioners;
- a Permanent Secretariat.



**SECTION 23:** (1) The Chairperson shall represent the Commission in all civil matters and before the courts. He shall head the Commission.

(2) The Vice-Chairperson shall perform any duty assigned to him by the Chairperson.

(3) In the event of temporary absence or unavailability of the Chairperson, the Vice-Chairperson shall act under conditions provided for by the By-laws.

(4) Where such absence or unavailability is such as to undermine the proper functioning of the Commission, the Chairperson shall be replaced following the same conditions provided for in Section 12 above.

**SECTION 24:** Presided over by the Chairperson and comprising all the Commissioners, the General Assembly of Commissioners shall be the policy-making and deliberative organ of the Commission.

**SECTION 25:** (1) The General Assembly of Commissioners shall meet in ordinary session twice a year, in May and in December. It shall meet in extraordinary session as and when necessary.

(2) The General Assembly of Commissioners shall meet when convened by the Commission's Chairperson or at the behest of two-thirds of its members. In the latter case, the Chairperson shall be informed of the agenda and he may not raise any objection thereto.

**SECTION 26:** The General Assembly of Commissioners shall:

- deliberate on all matters concerning the Commission;
- draft, adopt or amend the Commission's By-laws;

- validate studies to be conducted by the Commission within its sphere of competence and related reports;
- approve the Commission's action and work programmes;
- establish the salary scale, amount of allowances and other benefits allocated to the staff of the Commission;
- make recommendations to relevant authorities in case of human rights violation;
- at the behest of the Government, give opinions on human rights bills and laws in force;
- review and adopt draft reports;
- approve the schedule of visits to places of detention;
- adopt budget execution reports;
- adoption of the annual draft budget;
- validate the Commission's investment plans.

**SECTION 27:** The General Assembly of Commissioners may validly deliberate only if at least 2/3 (two thirds) of its members are present.

Where this quorum is not attained at the first convening, it shall be reduced to half of the Commissioners at subsequent sessions on the same agenda.

**SECTION 28:** (1) Each Commissioner shall have one vote. Decisions shall be taken by a simple majority of votes of Commissioners present. In the event of a tie, the Chairperson shall have the casting vote.

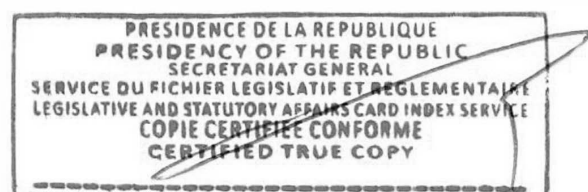
(2) The proceedings of the Commission shall be held in camera.

**SECTION 29:** The Permanent Secretariat shall be headed by a Permanent Secretary under the Chairperson of the Commission.

**SECTION 30:** The Permanent Secretary shall be appointed by decree of the President of the Republic.

**SECTION 31:** (1) The Permanent Secretary shall be responsible for administering and coordinating the work of all administrative and technical services of the Commission.

As such, he shall:



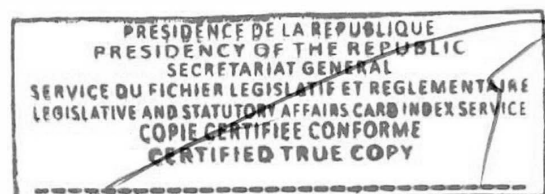
- (a) take all necessary measures for the preparation and organization of the Commission's work;
- (b) ensure administrative coordination and implementation of the Commission's activities;
- (c) prepare the Commission's annual financial statements, action programmes and progress reports;
- (d) prepare files to be submitted to the General Assembly of Commissioners for consideration;
- (e) provide secretarial services at meetings of the Commission and the General Assembly of Commissioners;
- (f) monitor the implementation of Commission resolutions and recommendations;
- (g) ensure the training and retraining of Commission staff;
- (h) centralize and keep the Commission's records and documents;
- (i) prepare the draft budget to be submitted to the General Assembly of Commissioners for approval;
- (j) prepare draft investment plans to be submitted to the General Assembly of Commissioners for approval;
- (k) prepare the draft work programme to be submitted to the General Assembly of Commissioners for approval;
- (l) manage Commission staff;
- (m) perform any other duties assigned to him by the Commission Chairperson.

(2) The organization and functioning of the Permanent Secretariat shall be laid down by decree of the President of the Republic.

**SECTION 32:** The amount of the monthly remuneration of the Chairperson, Vice-Chairperson, Commissioners and the Permanent Secretary as well as the nature of their benefits shall be determined by decree of the President of the Republic.

**SECTION 33:** Commissioners and the Permanent Secretary shall be entitled to session and mission allowances, the amounts of which shall be fixed by decree of the President of the Republic.

**SECTION 34:** (1) The Commission shall have 3 (three) standing working sub-commissions, the organization and functioning of which shall be determined by By-laws.



(2) The standing working sub-commissions shall comprise:

- the Sub-commission on Human Rights Promotion;
- the Sub-commission on Human Rights Protection;
- the Sub-commission on the Prevention of Torture in Places of Detention.

(3) The Commission may set up working groups and any other body that may contribute to the discharge of its duties.

**SECTION 35:** The Commission's internal operating methods shall be laid down by the By-laws.

### **III – FUNCTIONING**

**SECTION 36:** (1) The Commission may act of its own volition. Matters may also be referred to it by any natural or legal person, by way of a written or verbal complaint.

(2) The complaint must bear the identity and address of the complainant and provide a summary description of the alleged violation.

In case of a verbal complaint, a report shall be drawn up, containing the information listed in Section 36(2) above.

(3) The Commission shall take appropriate measures to protect the identity of persons soliciting its intervention or collaborating with it.

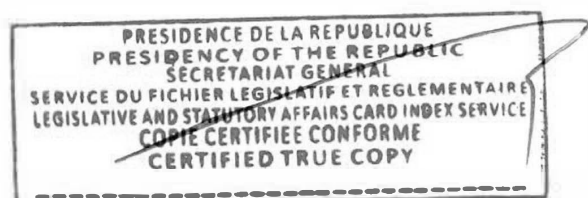
**SECTION 37:** The procedure for reviewing complaints before the Commission shall be laid down by the By-laws.

**SECTION 38:** Referral to and proceedings before the Commission shall be free of charge.

**SECTION 39:** The Commission may enlist any expertise necessary for the discharge of its duties.

**SECTION 40:** (1) In the discharge of its duties, the Commission shall produce annual, special or thematic reports.

(2) The recommendations and opinions of the Commission shall be made public, at the behest of its Chairperson. However, recommendations and opinions made following visits to places of detention shall be exclusively forwarded to the competent authorities.



**SECTION 41:** The Chairperson shall immediately forward the Commission's recommendations and opinions on the human rights situation as contained in its special or thematic reports to the relevant competent authorities for review and follow-up.

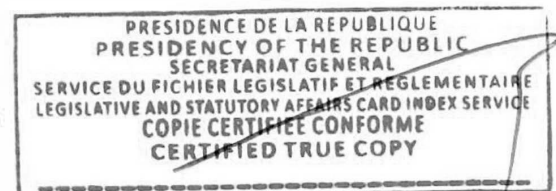
**SECTION 42:** (1) The Commission shall produce annual reports on the human rights situation in Cameroon. The reports shall be forwarded to the President of the Republic, the President of the Senate, the President of the National Assembly, the Prime Minister, the President of the Constitutional Council, the First President of the Supreme Court, Ministers in charge of justice, territorial administration and external relations, as well as any other relevant government service. The reports shall be published at the behest of the Commission Chairperson.

(2) The Commission shall also produce annual reports on the prevention of torture in places of detention in Cameroon. Such reports shall be forwarded to the President of the Republic, the Ministers in charge of justice, territorial administration, defence and public health and to the Delegate General for National Security, as well as any other relevant government service.

**SECTION 43:** The State, its agencies and any natural or legal person shall be required to help the Commission to carry out its mission.

**SECTION 44:** The Commission's head office and branches shall be inviolable and protected by security forces.

**CHAPTER IV**  
**FINANCIAL PROVISIONS**  
**I – RESOURCES**



**SECTION 45:** The resources of the Commission shall be derived from:

- (a) yearly allocations in the State budget;
- (b) support from national and international partners;
- (c) donations and legacies.

**SECTION 46:** (1) The resources of the Commission shall be public funds. As such, they shall be managed in accordance with the regulations provided for in the Fiscal Regime of the State and other public entities.

(2) Resources from cooperation and various partners shall be managed in accordance with the terms of the related conventions and agreements.

**SECTION 47:** (1) The Commission Chairperson shall be the main authorizing officer of the budget.

(2) Delegated and secondary authorizing officers may be designated in accordance with the regulations in force.

**SECTION 48:** (1) The Commission Chairperson shall submit the draft annual budget and investment plans respectively to the Minister in charge of finance and the Minister in charge of investment, within the framework of the preparation of the finance law.

(2) The draft budget shall include sufficient allocation for the prevention of torture in places of detention.

(3) The budget of the Commission shall have a specific head in the Finance Law.

(4) The financial year of the Commission shall run from 1 January to 31 December.

**SECTION 49:** The Commission may, at the request of its Chairperson, open accounts in a banking institution approved by the monetary authority.

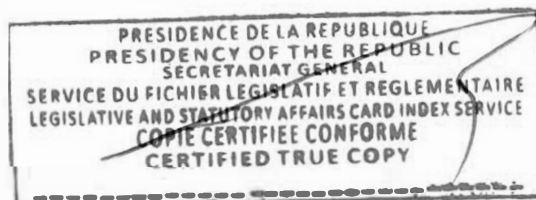
**SECTION 50:** The management of Commission funds shall be subject to control by the relevant State services.

**SECTION 51:** (1) The Commission's administrative and management accounts shall be submitted annually to the Minister in charge of finance and the Audit Bench of the Supreme Court at the behest of the Commission Chairperson.

(2) The Commission shall be subject to a yearly financial audit by the relevant State services.

## **II – MANAGEMENT CONTROL AND SUPERVISION**

**SECTION 52:** (1) An Accounting Officer and a Specialized Finance Controller shall be appointed to the Commission by an order of the Minister in charge of finance.



(2) The Accounting Officer and the Specialized Finance Controller shall discharge their duties in accordance with the laws and regulations in force, except otherwise stated in international agreements duly ratified by Cameroon and published.

**SECTION 53:** (1) The Accounting Officer shall record all the revenue and expenditure of the Commission. He shall ensure the regularity of authorizations for revenue collection, payment orders and payments issued by the Chairperson.

(2) Authorized expenditure shall be paid only by the Commission's Accounting Officer.

**SECTION 54:** The Specialized Finance Controller shall be responsible for controlling revenue collection and expenditure documents signed by the Chairperson or secondary authorizing officers. Generally, he shall be responsible for controlling budget execution.

**SECTION 55:** At the end of every financial year, the Chairperson shall prepare statements concerning all bank accounts, as well as deposit and portfolio accounts. He shall also prepare inventories as well as statements on receivables and debts.

**SECTION 56:** (1) The Specialized Finance Controller and the Accounting Officer shall present their respective reports on Commission budget execution to the General Assembly of Commissioners.

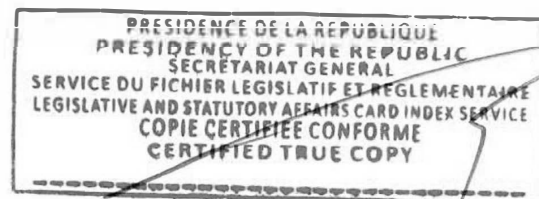
(2) Copies of such reports shall be forwarded to the Minister in charge of finance, the Minister in charge of investment and the Commission Chairperson.

(3) Independent audits may be requested by the General Assembly of Commissioners or the Minister in charge of finance.

## **CHAPTER V** **STAFF**

**SECTION 57:** (1) The staff of the Commission shall comprise:

- civil servants on secondment;
- State employees governed by the Labour Code placed at the disposal of the Commission at its request;
- staff recruited directly by the Commission.



(2)The direct recruitment of staff by the Commission shall be done in accordance with the laws in force and the rules and regulations governing Commission staff, following a procedure laid down by the By-laws.

**SECTION 58:** (1) In the discharge of their duties, the senior staff of internal organs recruited at the Commission shall take an oath before the High Court having jurisdiction.

(2)The wording of the oath shall be as follows: "*I (full name), swear to discharge the duties assigned to me with probity and impartiality, to comply with the laws and regulations governing them, to fulfil my obligations, and to uphold professional secrecy*".

**SECTION 59:** (1) In their action to promote and protect human rights and prevent torture, Commission staff may not take instructions from State public authorities or any interest group.

(2) The Commission staff shall be bound by the obligation of secrecy.

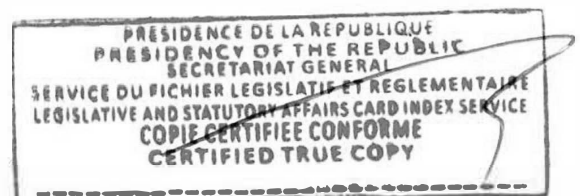
**SECTION 60:** (1) The salary scale, amount of allowances and other special benefits allocated to the staff recruited by the Commission shall be determined by the General Assembly of Commissioners.

(2) Civil servants and State employees placed at the disposal of the Commission shall, throughout their term of office, be governed by the instruments governing the Commission and labour laws, subject, concerning civil servants, to the provisions of the General Rules and Regulations of the Public Service and special rules and regulations, as appropriate, relating to advancements, retirement and end of secondment.

**SECTION 61:** Conflicts between the staff and the Commission shall fall under the jurisdiction of the relevant ordinary law courts.

## **CHAPTER VI** **CRIMINAL PROVISIONS**

**SECTION 62:** Whoever, having been duly served with a summons, fails to appear before the Cameroon Human Rights Commission, shall be punished with fine of from CFAF 4 000 (four thousand) to CFAF 25 000 (twenty-five thousand) or with imprisonment for from 5 (five) to 10 (ten) days or with both such fine and imprisonment.





**SECTION 63:** The summons shall be evidenced by any means in writing.

**SECTION 64:** In the discharge of their duties, Commissioners and Commission staff shall be considered as civil servants within the meaning of the provisions of Section 131 of the Penal Code.

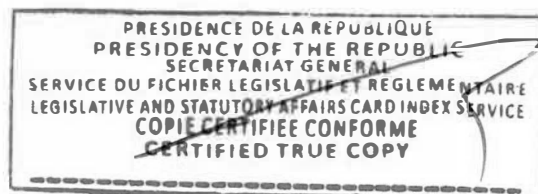
**CHAPTER VII**  
**MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**SECTION 65:** The By-laws shall, in particular, determine:

- (a) the duties of Commissioners;
- (b) conditions for the loss of the status of Commissioner;
- (c) terms and conditions for the management of actual or apparent conflicts of interest of Commissioners;
- (d) conditions for the substitution of the Chairperson by the Vice-Chairperson;
- (e) terms and conditions for meetings and decision making by the Commission;
- (f) the presentation and publication of the report on the human rights situation;
- (g) the preparation and submission of the annual report on the prevention of torture to the Government;
- (h) terms and conditions relating to the establishment, organization and functioning of branches nationwide;
- (i) the internal organization of the Commission;
- (j) the organization and functioning of standing working sub-commissions;
- (k) admissibility criteria and procedure for processing complaints;
- (l) the appointment of secondary authorizing officers;
- (m) Commission staff direct recruitment procedure.

**SECTION 66:** The sitting Members of the National Commission on Human Rights and Freedoms shall remain in office until the Commissioners appointed in accordance with the provisions of this law take up their duties.

**SECTION 67:** (1) The Cameroon Human Rights Commission shall ipso facto replace the National Commission on Human Rights and Freedoms.



(2) The assets and staff of the National Commission on Human Rights and Freedoms shall be transferred to the Cameroon Human Rights Commission.

**SECTION 68:** Upon its entry into force, this law shall repeal all previous provisions, particularly those of Law No. 2004/16 of 22 July 2004 relating to the establishment, organization and functioning of the National Commission on Human Rights and Freedoms and those of Law No. 2010/4 of 13 April 2010 to amend and supplement some provisions of Law No. 2004/16 of 22 July 2004 relating to establishment, organization and functioning of the National Commission on Human Rights and Freedoms.

**SECTION 69:** This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-



YAOUNDE, 19 JUIL 2019

**PAUL BIYA**

**PRESIDENT OF THE REPUBLIC**

