



**CAMEROON HUMAN RIGHTS
COMMISSION**

**2021 REPORT ON THE STATE
OF HUMAN RIGHTS
IN CAMEROON**

**2021 REPORT ON THE
STATE OF HUMAN
RIGHTS IN CAMEROON**

TABLE OF CONTENTS

TABLE OF CONTENTS 4

ABBREVIATIONS AND ACRONYMS 11

GENERAL INTRODUCTION..... 17

PART I.- SITUATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS..... 21

CHAPTER I. THE RIGHT TO HEALTH..... 23

SECTION I.- Legal and institutional framework of the right to health..... 24

Paragraph 1.- Basic normative and institutional framework..... 24

Paragraph 2. Normative and institutional innovations in 2021..... 25

**SECTION II.- Efforts for implementing the right to health and challenges within
the context of the response to the Covid-19 pandemic..... 27**

**Paragraph 1.- Efforts made by public authorities to better attain the right
to health 27**

**Paragraph 2.- Continuation of the response to the Covid-19 pandemic
and challenges pertaining to the right to health..... 34**

Paragraph 3.- The specific situation of the fight against HIV/AIDS..... 36

**Paragraph 4.- Situation of persons suffering from mental illnesses:
the case of patients of the Jamot Hospital of Yaoundé 42**

SECTION III.- Recommendations made by the CHRC 46

**Paragraph 1.- General recommendations to improve on the attainment
of the right to health in Cameroon 46**

**Paragraph 2.- Specific recommendations to improve on the fight against HIV/AIDS
and mental illnesses..... 47**

CHAPTER II. - THE RIGHT TO EDUCATION 51

SECTION I.- Legal and institutional framework of the right to education 52

Paragraph 1.- Basic normative and institutional framework..... 52

Paragraph 2.- Normative and institutional innovations in 2021 53

SECTION II.- Progress and challenges in attaining the right to education 54

Paragraph 1.- Efforts deployed by the State concerning the right to education 55

Paragraph 2.- Main challenges to the attainment of the right to education 58

SECTION III.- Recommendations of the CHRC concerning the right to education..... 66

**Paragraph 1.- Recommendations relating to the right to education addressed
to the State 66**

**Paragraph 2.- Recommendations addressed to non-State stakeholders
of education..... 69**

CHAPTER III.- THE RIGHT TO AN ADEQUATE LIVING STANDARD 71

SECTION I.- The rights to water and to energy 72

Paragraph 1.- Access to drinking water: progress registered and challenges...	72
Paragraph 2.- Access electric power: progress registered and challenges	75
Paragraph 3.- Recommendations of the CHRC concerning the rights to water and to electricity	76
SECTION II.- The right to food.....	77
Paragraph 1.- Persistent food insecurity in Cameroon despite efforts deployed by Government.....	78
Paragraph 2.- Recommendations of the CHRC concerning the right to food	80
SECTION III.- Consumer rights	82
Paragraph 1.- Legal and institutional framework for the protection of consumer rights in Cameroon in 2021	82
Paragraph 2.- Efforts deployed to implement consumer rights	83
Paragraph 3.- Recommendations of the CHRC concerning consumer rights	84
SECTION IV.- The right to landed property and housing.....	85
Paragraph 1.- The right to landed property: progress registered and challenges.....	85
Paragraph 2.- The right to housing: progress registered and challenges	89
Paragraph 3.- Recommendations of the CHRC concerning the right to landed property and the right to housing.....	90
CHAPTER IV.- THE RIGHT TO WORK, TO DECENT WORKING CONDITIONS, AND TO SOCIAL SECURITY	93
SECTION I.- The Legal and Institutional Framework for the Right to Work, to Decent Working Conditions, and to Social Security.....	94
Paragraph 1.- Basic normative and institutional framework.....	94
Paragraph 2.- Normative and institutional innovations in 2021	97
SECTION II.- Progress and Challenges in fulfilling the right to work.....	97
Paragraph 1.- Measures taken by the State in favour of the right to work and workers' rights.....	98
Paragraph 2.- Persistent difficulties in the enjoyment of Labour-related rights.....	102
SECTION III.- Recommendations of the CHRC on Labour-Related Rights	107
Paragraph 1.- Recommendations Addressed to the State.....	107
Paragraph 2.- Recommendations Addressed to Individuals, Businesses, and Employer Syndicates	108
 PART II.- THE STATE OF CIVIL AND POLITICAL RIGHTS.....	 109
CHAPTER I.- RIGHTS TO IDENTITY, NATIONALITY AND CITIZENSHIP	111
SECTION I.- Legal and institutional framework governing the rights to identity, nationality and citizenship	111

SECTION II.- Progress and difficulties in securing the rights to identity, nationality and citizenship	114
Paragraph 1.- Improved access to civil status registration and system for issuing the Cameroonian passport	114
Paragraph 2.- Challenges in issuing and reconstituting identification documents: ..Case of the South West Region in the context of insecurity	116
SECTION III.- CHRC observations and recommendations on the rights to identity, nationality and citizenship	118
Paragraph 1.- CHRC observations	118
Paragraph 2.- CHRC Recommendations	119
CHAPTER II.- RIGHT TO PERSONAL SECURITY AND PROPERTY	121
SECTION I.- Legal and institutional framework governing the right to personal safety and property	121
SECTION II.- The many breaches observed in the country	123
Paragraph 1.- Violations of the right to life and the right to security of property	123
Paragraph 2.- Violations of physical and moral integrity and repressive measures of the authorities	133
SECTION III.- CHRC Recommendations	140
CHAPTER III.- THE RIGHT OF ACCESS TO JUSTICE AND THE RIGHT TO A FAIR TRIAL	143
SECTION I.- The right to an effective remedy	145
Paragraph 1.- The legal and institutional framework of the right to an effective remedy	145
Paragraph 2.- CHRC actions in favour of the right to an effective remedy	146
SECTION II.- Abusive or arbitrary arrests, police custody and detentions	148
Paragraph 1.- The legal and institutional framework for protection against arrest, police custody and abusive detention, and its weaknesses	149
Paragraph 2.- CHRC actions to protect against abusive arrest, police custody and detention	153
SECTION III.- The right to speedy legal proceedings and enforcement of judgments	155
Paragraph 1.- The normative framework relating to the right to speedy judicial proceedings and its shortcomings	155
Paragraph 2.- The widespread problem of judicial delays and obstacles to the enforcement of legal decisions	157
SECTION IV.- CHRC observations and recommendations	164
CHAPTER IV-CIVIL RIGHTS	169
SECTION I.- Legal and institutional framework of civil rights	170
Paragraph 1.- The basic normative and institutional framework	170
Paragraph 2.- Legal and institutional innovations	172

SECTION II.- The exercise of civil rights in Cameroon in 2021.....	173
Paragraph 1.- Freedom of expression, of the press and of communication.....	173
Paragraph 2.- Freedom of movement of persons and goods, of association and of worship.....	177
Paragraph 3.- Restrictions on the free exercise of the freedom of assembly and public manifestation.....	178
SECTION II.- CHRC recommendations regarding public freedoms.....	179
PART III.- THE RIGHTS OF SPECIFIC CATEGORIES.....	181
CHAPTER I.- THE RIGHTS OF INTERNALLY DISPLACED PERSONS AND REFUGEES.....	183
SECTION I.- Legal framework for the protection of IDPs and refugees.....	184
Paragraph 1.- Legal and institutional framework for IDPs.....	184
Paragraph 2.- Normative and institutional framework relating to refugees.....	185
SECTION II.- The rights of refugees and internally displaced persons.....	186
Paragraph 1.- Refugees and internally displaced persons as a result of conflict between the Mousgoums and Choa Arabs.....	187
Paragraph 2.- The case of refugees and internally displaced persons due to persistent incursions by <i>Boko Haram</i> and attacks by secessionist terrorists.....	188
SECTION III.- CHRC Recommendations.....	190
CHAPTER II.- WOMEN’S AND CHILDREN’S RIGHTS.....	193
SECTION I.- Women’s rights.....	193
Paragraph 1.- The Normative and Institutional Framework of Women’s Rights.....	193
Paragraph 2.- The efforts of public authorities and the challenges to achieving women’s rights.....	196
SECTION II.- Children’s Rights.....	204
Paragraph 1.- Normative and institutional Framework for Children’s Rights.....	204
Paragraph 2.- The State of Children’s Rights.....	206
SECTION III.- CHRC recommendations on Women’s and Children’s Rights.....	213
Paragraph 1.- CHRC recommendations on the state of women.....	213
Paragraph 2.- CHRC Recommendations on the state of children.....	215
CHAPTER III.- THE RIGHTS OF MINORITIES, INDIGENOUS PEOPLES AND PERSONS LIVING WITH DISABILITIES.....	217
SECTION I.- Rights of Minorities.....	219
Paragraph 1.- The normative and institutional framework of rights of minorities.....	219
Paragraph 2.- The state of rights of minorities.....	223
Paragraph 3.- CHRC Recommendations concerning minorities.....	226

SECTION II.- The Rights of Indigenous Peoples	227
Paragraph 1.- The normative and institutional framework of the Rights of Indigenous Peoples	227
Paragraph 2.- Interventions in favour of indigenous peoples and the challenges to the attainment of their rights.....	230
Paragraph 3.- CHRC recommendations on the rights of indigenous peoples.....	238
SECTION III.- The Rights of Persons with Disabilities	238
Paragraph 1.- Strengthening the legal and institutional framework for the rights of persons with disabilities	238
Paragraph 2.- Situation of the Rights of Persons with Disabilities	242
Paragraph 3.- CHRC Recommendations on the Rights of Persons with Disabilities	244
PART IV.- INTERACTIONS WITH HUMAN RIGHTS MECHANISMS	247
CHAPTER I.- INTERACTION WITH THE AFRICAN HUMAN RIGHTS SYSTEM.....	249
SECTION I.- Participation of CHRC in the main sessions and activities of African mechanisms for the protection of human rights	249
Paragraph 1.- Interventions of CHRC during sessions of the African Commission on Human and Peoples’ Rights (ACHPR).....	249
Paragraph 2.- Participation of CHRC in the major activities of the African Committee of Experts on the Rights and Welfare of the Child	251
Paragraph 3.- The participation of CHRC in the conference of the African Court on Human and Peoples’ Rights (ACtHPR) on the execution and impact of the Court’s decisions: challenges and perspectives	253
SECTION II.- Major progress in Cameroon’s interaction with African human rights mechanisms	254
Paragraph 1.- The status of ratifications of African human rights instruments, submission of periodic reports, specific communications, resolutions and press releases on Cameroon.....	254
Paragraph 2.- Positive points and issues of concern highlighted by the African mechanisms for monitoring the implementation of African Human Rights instruments by Cameroon.....	257
SECTION III.- CHRC Recommendations to the State relating to its interactions with African Human Rights mechanisms	258
CHAPTER II.- INTERACTIONS WITH UNIVERSAL HUMAN RIGHTS MECHANISMS	261
SECTION I.- Interactions with the Human Rights Council, special procedures and Treaty Bodies.....	261
Paragraph 1.- Cameroon’s participation in the three annual sessions of HRC	261
Paragraph 2.-Collaboration with the Special Procedures.....	263

Paragraph 3.- Cooperation with Treaty Bodies.....	265
SECTION II.- Human Rights Diplomacy and Statistics from United Nations Agencies in Cameroon.....	266
SECTION III.- CHRC Recommendations to the State concerning its interaction with international human rights mechanisms.....	269
GENERAL CONCLUSION.....	271

ABBREVIATIONS AND ACRONYMS

- ACERWC:** African Committee of Experts on the Rights and Welfare of the Child
- AChHPR:** African Charter on Human and Peoples' Rights
- ACNHPR:** African Commission on Human and Peoples' Rights
- ACPF:** African Child Policy Forum
- ACTHPR:** African Court on Human and Peoples' Rights
- AI:** Amnesty International
- AIWO-CAN:** African Indigenous Women's Organization
- ANIF:** National Agency for Financial Investigations
- ANOR:** Standards and Quality Agency
- ARMP:** Public Procurement Regulatory Agency
- ARSEL:** Electricity Sector Regulatory Agency
- ART:** Telecommunications Regulatory Agency
- ARV:** Antiretrovirals
- ASBABUK:** Sanguia Baka Buma'a Kpode Association
- ASTI:** Advanced School of Translators and Interpreters
- AU:** African Union
- BAS:** "Antisardinard" Brigade
- BC/FT:** Money Laundering and Financing of Terrorism
- BNCRF:** National Brigade for Controls and Repression of Fraud
- BSD:** Buea School for the Deaf
- BUNEC:** National Civil Status Registration Office
- CAED:** Centre for the Reception of Children in Distress
- CAMWATER:** Cameroon Water Utilities Corporation
- CAPIEMP:** Certificate of Pedagogical Aptitude for Kindergarten and Primary School Teachers
- CAR:** Central African Republic
- CAT:** Committee against Torture
- CDBF:** Budgetary and Financial Discipline Council
- CDD:** Fixed-Term Contract
- CDI:** Permanent Contract
- CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women
- CERF:** Central Emergency Response Fund
- CFM:** Vocational Training Centre
- CFPS:** Sectoral Vocational Training Center

CHRC: Cameroon Human Rights Commission
CHRD-CA: Centre for Human Rights and Democracy in Central Africa
CHS: Health and Safety Committees
CIRDI: International Centre for Settlement of Investment Disputes
CNRPH: National Center for the Rehabilitation of Disabled Persons Cardinal Paul Émile LÉGER
CONAC: National Anti-Corruption Commission
CONSUPE: Supreme State Audit
CNLD: Cameroon's Anti-drug National Committee
CNLS: National AIDS Control Committee
CISPA: International Committee for Monitoring Programmes and Projects Involving Indigenous Peoples
CPC: Criminal Procedure Code
CRC: Committee on the Rights of the Child
CRES: Centre for the Rehabilitation of Deaf Children
CRPD: United Nations Convention on the Rights of Persons with Disabilities
CRTV: Cameroon Radio Television
COVID-19: Coronavirus Disease 2019
DSP: Drinking Water Supply
DDR: National Disarmament, Demobilization, and Reintegration Committee
DRPJ: Regional Division of Judicial Police
DSCE: Strategy Paper for Growth and Employment
DW: Deutsche Welle
ECCAS: Economic Community of Central African States
ECI: Teachers in the process of integration
EDC: Electricity Development Corporation
EGEM: School of Geology and Mining Engineering
EITI: Extractive Industries Transparency Initiative
EMRIP: Experts Mechanism on the Rights of Indigenous People
ENEO: Energy of Cameroon
ENR: National Risk Assessment
ENS: Higher Teacher Training College
ENSET: Higher Technical Teacher Training College
ESEDA: Specialized School for Hearing Impaired Children in Yaoundé
ESSEC: Higher School of Economics and Commercial Sciences
ESSTIC: Higher School of Information and Communication Sciences and Techniques
FASA: Faculty of Agronomy and Agricultural Sciences

FDA: French Development Agency
FDS: Defence and Security Forces
FEDEC: Foundation for Environment and Development in Cameroon
FETUC: Forum of Students from Cameroonian Universities
FFAC: Forum of Indigenous Women of Cameroon
FGI: Faculty of Industrial Engineering
FMO: Law Enforcement Forces
FMSB: Faculty of Medicine and Biomedical Sciences
FONIJ: Youth Integration Fund
GDN: Major National Dialogue
GETEC: Engineering and Talent of Cameroonian Students
GEWE: Gender and Women's Empowerment
GMI: Mobile Intervention Group
GTDA: United Nations Working Group on Arbitrary Detention
GTOG: Gender and Public Policy in Cameroon
HCR: United Nations High Commissioner for Refugees
HND: Higher National Diploma
HRW: Human Rights Watch
HDI: Human Development Index
ICCPR: International Covenant on Civil and Political Rights
ICG: International Crisis Group
ICT: Information and Communication Technology
ICC: International Criminal Court
ILO: International Labour Organization
IHRDA: Institute for Human Rights and Development in Africa
INDH: National Human Rights Institution
INTS: National Institute of Social Work
IPES: Private Higher Education Institution
IRAD: Agricultural Research Institute for Development
IRIC: Institute of International Relations of Cameroon
ISH: Institute of Halieutic Sciences
IUT: University Institute of Technology
JI: Examining Magistrate
LGBTIQA+: Lesbian, Gay, Bisexual, Transgender, Intersex, Queer, Asexual, and others
MBOSCUDA: Mbororo Social and Cultural Development Association
MINAS: Ministry of Social Affairs
MINDDEVEL: Ministry of Decentralization and Local Development
MINESEC: Ministry of Secondary Education
MINESUP: Ministry of Higher Education
MINPROFF: Ministry of Women's Empowerment and the Family

MINREX: Ministry of External Relations
MINTSS: Ministry of Labour and Social Security
MIRAP: Mission for the Regularization of Supplies of Consumer Goods
MoU: Memorandum of Understanding
NANHRI: Network of National Human Rights Institutions
NCC: National Communication Council
NCHRF: National Commission on Human Rights and Freedoms
NSIF: National Social Insurance Fund
NECC: National Episcopal Conference of Cameroon
NDS 30: National Development Strategy by 2030
NMPT: National Mechanism for the Prevention of Torture
NOEI: New International Economic Order
NOSO: Northwest and Southwest
NPDIIP: National Plan for the Development of Indigenous Peoples
NSAG: Non-State Actors Group
OCDS: Cameroonian Organization for the Development of the Deaf
OCHA: United Nations Office for the Coordination of Humanitarian Affairs in Cameroon
ODD: Sustainable Development Goals
OHCHR: Office of the High Commissioner for Human Rights
OIA: Observation, Investigation, and Alert Unit
ILO: International Labour Organization
OLPC: Observatory of Public Liberties in Cameroon
OMP: Peacekeeping Operation
ONU: United Nations
ONUSIDA: Joint United Nations Programme on HIV/AIDS
OPCAT: Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OPJ: Judicial Police Officer
OSC: Civil Society Organization
OAU: Organization of African Unity
PACEL: Project for the Improvement of Conditions for the Exercise of Public Liberties in Cameroon
PADESCE: Project to Support Secondary Skills Development for Growth and Employment
PAEA-MRU: Rural Water Supply and Sanitation Project
PAEPYS: Drinking Water Supply Project for the City of Yaoundé from the Sanaga River
PANEJ 2: National Action Plan for Youth Employment 2016-2020
PANETEC: National Action Plan for the Elimination of the Worst Forms of Child Labour
PANGIRE: National Integrated Water Resources Management Action Plan
PC: Penal Code
PIB: Public Investment Budget

SGBV : *Sexual and gender-based violence*

SND 30 : Stratégie nationale de développement à l'horizon 2030

SOSTECAM : Système d'observation et de suivi du travail des enfants au Cameroun

SPD : Sociaux-Démocrates Allemagne

TARV : Traitement antirétroviral

TCS : Tribunal criminel spécial

TVA : Taxe sur la valeur ajoutée

UA : Union africaine

UDHR : *Universal Declaration on Human Rights*

UIECC : Université inter-États Congo Cameroun

UNCAT : *United Nations Committee against Torture*

UNDRIP : *United Nations Declaration on the Rights of Indigenous Peoples*

UNESCO : Organisation des Nations Unies pour l'éducation, la science et la culture

UNHCR : Haut-Commissariat des Nations Unies pour les Réfugiés

UNICEF : Fonds des Nations Unies pour l'Enfance

UNPFII : *Permanent Forum on Indigenous Issues*

UPR : *Universal Periodic Review*

USEP : Programme spécial d'emplois urbains

WGIPM : *Working Group on Indigenous Population and Minorities*

WILFP : Ligue internationale des femmes pour la paix et la liberté

WWF : *World Wide Fund for Natur*

GENERAL INTRODUCTION

The Cameroon Human Rights Commission (CHRC) was set up by Law No. 2019/014 of 19 July 2019, which assigns it a triple mission: promotion of human rights, protection of human rights and prevention of torture in all places of detention. This new Cameroon human rights institution (NHRI) with an expanded and strengthened mandate ipso facto replaces the National Commission on Human Rights and Freedoms (NCHRF), in accordance with Section 67 of its above-mentioned seminal law. In paragraph 1 of its Section 42, the same law instructs the CHRC to produce an annual report on the human rights situation in Cameroon.

The *2021 Report on the human rights situation in Cameroun (2021 HRSC Report)* is the very first of the new NHRI, drafted by the college of commissioners, appointed by Presidential decree on 19 February 2021 and having taken the oath of office on 29 April 2021 before the full bench of the Supreme Court.

An empirical document based on real-life situations and information gathered and analysed objectively, impartially and independently, this Report gives an account of the 2021 human rights situation in Cameroon.

1. Objectives of the 2021 HRSC Report

The *2021 Report on the human rights situation in Cameroon* contributes, in the implementation, by the CHRC, of its dual mission of promotion and protection of human rights which, coupled with that of prevention of torture in places of detention, constitute the mandate of the new NHRI of Cameroon. The last aspect of the overall mandate of the CHRC is subject to a *specific report* which meets the requirements of its founding law in its Section 42, paragraph 2. Concerning the first two aspects, they are portrayed in this Report by the fact that it is designed, on the one hand, to achieve the objectives of human rights promotion set out in Section 4 of the above-mentioned law, notably by:

- *Popularising human rights legal instruments* which is done in this *Report* through the systematic restitution of the legal framework applicable in Cameroon for each right addressed;
- *raising public awareness on various human rights topics, including gender issues as well as the rights of vulnerable groups*, through dedicated chapters, namely those of Part III devoted to the rights of specific categories (vulnerable groups) amongst which are women;
- *embarking on research, education and training in the area of human rights*, the first having characterised the drafting process of the Report, whereas this Report will serve as a tool for the last two themes;

- *establishing cooperation in the area of human rights*, given the widespread consultation which it reflects, tangible examples contained therein and the wide range of stakeholders to whom it will be distributed;
- *advocating the improvement of the legal and institutional framework for human rights promotion*, through recommendations systematically marking the analysis of the situation for each right addressed.

Concerning the contribution of this *Report* to the mission of human rights protection incumbent on the CHRC, it is essentially based on the *monitoring of the human rights situation which constitutes the very essence of the Report*, as well as *guidance and advice in the area of human rights*, which also take the form of recommendations made to the State and its main branches as well as various other stakeholders in the attainment of each of the rights reviewed, even if there is also the testimony of the effective scrutiny of petitions forwarded by third parties to the CHRC in 2021, including *cases of serious, recurrent and systematic human rights violations examined spontaneously by virtue of Section 6 of the 2019 Law*.

The participation of the CHRC in *monitoring the implementation of recommendations made by international and regional human rights mechanisms, including bodies whose treaties have been ratified by Cameroon* (Section 7, last dash), to which is devoted the last Part of this *Report* falls under the same register.

2. Methodology for data collection

Given their complementarity, the quantitative and qualitative approaches were favoured in this 2021 *Report*. The quantitative approach enabled to collect digital data which was then used for measuring variables relating to rights mentioned. This quantitative data systematically analysed is structured and grounded on statistics. The qualitative approach, on its part, enabled to gather information designed to describe the situation of rights analysed, rather than measuring it insofar as, contrary to the quantitative approach, it is concerned with impressions and opinions rather than gross figures.

Many a data collected was extracted and assembled on the basis of petitions received, either directly at the head office or at regional branches.

The 2019 Law provides in its Section 3 that the CHRC ‘*may request any administrative service to conduct a study or submit a report on an issue falling within its competence [and that] 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 investigation*’.

As such, the Commission requested and received from various Regional and Local Authorities (RLAs), as well as public institutions, written contributions in response to a

number of prior concerns raised by the Commission. The CHRC avails itself of this opportunity to express its gratitude for their prompt reaction to these requests within the perspective of drafting this *Report*.

Complementary data was gathered, as need be, on the Internet websites of these public entities as well as on those of international bodies and organisations working in the field of human rights.

A monitoring work on the national and international media constantly pushed the Commission to gather, cross-check and analyse in all objectivity, impartiality and thoroughness, information disseminated by human rights defence organisations such as *Amnesty International* (AI), *Human Rights Watch* (HRW), *International Crisis Group* (ICG) and the positions of some major powers such as the Federal Republic of Germany (FRG) and the United States of America who chaired the UN Security Council from July to December 2020 and March to December 2021, respectively.

Information received from civil society organisations which are partners of the Commission, notably those which collaborate with it within the framework of the Observatory on Civil Liberties in Cameroon (OCLC), a network of CSOs set up thanks to the Project for the improvement of the conditions for exercising civil liberties in Cameroon (PACEL), on European Union financing, completed the data collection task.

At the methodological level, legal aspects inform the reader on the content of real rights, analysed under the prism of their nature and legal regime, guaranteed or not by constitutional, conventional, legislative and regulatory dispensation.

Concerning violated rights, statistical data will serve as indicators of the trend observed on the protected rights situation and allegations of their infringement.

3. Structuring of the Report

The report is divided into four parts.

- Part I analyses the credit-rights situation: economic, social and cultural. These rights outline a dual legal specificity pertaining to their regime and status. It entails credit-rights for the individual, communities or authorities on the State. Hence, the importance and necessity to primarily outline, in the 2021 HRSC Report of the CHRC, the economic, social and cultural rights situation, thus enabling to analyse using quantitative and qualitative indexes the citizen's living conditions, stems from the fact that they represent the most violated rights in Cameroon and Africa. They are therefore outlined as a priority before civil and political rights which have for a very long time been placed at the forefront and whose violations are more likely to be exacerbated within a context where the level of education and living conditions generally remain precarious.

- Part II is devoted to civil and political rights, better known as “first generation rights”, “individual rights” or better still “defence rights”. Under this Part, we intend to embark on an appraisal of the reality of human rights in Cameroon:
 - the degree of thoroughness and efficiency of human rights promotion and protection mechanisms, as well as the degree of compliance with African and universal standards;
 - the prevalence of the rule of law in Cameroon, through the observance of the triple principle of inalienability, indivisibility and universality of human rights;
- Part III is devoted to the situation of rights of specific categories (also referred to as certain categories of rights). The *Report* tackles this theme, amongst others: the rights of women, the rights of the child, persons living with disabilities, the rights of internally displaced persons, the rights of refugees, the rights of minorities and the rights of indigenous people.
- Part IV is devoted to the monitoring of Cameroon’s international commitments as well as interactions with human rights mechanisms.

PART I.- SITUATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic, social and cultural rights aim to ensure to any person the essential means to live a life of dignity (health, food, housing, education, work, etc.), on an equitable and non-discriminatory basis. They are enshrined in several international, regional and national instruments as rights whose attainment is gradual and depend on the development level of each State. The importance granted to them has unfortunately dwindled with the drop in attention initially devoted to decolonisation and development by International Law¹.

In 1948, when the Universal Declaration of Human Rights was adopted by the UN General Assembly, these rights, still new, were only accepted by some States with extreme reluctance. Western countries notably had some difficulties in accepting these new rights as human rights; they deemed it necessary not to require the satisfaction as a State service provision. It is thanks to socialist countries², especially the former USSR (Union of Soviet Socialist Republics), that a place was set aside for economic, social and cultural rights. “*Doctrinal pressures*”³ around this issue will lead to a compromise solution with the adoption, concomitant with that of the International Covenant on Civil and Political Rights (ICCPR), of the International Covenant on Economic, Social and Cultural Rights (ICESCR) by Resolution 2200 A (XXI) of 16 December 1966. It entered into force on 3 January 1976 and was ratified by Cameroon on 27 June 1984.

By reaffirming in the preamble of the Constitution its attachment to the human rights enshrined in the Universal Declaration of Human Rights as well as other African and universal instruments, Cameroon took the commitment to work for the citizens’ well-being through the observance of all corresponding fundamental rights.

In 2021, the economic, social and cultural rights situation in Cameroon is largely dependent on the dynamics of socio-political crises in the North-West, South-West and Far-North Regions of the country, the prevalence of the Covid-19 pandemic, the holding of the Major National Dialogue (MND) in 2019 and the implementation of its recommendations, the results of the twin legislative and municipal elections of 9 February 2020 as well as the holding of election of Regional Councillors on 6 December 2020 which marked the culmination of the electoral cycle begun on 25 March 2018 with the election of senators, followed by the presidential poll of 7 October 2018, and then the twin legislative and municipal election mentioned above. The 2021 Finance Law constitutes the keystone doubled with a quantitative and qualitative indicator.

¹ See *La Conquête mondiale des Droits de l’homme*, Texts selected and presented by Guy LAGELEE and Gilles MANCERON, Paris, Le Cherche Midi éditeur/Éditions UNESCO, 1998.

² La Révolution d’octobre 1917 en Russie et la Révolution mexicaine (1910-1920) enshrined these rights in the domestic constitutional laws of these socialist countries.

³ See Kéba MBAYE, *Les Droits de l’homme en Afrique*, 2^e édition, Paris, Pedone, pp. 40-45.

rights which is based on operational reference frameworks: the Special Plan for the Reconstruction of North-West, South-West and Far-North Regions, the Emergency Humanitarian Action Plan, the General Code of Regional and Local Authorities, the National Committee on Disarmament, Demobilisation and Reintegration (NCDDR), the law on bilingualism and multiculturalism, the criminalisation of tribal hatred, the situation of internally displaced persons. All these programmes are taken into consideration in a broad-based manner in the Growth and Employment Strategy Paper (GESP) and the 2020-2030 National Development Strategy (NDS30), which domesticated the objectives of the 2063 Development Programmes of the African Union and those of 2030 of the United Nations Organisation on the Sustainable Development Goals (SDGs).

The outline of the 2021 economic, social and cultural rights situation in Cameroon hinges around the right to health (**Chapter I**), the right to education (**Chapter II**), the right to an adequate living standard (**Chapter III**) and the right to work, the right to decent working conditions and social security (**Chapter IV**).

CHAPTER I. THE RIGHT TO HEALTH

According to the very first point of the preamble of the constitution of the World Health Organisation (WHO) adopted on 16 November 1945, health is “*a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*”. This definition refers to *a state of complete physical and moral well-being conducive to the individual’s development*. The right to health brings together a set of legal rules applicable to activities whose object is to restore human health, protect it and prevent its deterioration. It also entails a fundamental right recognised by almost all the general human rights instruments both at the African and universal levels.

Until the arrival of the very first Europeans to Cameroon, health care management was placed under the aegis of invisible and ancestral powers⁴. Éric de Rosny, a Jesuit priest and French anthropologist who lengthily studied the treatment administered by “*nganga*”, that is; “*traditional healers*” in Douala, explains in his books⁵ the mechanisms of African traditional medicine which is based on varied techniques and rituals, a more or less knowledgeable pharmacopoeia and the resort to an array of barks.

During the early days of German colonisation in 1884, medicine dubbed “modern” with scientific overtones, gradually imposed itself⁶. It is practised by Government staff and religious denominations. German practitioners sent to Cameroon are professionals confident in their technical expertise.

With the advent of the French administration to Cameroon at the beginning of the XXth century, the management of the population’s health was gradually organised in fixed centres and hospitals. Bit by bit, indigenous medical assistance (AMI)⁷ set up an extensive healthcare system based not only on a fixed strategy where the hospital was at the heart of

⁴ See Nicolas MONTEILLET, *De la tutelle des ancêtres au libre usage des pharmacopées. Histoire d’un système de soins du Cameroun*, Ph. D thesis in Anthropology, University of Paris V – René Descartes, 1998. Read from the same author: ‘*Médecine et sociétés secrètes au Cameroun*’, Paris, L’Harmattan, 2007.

⁵ See Éric de ROSNY de, « L’univers de la sorcellerie », dans *Justice et Sorcellerie*, Yaoundé International Colloquium, organised under the supervision of Éric de ROSNY (17-19 March 2005), Presses de l’Université catholique d’Afrique centrale (UCAC) and Éditions Karthala, 2005. From the same author: “*Ndimsi, ceux qui soignent dans la nuit*” (Yaoundé, Éditions Clé, 1974), “*Les yeux de ma chèvre*” (collection Terre humaine, Paris, Plon, 1981).

⁶ See Robert DEBUSSMANN, *Médicalisation et pluralisme au Cameroun allemand : autorité médicale et stratégies profanes*, dans *Outre-Mers – Revue d’Histoire*, n° 338-339, 1st semestre 2003, Société Française d’Histoire d’Outre-mer, 2003, pp. 225-246.

⁷ See Pierre SALIOU et Alii, “La santé sous les tropiques. Les soins, la prévention, la recherche et l’enseignement”, in *Présences françaises Outre-mer (XVI^e – XXI^e siècles)*, Tome II, *Histoire : Science, religion et culture* (under the supervision of Philippe BONNICHON, Pierre GENY and Jean NEMO de l’Académie des Sciences d’outre-Mer), Paris, Karthala, 2012, pp. 219-278.

the organisation, but also on a mobile strategy⁸ which will enable to extend health action to the population that had until then remained out of reach.

Cameroon that gained independence inherited from a health system left by Western colonial administrations which continued to develop to guarantee the right to health.

To scrutinise the right to health protection in Cameroon in 2021, we are going to primarily dwell on its legal basis and the institutional dispensation set up for its implementation (**Section I**), then to the efforts deployed for the implementation of this right as well as the challenges encountered, mainly those pertaining to the fight against the Covid-19 pandemic (**Section II**), to finally settle on recommendations geared towards improving on the situation observed (**Section III**).

SECTION I.- Legal and institutional framework of the right to health

To the basic legal and institutional provisions guaranteeing the right to health protection in Cameroon (**Paragraph 1**), some innovations were added in 2021 (**Paragraph 2**).

Paragraph 1.- Basic normative and institutional provisions

In Cameroon, the Constitution of 18 January 1996⁹ does not explicitly provide for the right to health. Its Preamble enshrines several rights, notably the right to development, the right to physical and moral integrity, the right to a healthy environment, whose attainment contribute to the protection of the right to health of individuals. It can be noted that: “[the] human person, without distinction of race, religion, sex, or belief, possesses inalienable and sacred rights” and that “[every] person has a right to life, to physical and moral integrity and to humane treatment in all circumstances. Under no circumstances shall any person be subjected to torture, to cruel, inhumane or degrading treatment”.

At regional level, Article 16 (1) of the African Charter on Human and People’s Rights, ratified by Cameroon on 20 June 1989, provides that: “Every individual shall have the right to enjoy the best attainable state of physical and mental health”. Paragraph 2 on its part specifies that: “States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”.

At international level, Article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by Cameroon on 27 June 1984, provides that “The States parties to the present Covenant recognise the right of everyone to the enjoyment of the

⁸ See Nicolas MONTEILLET, “De la méthode Jamot à la médecine de rue. Action mobile d’urgence et action sanitaire “de fond” au Cameroun”, *Politique africaine*, 2006/3, n° 103, *op. cit.*

⁹ See Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972, as amended and supplemented by Law No. 2008/001 of 14 April 2008.

highest attainable standard of physical and mental health”. The Universal Declaration of Human Rights adopted on 10 December 1948, provides in paragraph 1 of its Article 25 that:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

Concerning family health, paragraph 2 of the same Article 25 specifies that: “Motherhood and childhood are entitled to special care and assistance. *All children, whether born in or out of wedlock shall enjoy the same social protection*”.

According to Section 2 of Law No. 96/03 of 4 January 1996 to lay the framework law in the health domain, “*the national health policy aims to improve the state of health of the population thanks to the stepping up of accessibility to quality integrated healthcare for the entire population*”. Moreover, Section 1, paragraph 1 of Decree No. 2013/093 of 3 April 2013 to organise the Ministry of Public Health (MINSANTE) assigns as main mission to this ministry “The formulation and implementation of Government policy in the domain of public health”

The action of MINSANTE is supported by some specialised institutions, notably:

- the research and application hospital in endoscopic surgery and human reproduction (CHRACER), created by Presidential Decree No. 2011/336 of 13 February 2011;
- the ‘Centre Pasteur du Cameroun’, created in 1959 and which has an annex at Garoua and, since 2004, an antenna at Douala;
- The National Observatory of Public Health (NOPH), created by Presidential Decree No.2010/2952 of 1 November 2010;
- the National Laboratory for Testing Essential Drugs (LANACOME);
- the National Supply Centre for Drugs and Essential Medical Consumables (CENAME);
- the Chantal Biya International Reference Centre (CIRCB), etc.

Paragraph 2. Normative and institutional innovations in 2021

During the year under review, various legal and institutional innovations came in to strengthen the basic legal and institutional dispensation. They mainly entail:

- the submission on 1 October 2021 at the ILO of the ratification instrument of Convention No. 155 on the safety and health of workers of 29 June 1981, thus making Cameroon the 74th member State of ILO to have ratified this convention which will enter into force for Cameroon on 1st October 2022, that is one year after its ratification;
- Law No.2021/012 of 9 July to authorise the President of the Republic to ratify the treaty on the African Drug Agency, adopted on 11 February 2019 at Addis-Ababa (Ethiopia);
- Law No.2021/014 of 9 July to govern access to genetic resources, their derivatives, associated traditional knowledge and fair and equitable sharing of advantages stemming from their use;
- Decree No.2021/089 of 12 February 2021 to transform the National Veterinary Laboratory(LANAVET) into a State-owned company;
- Decree No.2021/090 of 12 February 2021 to approve the statutes of the National Veterinary Laboratory;
- Decree No.2021/144 of 20 August 2021 to ratify the treaty on the setting up of the African Drug Agency, adopted on 11 February 2019 at Addis-Ababa (Ethiopia).

Concerning particularly mental patients, some progress was registered at the institutional level with the creation in 2021, of the ‘*Village de Lamoure*’. It entails a suitable environment for the supervision of mental patients. The site hosting this structure is located in the former ward of psychiatric patients at the Jamot Hospital. Here are some of its characteristics:

- clean environment and refurbished buildings;
- renovated isolation cells for patients;
- clean toilets;
- operational kitchens;
- available drinking water;
- regular meals distributed to 130 residents¹⁰;
- organisation of open door days for the public¹¹.

¹⁰ Patients are fed twice per day. The meals are offered by NGOs, SCOs and families.

¹¹ Dr MENGUENE announced to the CHRC (MNPT) team that came to visit this structure that an open door day was organised on the site on 24 December 2021, in a bid to giving an opportunity to the population to visit, communicate with patients and share a meal with them during this festive period of the end of the year. It would also be an opportunity to inform the public on such an initiative and sensitise them on the need to take care of this category of persons.

This institutional innovation is essentially linked to three factors.

- The first factor stems from the willingness of the Ministry of Public Health to improve on the management framework and conditions for mental patients in the city of Yaoundé.
- The second factor is related to the organisation de la African Football Cup of Nations in Cameroon in 2021. This event led municipal authorities, desirous of giving a facelift to the city of Yaoundé, to take mental patients off the streets and settle them in the said Village.
- The third and last factor is linked to the control of teams from the Cameroon Human Rights Commission (CHRC) at the Jamot Hospital of Yaoundé and the visit to the ward meant for mental patients to inquire on the detention conditions.

The ‘*Village de l’amour*’ therefore constitutes an important innovation in the supervision of mental patients in Yaoundé. It is an example worth extending across the national territory, notably in major cities where the number of mental patients wandering in our streets is on a constant rise coupled with a dual danger for patients themselves and the population.

SECTION II.- Efforts for implementing the right to health and challenges within the context of the response to the Covid-19 pandemic

At the heart of the response to the Covid-19 pandemic, the State pursued its efforts geared towards a better attainment of the right to health in 2021 (Paragraph 1), even though this response itself posed or worsened some persistent challenges to the guarantee of access to healthcare to all (Paragraph 2). It is also worth underscoring the special actions in favour of mental patients (Paragraph 3) and persons infected by HIV (Paragraph 4).

Paragraph 1.- Efforts made by public authorities to better attain the right to health

These efforts are translated, primarily, into the improvement of supply and quality of health infrastructure which enjoyed a boost within the prospect of the organisation by Cameroon of the 2021 TotalEnergies AFCON, a competition whose date was postponed to the first months of the year 2022.

In this light, the Minister of Public Health announced the construction of 10 regional hospitals (CHR) in the country’s ten Regions. Two of these regional hospitals (CHR) were effectively opened during the reference year in the cities of Ebolowa and Bafoussam, by the Prime Minister and Head of Government, Joseph Dion Ngute, on 3 and 11 December 2021, respectively.

Furthermore, the Minister of Public Health strengthened the technical facilities of the Douala and Yaoundé Referral Hospitals in haemodialysis equipment. In fact, the Douala Referral Hospital was equipped with a water treatment hall and eight new operational dialysis machines. This high performance equipment will be used for the management of a greater number of patients suffering from kidney failure¹² – referred to as patients undergoing haemodialysis – and medical imaging.

The Yaoundé Referral Hospital (HGY), on its part, was endowed with 10 new haemodialysis machines to strengthen the management of patients suffering from kidney failure. According to officials from this hospital, these new machines will contribute in increasing the intake capacity of the haemodialysis centre, while reducing patient wait times. “When you have 10 additional machines, it means that you can manage 10 other patients without some waiting and taking the queue. This enables us to reduce the number of daily sessions”, declared Prof Vincent de Paul Djientcheu, Director General of HGY, on national television¹³.

Secondly, this improvement on the management of patients suffering from kidney failure thanks to the strengthening of the technical facilities pertaining thereto translates a correction of the trend deployed over the first months of the fight against the Covid-19 pandemic that broke out in Cameroon in March 2020. This trend consisted in the negligence of the management of other pathologies, often abusively assimilated to the Covid-19 pandemic just for a slight symptoms resemblance. A negligence aggravated by the general depression resulting from the rapid spread of this pandemic and its consequences in terms of quarantine, which also had the effect of dissuading the population from going to hospitals for treatment, thereby preferring to resort to traditional pharmacopoeia. As such, *statistics on daily attendance in most public or private healthcare facilities dropped by about 50 to 30 %*¹⁴.

The case outlined below, examined by the CHRC during the reference year, provides an example of the health staff mobilisation, notably that of the Yaoundé Military Hospital, for the prompt and lengthy management of patient not infected by the Covid-19 pandemic.¹⁵

¹² See *Twitter* account of the Minister of Public Health (accessed on 22 May 2022).

¹³ See <https://www.stopblablacam.com/societe/1609-7304-hopital-general-de-Yaounde-de-nouveaux-generateurs-d-hemodialyse-pour-eviter-de-nouvelles-grognes-des-patients> (accessed on 22 May 2022).

¹⁴ See Mireille ONANA MEBENGA, “Fréquentation des hôpitaux : un grand défi à l’heure de la Covid-19”, *Cameroon Tribune* of 24 June 2020, <https://www.cameroon-tribune.cm/article.html/33262/fr.html/frequentation-hopitaux-un-grand-defi-lheure-du-covid-19>, accessed on 28/2/23.

¹⁵ See Mireille ONANA MEBENGA, « Fréquentation des hôpitaux : un grand défi à l’heure de la Covid-19 », *Cameroon Tribune*, 24 June 2020, <https://www.cameroon-tribune.cm/article.html/33262/fr.html/frequentation-hopitaux-un-grand-defi-lheure-du-covid-19>, accessed on 28 February 2023.

These efforts are translated, primarily, into the improvement of supply and quality of health infrastructure which enjoyed a boost within the prospect of the organisation by Cameroon of the 2021 TotalEnergies AFCON, a competition whose date was postponed to the first months of the year 2022.

In this light, the Minister of Public Health announced the construction of 10 regional hospitals (CHR) in the country's ten Regions. Two of these regional hospitals (CHR) were effectively opened during the reference year in the cities of Ebolowa and Bafoussam, by the Prime Minister and Head of Government, Joseph Dion Ngute, on 3 and 11 December 2021, respectively.

Furthermore, the Minister of Public Health strengthened the technical facilities of the Douala and Yaoundé Referral Hospitals in haemodialysis equipment. In fact, the Douala Referral Hospital was equipped with a water treatment hall and eight new operational dialysis machines. This high performance equipment will be used for the management of a greater number of patients suffering from kidney failure¹⁶ – referred to as patients undergoing haemodialysis – and medical imaging.

The Yaoundé Referral Hospital (HGY), on its part, was endowed with 10 new haemodialysis machines to strengthen the management of patients suffering from kidney failure. According to officials from this hospital, these new machines will contribute in increasing the intake capacity of the haemodialysis centre, while reducing patient wait times. “When you have *10 additional machines, it means that you can manage 10 other patients without some waiting and taking the queue. This enables us to reduce the number of daily sessions*”, declared Prof Vincent de Paul Djientcheu, Director General of HGY, on national television¹⁷.

Secondly, this improvement on the management of patients suffering from kidney failure thanks to the strengthening of the technical facilities pertaining thereto translates a correction of the trend deployed over the first months of the fight against the Covid-19 pandemic that broke out in Cameroon in March 2020. This trend consisted in the negligence of the management of other pathologies, often abusively assimilated to the Covid-19 pandemic just for a slight symptoms resemblance. A negligence aggravated by the general depression resulting from the rapid spread of this pandemic and its consequences in terms of quarantine, which also had the effect of dissuading the population from going to hospitals for treatment, thereby preferring to resort to traditional pharmacopoeia. As such, *statistics on*

¹⁶ See *Twitter* account of the Minister of Public Health (accessed on 22 May 2022).

¹⁷ See <https://www.stopblablacam.com/societe/1609-7304-hopital-general-de-Yaounde-de-nouveaux-generateurs-d-hemodialyse-pour-eviter-de-nouvelles-grognes-des-patients> (accessed on 22 May 2022).

daily attendance in most public or private healthcare facilities dropped by about 50 to 30 %¹⁸.

The case outlined below, examined by the CHRC during the reference year, provides an example of the health staff mobilisation, notably that of the Yaoundé Military Hospital, for the prompt and lengthy management of patient not infected by the Covid-19 pandemic.

Case No. 1. Mouvement international pour la défense des Droits et les libertés fondamentales (*International Movement for the Defence of Fundamental Rights and Freedoms*), abbreviated MIDDLEF and Akoura Abba versus Gendarme Hamidou and officials of the Yaoundé Military Hospital

On 2 May 2021, the regional branch of the Cameroon Human Rights Commission (CHRC) for the Centre received a complaint from the civil society organisation bearing the name: Mouvement international pour la défense des Droits et les libertés fondamentales (*International Movement for the Defence of Fundamental Rights and Freedoms*), abbreviated MIDDLEF, Tel: 699 93 99 75 / 675 34 73 77, denouncing an infringement to physical integrity and violation of the right to health of Mr. Akoura Abba, aged 28, involving the gendarme Hamidou, in service at the Bamyanga Gendarmerie Brigade of Ngaoundéré, in the Adamawa Region and the healthcare staff of the Yaoundé Military Hospital.

It stems from this complaint, which is a follow up to a previous petition tabled on 20 April 2021 by the petitioning CSO on behalf the victim's family, that the gendarme Hamidou who was escorting a suspect on foot to the Bamyanga Gendarmerie Brigade on 2 April 2021, feeling surprised to notice that the latter disappeared into thin air within the market premises, at about 6 pm, shot two bullet towards the concerned to deter him from running away. He misfired and unfortunately landed the two bullets on Mr. Akoura Abba, an innocent person who, according to the petitioning CSO, was going for prayer.

Grievously wounded, the victim after having been administered inadequate healthcare at Ngaoundéré, due to ill-adapted technical facilities to cater for him, was transferred to the Yaoundé Military Garrison Hospital on 8 April 2021, following the intervention of the Gendarmerie Legion commander for the Adamawa who, moreover, offered the sum of CFA Francs 250 000 to the victim's family for emergency needs, according to the petitioning CSO which declares to have gone on the spot on 27 April 2021 to comfort the victim and affirmed in its petition addressed

¹⁸ See Mireille ONANA MEBENGA, ‘Fréquentation des hôpitaux: un grand défi à l’heure du Covid-19’, *Cameroon Tribune*, 24 June 2020, <https://www.cameroon-tribune.cm/article.html/33262/fr.html/frequentation-hopitaux-un-grand-defi-lheure-du-covid-19>, accessed on 28 February 2023.

to the CHRC branch for the Centre that the two bullets shot at Mr. Akoura Abba were still lodged in his body.

MIDDLEF affirmed that the victim was abandoned at the Yaoundé Military Hospital and not attended to neither by the author of the shooting nor his hierarchy or healthcare staff also consequentially accused. It requested the intervention of the CHRC for the medical care of the patient and sanction of the author of this blunder.

Given the victim's situation and in order to gather information, verify the veracity of the allegations of the petitioner and the factual version of the officials of the Yaoundé Military Garrison Hospital, accused of violating the right to health of Mr. Akoura Abba, the regional branch of the Commission for the Centre, after having contacted the general coordinator of MIDDLEF through telephone call on 6 May 2021, went down to the said hospital on 1st June 2021. The purpose of this visit was to meet in turns Mr. Akoura Abba, the victim, Mr. Souleyman Abba, the victim's brother, and Colonel chief medical officer of the Yaoundé Military Garrison Hospital.

During this visit, it was noticed that Mr. Akoura Abba, was visibly well attended to, with recent bandages at the back and buttocks, as well as a newly attached and operational urinary catheter hung under the bed.

Contrary to the allegations of MIDDLEF, the victim was hospitalised in a clean single bedroom. He was lying on a bed with a mattress adapted for back pain and the bedsores that occurred on him. Perfectly attended to according to his declarations, he reassured us that his life was not in danger and that his treatment within the hospital was administered by a competent and available medical team. Mr. Akoura Abba also confirmed that the two bullets shot at him had been extracted by the medical surgeon in charge of his case during a surgical operation. He was fed by his family and healthcare was exclusively borne by the Yaoundé Military Garrison Hospital.

In order to have a better appraisal of the victim's state of health and his movements for future physical activities, the delegation of the regional CHRC branch met the medical surgeon in charge of the medical follow-up of Mr. Akoura Abba, who declared himself incompetent to give the least information to this effect and referred it to the Colonel chief medical officer of the said hospital.

A working session was held to this effect between the Colonel chief medical officer, the surgeon, the staff of the Yaoundé Military Hospital, representatives of military security and the delegation of the Commission's regional branch.

After recalling the facts of the case that occurred in Ngaoundéré, and which took place according to him, within the framework of an operation to fight against highway robbery, the Colonel chief medical officer, pointed out while deploring it that the victim simply found himself at the wrong place at the wrong moment.

The interlocutor of the CHRC specified that in his capacity as health staff, he has the duty to provide healthcare and the mission to save lives; that Mr. Akoura Abba was transferred to the Yaoundé Military Hospital by the Bamyanga Gendarmerie Company Commander of Ngaoundéré, who recommended the victim to Yaoundé for specific healthcare by an adapted technical facility.

He emphatically pointed out that the victim who was already suffocating, arrived at the Yaoundé Military Hospital on 8 April 2021 at 2 minutes past 11 pm, was immediately attended to and directly admitted into the operating theatre, given that his lungs had to be cleared, which after the radiology examination were already immersed in blood.

His operation took place until 9 April 2021 at 2 am, the aim being to stabilise the vital prognosis which according to the chief medical officer was already life-threatening, all of which was under the exclusive financial burden of the Yaoundé Military Hospital which had received the sum of CFA Francs 280 000 from the Gendarmerie to start the treatment evaluated in millions of CFA Francs (operation, hospitalisation, surgical equipment, anaesthesia and other needs).

The wounded person incurred two operations and the bullets lodged in his body were extracted. The wounds resulting from the operation were healing easily, but still required some healthcare for sores on his back as a result of the very lengthy periods that he spent lying on his back.

The military health specialist observed that it was early to make a pronouncement of the percentage chance of the victim to be able to move on his two feet after his operation, given that his spinal column was seriously damaged by one of the bullets.

The chief medical officer of the hospital in question expressed concern as to the settlement of hospital bills and other expenses footed on credit by the military garrison which the Gendarmerie ought to refund.

Having perused the content of the petition of the CSO addressed to the CHRC, the chief medical officer was embarrassed by the declarations of the organisation in question which blamed the hospital under his responsibility for negligence on the person of the victim, accusing it of abandoning the victim without healthcare.

He also expressed his sense of betrayal to the CHRC concerning the family of M. Akoura Abba which, according to him, did not recognise the good work and sacrifices made by the medical staff of the Yaoundé Military Hospital to keep the victim's life. He declared that he afraid that the presence of the Commission on that blessed day marked the beginning of trouble, and even a trial against the Yaoundé Military Hospital which only played its life-saving role by protecting the right of Mr. Akoura Abba to health.

The delegation of the regional branch once more spelt out the purpose of its visit which was to verify the veracity of the fact alleged by petitioning CSO and those of Mr. Suleiman Abba, from the victim himself and the chief medical officer of the accused hospital.

After thanking the Colonel chief medical officer for the immediate and efficient healthcare of the patient who was visibly recovering, the branch team briefly outlined the mandate of the Cameroon Human Rights Commission and underscored the issues of concern observed during its visit which did not in any case whatsoever aim to incriminate the medical staff.

At the end of the discussion, Mr. Suleiman Abba, the patient's brother, was formally advised to address a petition with assistance from the regional branch of the CHRC for the Centre to the Minister delegate at the Presidency of the Republic in charge of Defence requesting the regularisation of the medical expenses incurred during hospitalisation and health care of Mr. Akoura Abba, attributable to the gendarmerie, as well as compensation for the damage suffered by the victim.

The health specialists in attendance during the meeting pointed out with regret that it will be virtually impossible for the victim to stand on his two feet or satisfactorily carry out activities linked to the movement of the vertebral column, given the impact caused by the bullets.

The facts alleged in this case not having been proven after verification, the regional branch while acknowledging receipt of the complaint of MIDDLEF, called this CSO to order.

As part of the follow-up of this case, the competent services of the regional CHRC branch contacted Mr. Akoura Abba on 27 August 2021. It is worth noting that he spent four (4) months and twelve (12) days of hospitalisation because of his accident which occurred a month before his wedding and that he was healed. He returned to Garoua since he was discharged from hospital. The lower part of his body having lost its motor skills, he is henceforth paralysed. He was undergoing massage sessions at a physiotherapist where he was in rehabilitation and could move using a wheelchair.

The victim pointed out that the officials of the Military Hospital have borne the expenses related to all his surgical interventions and medical care, whereas his family paid his medical prescriptions and feeding.

The petition for the compensation of the damage sustained which the family forwarded to the Minister delegate at the Presidency in charge of Defence had not yet been scrutinised during our last discussion with the victim. At the time of finalising this report, the regional branch of CHRC for the Centre interviewed Mr. Suleiman Abba, the brother of the victim who is resident at Ngaoundéré. He declared that the victim is now at a village in the Bogo Sub-Division, Far-North Region and *that no answer was given to the compensation request addressed to MINDEF*. Given the

letter of reminder dated 7 September 2023, a letter in which he was requesting for “adequate, effective and rapid damages for the injury suffered by the victim”.

Paragraph 2.- Continuation of the response to the Covid-19 pandemic and challenges pertaining to the right to health

In the area of public health in Cameroon in 2021, the talk of the day however remains the fight against the Covid-19 pandemic, begun the preceding year.

If new response measures were not taken by public authorities, but rather that some previous measures were softened – notably as concerns the closure of schools which have been fully re-opened during the 2020/2021 school year, subject to some provisions pertaining to the observance of preventive measures – the spread of the virus, on its part, took fresh impetus across the country with the emergence of new waves linked *to the advent of new variants, often more virulent and more lethal than preceding ones*.

As such, the *Alpha* and *Bêta* variants which continued to wreak havoc in the country, the epidemiological situation linked to the Covid-19 pandemic worsened with the advent of the Delta variant, detected in the cities of Yaoundé and Douala as early as the month of May 2021¹⁹, then Omicron variant, that cropped up later, whereas the year 2021 drifted to its end²⁰.

Altogether, cumulative *statistics of the Covid-19 pandemic registered 110 000 cases and 1 840 deaths, with a case-fatality ratio of 1.7 %²¹ as at 31 December 2021*. But, it was in the month of April 2021 that the contamination peak was recorded concerning the vector virus of this disease (SARS-CoV-2) since the advent of the pandemic in Cameroon, with an average of 1 200 new cases declared per day by the authorities²².

Yet, no new social or public health measure was taken. Despite this situation, the number of cases started decreasing in May²³, thereby confirming the choice by the authorities for collective immunity as an option to combat this disease, a choice underpinned

¹⁹ See Sonia OMBODOU, « Covid-19 : le variant Delta circule au Cameroun », *Cameroon Tribune* of 17 August, <https://www.cameroon-tribune.cm/article.html/41747/fr.html/covid-19-le-variant-delta-circule-au>, accessed on 28/2/23.

²⁰ See Elise ZIEMINE NGOUMOU, « Attention au variant Omicron ! », *Cameroon Tribune* of 13 December 2021, <https://www.cameroon-tribune.cm/article.html/44002/fr.html/attention-au-variant-omicron->, accessed on 28 February 2023.

²¹ See The human rights situation in Cameroon in ten digits in 2021, World Health Organization (WHO) global pandemic statistics and worldometers.info, accessed on 22 August 2022.

²² See *Partnership for Evidence-Based Response to COVID-19* (PERC), 4th survey, ‘Trouver un équilibre : les mesures sociales et de santé publique Cameroun’, report available in PDF format at the following address: https://preventepidemics.org/wp-content/uploads/2021/11/cameroon_fr_111821F.pdf, accessed on 28 February 2023.

²³ *Ibid.*

by the setting up of 243 vaccination centres distributed across the country to enable priority targets and communities to enjoy anti-covid-19 vaccination services. The regional distribution of vaccination centres was outlined as follows: 13 in the Adamawa Region, 45 in the Centre Region, 18 in the East Region, 33 in the Far-North Region, 32 in the Littoral Region, 18 in the North Region, 23 in the North-West Region, 26 in the West Region, 13 in the South Region and 22 in the South-West Region²⁴. They were in the main located in district hospitals, medical centres, integrated health centres and lastly in referral hospitals.

The reference year was also marked by *the availability of vaccines against the Covid-19 pandemic*, following the approval by WHO on 31 December 2020, of the very first vaccine developed against this disease, that of the Pfizer/BioNTech laboratories²⁵. Thereafter, several other vaccines were approved and placed at the disposal of States. The less developed among these countries benefitted from the said vaccines thanks to the Covax mechanism of the WHO.

Thus, after the *arrival of the very first doses of an anti-Covid vaccine*, that is; 200 000 of the Chinese Sinopharm vaccine, received on 11 April 2021 by the Prime Minister, Joseph Dion Ngute, 391 200 doses of the AstraZeneca vaccine of the Covax mechanism also arrived in the country on 17 April 2021.

The only difficulty is that, *the availability of these vaccines and encouraging speeches of authorities on vaccination were not enough to convince the population to get vaccinated*. The scepticism towards the disease itself and worse still towards the vaccines proposed tended to carry the day, amid all conspiracy theories that cropped up on social media and in some Western media around the pandemic. As in 2020, the population also tended to increasingly trust products stemming from traditional pharmacopoeia, each trying to showcase its genius.

As such, according to recent figures published by the Minister of Public Health on his *Twitter account*, only 6 % of the population aged more than 18 got vaccinated as at 31 December 2021. This figure stood at only 1 % as at 3 October 2021²⁶. On observation, those who got vaccinated until then were persons who essentially intended to travel to a foreign country or who were preparing to resort to their travelling habits abroad for professional or personal reasons, for vaccination (or the production of an updated vaccination card) was a prior condition for the award of entry visas into some countries such as France, whereas PCR tests done less than 72 hours ago were required at airports, including in Cameroon, for any trip towards almost all destinations.

²⁴ See *Covid-19 Infos*, Bulletin d'information de l'OMS – Cameroun, n° 003, janvier - juin 2021, p. 22.

²⁵ See <https://www.who.int/fr/news/item/31-12-2020-who-issues-its-first-emergency-use-validation-for-a-covid-19-vaccine-and-emphasizes-need-for-equitable-global-access>, accessed on 28 February 2023.

²⁶ See *Partnership for Evidence-Based Response to COVID-19 (PERC)*, *op. cit.*

Moreover, in a bid to stepping up the proportion of the vaccinated population, some authorities resorted to *coercive measures*, particularly targeting public agents in service within their territorial jurisdiction. This was the case in the East Region where the governor set the deadline of 11 October 2021 for the vaccination of all public agents working in regional, divisional and sub-divisional services of this Region²⁷.

This state of affairs caused an outcry among the various stakeholders, including the Commission on Human Rights and Freedoms of the Bar Association, which pointed out that *any obligation to get vaccinated is only possible within the framework of a national law or regulatory instrument*. Yet, such a legislative or regulatory instrument has not been enacted in Cameroon. As such, the obligation to get vaccinated could infringe individual freedoms enshrined in the Cameroon Constitution in force.

Similarly, Government, through the Minister of Public Service and Administrative Reform, had to come out with a clarification on 21 October 2021 pertaining to the fact that “the State staff has never been compelled to get vaccinated”²⁸.

The fight against Covid-19 in 2021 has also been undermined by allegations of embezzlement of funds meant to combat this pandemic, allegations which were exacerbated after the publication, in June 2021, of the *Audit Report by the Audit Bench of the Supreme Court*²⁹ on the issue. The authors of this Report estimated at more CFA Francs 18 billion of confirmed cases of misappropriation in the management of these funds, thereby mainly entailing the liability of some administrative services. Yet, we need to wait for court proceedings against the managers implicated for this embezzlement to be proven, hence the recommendations made by the CHRC to this end.

Paragraph 3.- The specific situation of the fight against HIV/AIDS

The fight against HIV/AIDS, a scourge which has been going on since the end of the last century, witnessed a slight renewed intensity in Cameroon in 2021. In this light, we are going to primarily analyse the global HIV situation in Cameroun (A) before outlining the actions which the country’s National Human Rights Institution (NHRI) carried out in favour of people living with HIV (B).

²⁷ See Emmanuel Jules NTAP, “Vaccination obligatoire des fonctionnaires: levée des boucliers au Cameroun”, VOA Africa, 25 October 2021, <https://www.voafrique.com/a/coronavirus-vaccination-obligatoire-des-fonctionnaires-lev%C3%A9-des-boucliers-au-cameroun/6281449.html>, accessed on 28/2/23.

²⁸ *Ibid.*

²⁹ See Can be accessed online at the following address: <https://www.expertisefrance.fr/documents/20182/136231/Audit+Covid-19+Cameroun/a9b8a365-cb1a-423b-8c90-988cae5620e1>, accessed on 22 June 2022.

A.- The global situation of HIV in Cameroon

Generally speaking, an improvement of the country's epidemiological situation concerning HIV/AIDS was noted, even though the number of people living with HIV/AIDS (PLHIV) increased in Cameroon in 2021 as compared to the previous year, without however reaching the level of the year 2019, moving from 496 506 in 2020 to 499 930 (representing 166 976 men and 332 354 women) in 2021³⁰ as illustrated below.

Table 1.- Number of PLHIV in Cameroon from 2019 to 2021

Year	2019	2020	2021
Number of PLHIV	506 432	496 506	499 930

Source: NACC/Spectrum 2021

In 2021, the number of PLHIV stood at 499 330, with a female predominance of 66.55%. The disaggregation per region reveals that the city of Yaoundé hosts the greatest number of PLHIV, that is; 89 677 persons (thereby corresponding to 17.95% of the national estimate), followed by the city of Douala 67 957 PLHIV, that is; 13.60% of the national estimate. The North-West and East Regions have 7.28% and 8.49%, respectively of PLHIV according to the national estimate. Lastly, the Littoral Region, excluding the city of Douala, registered the lowest number of PLHIV and represented only 3.57% of the total estimate. Out of the ten regions of Cameroon, the Centre and Littoral taken together will represent 43.01% of PLHIV estimated in Cameroon in 2021³¹.

On the contrary, according to the NACC Annual Report, new infections have decreased between 2019 and 2021, dropping from 33 183 to 14 451, thereby representing a decrease of 56 % as indicated in the table below. This downward trend could be justified by the capitalisation of several initiatives embarked upon in favour of youths and teenagers³².

Table 2.- Number of new HIV infections in Cameroon between 2019 and 2021

Year	2019	2020	2021
Number of new infections	33 183	15 038	14 451

Source: NACC/Spectrum 2021

The number of HIV-related deaths has also registered a drop from 14 140 (2020) to 12 504 (2021), after witnessing a slight increase the previous year (14 058 deaths in 2019) as shown in table 3. This situation, notably the drop in the rate of new HIV infections, could be justified by the capitalisation of several initiatives embarked upon in favour of youths and

³⁰ 2021 NACC Report, pp. xxix, 9 and 19.

³¹ *Ibid.*, pp. 18-19.

³² *Ibid.*

teenagers. It however stems out that the number of new infections remains on the increase for women as compared to men, be it for youths or teenagers³³. New HIV infections in 2021 were much more localised in the cities of Yaoundé and Douala as well as in the Far-North, North-West and East Regions. These geographic areas account for 14.0%; 10.4%; 9.5%; 9.3% and 9.0%, respectively of new infections at national level. The proportion of new infections follows the curve of the estimated number of PLHIV. Conversely, during the reference year, the infections were registered in the Littoral (excluding the city of Douala) and South Regions. They represented 3.3% and 4.9%, respectively, of all new infections³⁴.

Table 3.- Number of HIV-related deaths in Cameroon between 2019 and 2021

Year	2019	2020	2021
Number of HIV-related deaths	14 058	14 140	12 604

Source: NACC/Spectrum 2021

The drop in the number of HIV-related deaths registered between 2019 and 2021 could be justified by improved patient management as well as living standards. However, the highest number of deaths and new infections was registered in women³⁵.

Under this report, we are going to outline HIV/AIDS preventive measures, on the one hand (1) as well as the management of persons infected by the disease in 2021 (2), on the other hand.

1. Preventive measures to fight against HIV in 2021

These measures essentially focused on communication and screening activities.

In terms of HIV prevention, communication consisted in undertaking initiatives through digital messages, media reports, communication out of the media, as well as the launching of specific popularisation campaigns for LGBTQI+, teenagers and other special operations such as Holidays without AIDS. *Also worth mentioning is the distribution of condoms free of charge.*

On this last point, the abovementioned 2021 NACC Report specifies that more than two million female condoms and more than 33 million male condoms were distributed in 2021. These figures are in a strong decline as compared to the previous years as shown in table 4. This drop could be justified by the socio-cultural context marked, amongst others, by the fear of losing one’s partner, education acquired from parents according to which the woman should be submissive to her partner, religion which shuns the use of condoms and the reduced pleasure linked to the use of condoms. Furthermore, the female condom is

³³ *Ibid.*, p. 14.

³⁴ *Ibid.*, p. 11.

³⁵ *Ibid.*, p. 15.

somehow shunned by girls because of the prejudices developed and entertained around this alternative HIV protection technology.

Table 4.- Number of condoms distributed in Cameroon between 2019 and 2021

Year	2019	2020	2021
Number of female condoms distributed	3 401 584	2 918 908	2 660 738
Number of male condoms distributed	34 978 318	41 057 011	33 111 351

Source: NACC/Spectrum 2021

Concerning screening, even though the number of screened persons increased in 2021, moving from 2 984 346 in 2020 to 3 479 989 in 2021, that of persons tested positive decreased, moving from 99 273 in 2020 to 92 829 in 2021 as shown on table 5.

Table 5.- Number of persons tested and number of persons tested HIV-positive between 2019 and 2021

Year	2019	2020	2021
Number of persons tested	2 941 083	2 984 346	3 479 989
Number of persons tested HIV-positive	83 243	99 273	92 829
Percentage	2.83%	3.33%	2.67%

Source: NACC/Spectrum 2021

After the increase registered in 2020 (from 2.3 % in 2019 to 3.33 % in 2020), the HIV prevalence rate witnessed a decline in 2021, settling at 2.67 % as shown on table 6. This improvement recorded during the reference year (notably the drop in the HIV prevalence rate from 3.33% to 2.67%) stems from the sensitisation and communication campaign based on behavioural change as well as the promotion of the proper and systematic use of condoms. These figures clearly show that Cameroon is on the right track concerning the response against this pandemic.

Table 6.- Trends in the HIV prevalence rate in Cameroon between 2019 and 2021

Year	2019	2020	2021
HIV prevalence rate	2.83%	3.33%	2.67%

Source: NACC/Spectrum 2021

This downward trend in the HIV prevalence rate is also confirmed among target persons such as sex workers. Nevertheless, it is on the increase in clients. The combined preventive actions targeted towards sex workers enabled to reduce new infections by 57 % over the last decade.

Actions geared towards fighting against AIDS are not only restricted to prevention. They also focused on the treatment of the diseases itself.

2. Management of persons infected by the disease

Anti-retroviral treatment (ARVT) concerned more than 460 000 persons in Cameroon in 2021, a figure which is on the increase after the drop registered in 2020 (413 188). After observing a drop in the number of persons managed between 2019 and 2020, an increase of more than 55 000 persons was recorded in 2021, as compared to 2020. This increase in the registered number of persons managed during the reference year contributed in reducing the number of cases of HIV/AIDS-related deaths.

This situation is outlined on the table below as follows:

Table 7.- Number of PLHIV on ARVT from 2019 to 2021

Year	2019	2020	2021
PLHIV on ARVT	424 421	413 188	469 783

Source: NACC/Spectrum 2021

B.- Actions carried out by the CHRC

During the year under review, the CHRC took part in a training workshop and published a declaration on the occasion of the World Aids Day celebrated on 1st December of each year.

1- Participation in a training workshop in Douala

From 13 to 17 September 2021, the CHRC was invited to take part in a workshop held in Douala on the theme: “The training of national institutions involved in the HIV and tuberculosis (TB) multi-sectoral responses in overcoming *obstacles linked to human rights in the area of access, use and retention of services*” co-organised by the United Nations Development Programme (UNDP) and UNAIDS. This activity³⁶ focused on several modules, including:

- understanding the HIV and tuberculosis epidemiological context and responses;
- outline of the target population;
- understanding issues underlying HIV and tuberculosis;
- introduction to human rights;
- identification of obstacles linked to human rights and access to HIV and tuberculosis treatment services;
- definition of necessary policy frameworks in the fight against tuberculosis and HIV;
- knowledge of national programmes implemented to reduce obstacles to HIV and tuberculosis services linked to human rights in the programme of the global fund for the fight against AIDS and tuberculosis; and,
- setting up a multi-sectorial *Taskforce* on obstacles linked to human rights in liaison with the access, use and retention of HIV and tuberculosis services in Cameroon.

At the end of this activity, recommendations were adopted, notably:

- proposal by the CHRC to work at the highest level with the Ministry of Public Health and support structures, in a bid to harmonising the data base of civil society organisations (CSOs) involved in HIV and tuberculosis response;
- proposal by the CHRC requesting that letters be addressed to administrations attending the training and those identified to likely be part of the *Taskforce* to obtain their consent;
- integration of the teenager and youth target in priority targets;
- integration of the Ministry of Youth Affairs and Civic Education as well as the Ministry in charge of Regional and local Authorities in the *Taskforce*.

2. Declaration of the CHRC on the occasion of the 34th World AIDS Day

On 1st December 2021, the CHRC published a declaration on the occasion of the 34th World AIDS Day on the theme *Put an end to inequalities, put an end to AIDS, put an end to pandemics*, a theme that raises issues related to human rights, notably stigma and

³⁶ Report on the participation of the CHRC in this activity.

discrimination, inequalities and violence against persons infected by HIV/AIDS, in general, and women as well as girls, in particular. On the occasion of the celebration of this day, the CHRC pointed out, in a bid to pushing stakeholders involved in the fight HIV/AIDS to adopt more concrete actions following the human rights-based approach, that persons infected by this disease are likely to be exposed to a set of abuses of their rights in specialised institutions and traditional treatment centres, through inadequate care and treatment, torture and inhumane and degrading treatment within medical services.

In a whole, the above-mentioned declaration outlined the methodical set of actions of public authorities, development partners, and those of civil society organisations as part of the fight against AIDS. After recalling the context of the institution of the celebration of this day as well as the legal framework devoted to the promotion and protection of the rights of people living with HIV/AIDS, then the observations, before listing the recommendations to prevent and sanction the infringements of the human rights of people living with HIV³⁷.

Though several actions and initiatives have been undertaken both by government authorities and other public stakeholders in favour of PLHIV, many a challenge remains to be overcome.

Paragraph 4.- Situation of persons suffering from mental illnesses: the case of patients of the Jamot Hospital of Yaoundé

By definition, a mental illness refers to an array of disorders affecting the mood, thought and behaviour of an individual. The mental illness is also referred to as psychiatric disorder. The term psychiatric refers, on its part, more to the state of consciousness. It is therefore more saturating to use the expression mental patient in this chapter, in accordance with definition contained in French Language Dictionaries and information gathered from specialists at the Jamot Hospital of Yaoundé³⁸.

The State of Cameroon is a party to regional and universal legal instruments³⁹ aimed at ensuring the right to health to its population. Institutions have also been set up to render this right effective.

On 6 May 2021, the Lord Mayor of the city of Yaoundé launched a campaign dubbed “*Zero mental patient wandering in the streets of Yaoundé*”, in a bid to extracting persons suffering from mental illnesses from the streets of the capital city, as part of the preparation of the African Cup of Nations (2021 TotalEnergies AFCON) slated from 9 January to 6 February 2022. As a follow up to this initiative, on 16 August 2021, the CHRC gathered

³⁷ On these recommendations, see *infra*, Section III of this chapter.

³⁸ The expression used by specialists at the Jamot Hospital of Yaoundé is *mental illness*. It is for this reason that we substituted it with that used in CHRC texts, notably psychiatric patients.

³⁹ See Section 1 *supra*.

information from a medical officer in service at the Jamot Hospital pertaining to the fact that these patients had effectively been extracted from the streets and taken to this hospital.

In reaction to this allegation and in line with the missions of prevention of torture assigned to the CHRC pursuant to Section 8 to 11 of Law No. 2019/014 of 19 July 2019 relating to the establishment, organisation and functioning of the CHRC, the National Mechanism for Prevention of Torture (NMPT) hosted within its services visited the Jamot Hospital of Yaoundé. It was under the leadership of Mrs Asuagbor née Ayuk Lucy, Chairlady of the subcommittee in charge of the prevention of torture acting as the NMPT.

A.- Mission of 17 August 2021

On 17 August 2021, the NMPT of the CHRC carried out an information and investigation mission at the Jamot Hospital of Yaoundé⁴⁰ to verify the implementation of standards for the protection of the right to health of persons suffering from mental illnesses.

It is worth specifying that this mission was carried out before the signing of the decree of the President of the Republic of 28 December 2021 on the ratification of the Convention on the Rights of Persons with Disabilities, notably:

- encourage State parties to take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise (Article 4 (1e));
- prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds (Article 5 (2));
- prescribe that persons with disabilities are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability (be it mental) shall in no case justify a deprivation of liberty (Article 14 (1b)).

Specifically, it entailed in the case in point for the CHRC team to discuss with the management and staff of this hospital, to visit the infrastructures and talk to care attendants, in order to get their take on conditions of internment of patients.

⁴⁰ In prelude to the visit carried out on 17 August 2021 by the NMPT to the Jamot Hospital, a letter signed by the CHRC Chairperson was addressed to the Director of the said hospital. The mission team included Mrs ASUAGBOR, née AYUK Lucy, chairlady of the sub-committee in charge of the prevention of torture acting as the NPMT, Prof SOULEY MANE, member of this sub-committee, Mr. Amany TCHOUTAT, the then head of the Promotion and Protection Division, Mr. SINSAI Victor AFONI of the observation, investigation and early warning unit (OIA), Mrs Yolande ELESSA, Head of the Cooperation, Documentation and Research Service, and Miss Yvonne KOLEM, intern at the OIA unit.

In fact, pursuant to paragraph 2 of Section 8 of the 2019 Law and Article 4 of the Optional Protocol to the Convention on the fight against torture, psychiatric institutions are places of deprivation of liberty. In its role of National Mechanism for the Prevention of Torture, the CHRC proceeded, amongst others, with the evaluation of the living conditions in psychiatric hospitals, examination of the legal dispensation relating to mental illness and formulation of relevant recommendations enabling to avoid or reduce the resort to cruel, inhumane or degrading treatment in psychiatric centres.

During the visit, the CHRC delegation noticed that the alleged patients suffering from mental disorders, supposedly extracted from the streets and admitted into this hospital were nowhere to be found. From information obtained from the hospital medical officers and staff, the said patients were rather managed and followed up by the hospital medical staff in their respective homes.

The CHRC team also noted the obsolete unhygienic and advanced dilapidation of building, including administrative offices of the de psychiatric service. The situation may be subsumed as follows:

- poor ventilation of rooms, a situation which does not ease the appeasement of a crisis;
- most beds broken, thereby compelling families to bring mattresses and beddings for their patients;
- toilets out of service;
- lack of water and space for washing dishes;
- broken security halls;
- lack of laundry facility and kitchen (the kitchen space provided not having been maintained);
- damaged office stationery;
- inadequate qualified psychiatric staff;
- scarce and unfordable medication for patients;
- lack of an ambulance meant for the psychiatric service;
- ill-adapted fences facilitating the runaway/escape of patients (and probably intrusion by foreign persons) on the side adjacent to CRTV;
- approximate observance of preventive measures against the Covid-19 pandemic.

At the end of the visit, members of the CHRC team had mixed feelings as to the conduct of the operation dubbed “*Zero mental patient wandering in the streets of Yaoundé*”. Even with the assumption that or version according to which patients were in their respective family homes were true, no guarantee could be given on the treatment administered to them concerning the respect of their rights, especially the right not to be subjected to cruel, inhumane or degrading treatment.

The CHRC’s worry was based on the lack of traceability and precise information pertaining to the conduct of this operation, when one knows the risks these patients could be exposed to. A study conducted in 2002 by Dr Ntonè Félicien revealed that some parents of wandering mental patients are often less enthusiastic about their return within their families⁴¹. In other words, the precarious situation of these mental patients is comfortable for some family members who misuse their property.

Whatever the case, the second visit of the CHRC team to the Jamot Hospital enabled to throw more light on the detention conditions of interned mental patients.

B. Mission of 20 December 2021

On 20 December 2021, the CHRC carried out its second information and investigation mission at the Jamot Hospital of Yaoundé. This mission was initiated to enquire on the evolution of the situation of psychiatric patients placed in this hospital. As a follow up to the visit of 17 August, it was specifically a question for the CHRC team to once more hold discussions with officials of this hospital, jointly embark on a guided tour of infrastructures and talk to patients as well as care attendants, so as to gather opinions on their internment conditions and management.

During this visit, a meeting was held with Mrs Menguene Laure, coordinator of the projet dubbed “*Zero mental patient wandering in the streets of Yaoundé*” initiated by the Yaoundé City Council and the Head of the Psychiatric Service of the Jamot Hospital of Yaoundé. Primarily, the two parties discussed at length on working conditions of the medical team in charge of mental patients as well as conditions of internment of the patients in question. Globally, we retained that efforts were deployed but needs in equipment, staff, foodstuff, and drugs remained high, thereby necessitating the involvement all stakeholders for optimum output. After these discussions, we embarked on a visit of the site devoted to mental patients, baptised ‘*Village de l’amour*’. Two major observations were made during the visit:

The first observation was the spectacular *transformation of the site*. The entire infrastructure was renovated, in marked distinction with the situation which prevailed during the first visit of the CHRC team. Buildings, toilets, kitchens, the fence were all sparkling.

The second observation is that, this time around, the CHRC team effectively found mental patients on the spot, gathered around the streets of Yaoundé. We could see men and women sited, sleeping or strolling within the site. Mrs Menguene, our spontaneous guide,

⁴¹ See Félicien NTONE-ENYIME *et alia*, “Réhabilitation psychosociale du malade mental errant au Cameroun” *in* <file:///C:/Users/ORDINA~1/AppData/Local/Temp/agboranderson2000,+ao+ntone++r%C3%A9habilitation+psychosociale+du+malade+mental++errant+au+Cameroun/Layout.pdf>, accessed on 15 July 2022.

made the CHRC team to proudly discover all the ramifications of the “*Camp de l’amour*”. Yet, some of the shortcomings encountered are worth pointing out:

- lack of a vehicle meant for the transportation of patients from the psychiatric sector;
- unaffordable price of some drugs against mental illnesses;
- inadequate specialised staff in mental health.

The recommendations made by the CHRC to the subsequent improvement of the situation of mental patients are included in the section below.

SECTION III.- Recommendations made by the CHRC

From the foregoing and lauding the efforts deployed by authorities to this end, the Commission made the following general recommendations to improve on the attainment of the right to health in Cameroon (Paragraph 1) and specific recommendations to improve on the fight against HIV/AIDS as well as mental illnesses (Paragraph 2).

Paragraph 1.- General recommendations to improve on the attainment of the right to health in Cameroon

To improve on the attainment of the right to health in Cameroon, the CHRC made the following ten general recommendations to public authorities (A) and development partners (B).

A.- General recommendations to public authorities

To public authorities, the CHRC recommends as follows:

- pursue discussions with trade unions or associations of doctors, medical and health staff and staff of hospitals/enterprises of the health sector within the framework of the advocacy underway in favour of an improvement of the salary of the nursing staff;
- set up a “*solidarity fund*” to provide financial support to the health staff;
- implement in an optimal manner the 2021-2025 National Strategic for Community Health whose drafting process was spread out over the July 2020 to June 2021 period, with the overall objective to “*contribute in reducing morbidity and mortality with the full participation of communities in all health areas and districts of Cameroon by the year 2025*”;
- improve on the legal supervision of the management of pandemics in Cameroon;
- step up legal procedures relating to the management of funds meant for the fight against the Covid-19 pandemic and mete out sanctions to culprits;
- step up the construction and equipment of all regional hospitals;

- continue by stepping up the implementation of “universal health coverage”(UHC) ;
- maintain efforts to fight against other diseases, especially endemic diseases as well as their management;
- improve access to medical care in rural areas.

B. General recommendations to development partners

Given its global scope, the Covid-19 pandemic triggered an unprecedented deployment of research efforts for the rapid development of effective and efficient vaccines against the disease.

CHRC recommends to development partners to increasingly mobilise resources to step up research and development of efficient vaccines against diseases more seriously ravaging Africa, in general, and Cameroon, in particular, such as malaria, which claimed 3 863 lives in Cameroon in 2021⁴², thus representing twice more than the number registered for the Covid-19 pandemic.

Paragraph 2.- Specific recommendations to improve on the fight against HIV/AIDS and mental illnesses

32 specific recommendations will be outlined in turns to improve on the fight against HIV/AIDS (A) and mental illnesses (B).

A. Specific recommendations in favour of HIV-infected persons

To better protect the rights of HIV-infected persons, the Commission formulated 12 recommendations to the State, health staff, communities and people living with HIV as well as CSOs.

To the State, the Commission recommends as follows:

- take, as early as possible, measures aimed at revisiting and amending legal instruments and policies, in order to render them more compliant with standards and principles of human rights in the fight against HIV;
- step up the adoption of more efficient measures to prevent and redress human rights abuses in the areas of medical and health care;
- remove, within the shortest possible time, obstacles restricting the right of women, girls, children and youths, migrants, refugees, internally displaced persons and any other specific group to accede to HIV-related prevention, treatment, management and support services;

⁴² According to the Minister Public Health during the launch of the campaign dubbed “*Stop Malaria*”, on 10 March 2022.

- maintain and broaden dialogue and consultations with all civil society organisations working on HIV and human rights;
- increase material, human and financial resources earmarked for the fight against HIV.

The CHRC is urgently inviting the health staff, *communities and people living with HIV* to:

- be proactive in their personal hygiene and better prevent the spread of infections;
- adhere to the logic of global solidarity and shared responsibility, in a bid to maintaining anti-HIV services during the COVID-19 pandemic and, beyond, to achieve the objectives set for 2023;
- embark on an advocacy in favour of the elimination of HIV stigma and adherence to treatment;
- disseminate messages on health by struggling to dispel pre-conceived ideas and participating in the sensitisation of the population;
- improve the living conditions of patients placed in hospitals, including specific conditions for women and children;
- strengthen community health actions through the training of stakeholders able to contribute to the management of HIV-positive patients;
- denounce and abandon, through sensitisation for behavioural change, the myths and beliefs which prevent families from seeking medical care and push communities to stigmatise and discriminate persons suffering from sexually transmitted diseases.

Furthermore, the CHRC reiterates its recommendations made in its declaration published on the occasion of the international day for the elimination of gender-based violence celebrated on 25 November 2021, notably:

- step up the devise and adoption of a new national strategy to fight against gender-based violence for the 2020-2030 period;
- eliminate stereotypes legitimating gender-based violence;
- punish perpetrators of gender-based violence.

To CSOs, the Commission notably recommends to initiate and organise more sensitisation actions addressed to the vulnerable segments of the population.

B. Specific recommendations on the situation of mental patients

Concerning the situation of mental patients in Cameroon, the CHRC made the following 16 recommendations to the State. Three other recommendations are specifically addressed to the Jamot Hospital, whereas one is meant for each and every one of us.

To the State of Cameroon

In its capacity of National Mechanism for the Prevention of Torture, the CHRC is concerned by the living conditions of mental patients, as well as the conditions of work of the medical staff of the Jamot Hospital. To improve on the situation, it makes the following recommendations to the State:

- duplicate the operation dubbed “*zero mental patient wandering in the streets of Yaoundé*” in all other councils of the country;
- set up and equip psycho-traumatology and mediation centres of Cameroon (CPM) in other cities across the country;
- promote, more emphatically; mental health as an essential element of primary health care in the National Health Programme;
- improve on the living conditions of patients placed in psychiatric hospitals, including conditions specific to women, children and persons with disabilities;
- supply psychiatric hospitals with adequate equipment and drugs, in a bid to encouraging families to refer their mental health cases to them;
- cater for the feeding of needy mental patients;
- improve on the conditions of work of the staff of psychiatric hospitals;
- train and recruit medical officers and nurses in the field of psychiatry;
- strengthen community health actions through the training of stakeholders able to manage these patients within their communities of origin;
- adopt legislation on mental health or, at least, an emergency plan pertaining to this area;
- draft a specific budget for mental health to enable the hospital to attain the required international standard and purchase drugs and medical equipment;
- set up centres or hospital wards in all chief towns of regions or even divisions for the inclusive and broad-based management of mental patients;

- recruit or train psychiatrists, psychologists and other specialised persons in mental illnesses;
- adopt efficient measures to prevent and/or redress violations of the rights of persons suffering from mental illnesses;
- fight against discrimination, criminalisation or other violations of the fundamental rights of persons affected by a mental illness;
- institute financial and/or material assistance to families during the management of mental patients.

To the Jamot Hospital of Yaoundé, the CHRC recommends as follows:

- strengthen hygiene and sanitation within the psychiatric service;
- strengthen prevention services in the area of the fight against mental illnesses;
- ensure the permanent supply of drinking water to patients.

The CHRC invites each and every one of us to denounce and abolish, through sensitisation for behavioural change, the myths and beliefs which prevent families from seeking medical care and push communities to stigmatise and discriminate persons suffering from mental illnesses.

CHAPTER II. - THE RIGHT TO EDUCATION

Education is defined as an action or public policies aimed at imparting knowledge to any human being: know-how, interpersonal and behavioural skills. Immediately it was installed in Cameroon in 1884, the German imperial Government entrusted the task of instructing indigenous youths to religious missions⁴³. In 1898, official public education was set up and modestly started functioning with the opening in 1900 of schools in Victoria and Douala⁴⁴. The Imperial Ordinance of 25 April 1910, supplemented by that of 23 April 1913 reorganised public education in official and denominational schools⁴⁵. In 1913, the number of public schools amounted to seven, with a total enrolment of 1 194 students. During the same year, the four religious missions installed in Cameroon instructed 41 500 students distributed into 225 schools.

When they took possession of Cameroon as early as 1916, France and Great Britain pursued this massive school enrolment endeavour. In his book devoted to “*éducation scolaire au Cameroun*” (*School education in Cameroon*)⁴⁶, Engelbert Atangana situates the ideological basis of public education in Cameroon within the perspective of imparting values of freedom and equality. He posits that the “demand for the rule of law ensuring individual freedoms through equal political rights goes hand in glove with the duty of instruction by the State”⁴⁷.

As from independence, Cameroon embarked on vast investment programmes to put Western education at the disposal of all, at times at the detriment of traditional forms of education⁴⁸. Nevertheless, given its status and legal regime, the right to education is in Cameroon “*a fundamental right whose aim is to take men and women out of poverty, reduce inequalities and ensure sustainable development*”⁴⁹. It is for this reason that the legislator grants it pride of place and makes it a right for any citizen, and correspondingly, an obligation for the State. To analyse the situation for attaining this right in 2021, we will primarily focus on the legal and institutional framework in force in the area in Cameroon during the reference year (Section 1), then move to the progress and challenges concerning the attainment of this right (Section 2), before coming to the CHRC recommendations to various stakeholders in the area (Section 3).

⁴³ See Engelberg ATANGANA, ‘*Cent ans d’éducation scolaire au Cameroun. Réflexions sur la nature, les moyens et les objets de l’entreprise*’, Paris, L’Harmattan, 1996.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*, p. 47.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.* p. 15.

⁴⁸ See Renaud SANTERRE, ‘*L’éducation camerounaise*’, in ‘*La quête du savoir. Essais pour une anthropologie de l’éducation camerounaise*’ (under the supervision of Renaud SANTERRE and Celine MERCIER-TREMBLAY), Presses universitaires de Montréal, 1982, pp. 23-29.

⁴⁹ See Unesco, “*The right to education*”, <https://www.unesco.org/fr/education/right-education>, accessed on 22 July 2022.

SECTION I.- Legal and institutional framework of the right to education

The legal and institutional framework of the right to education comprises basic provisions (Paragraph 1) and legal and institutional innovations introduced during the reference year (Paragraph 2).

Paragraph 1.- Basic normative and institutional provisions

The right to education is enshrined in the preamble of the Constitution of Cameroon of 18 January 1996⁵⁰ which provides that the State “*shall guarantee the child’s right to education. Primary education shall be compulsory. The organisation and supervision of education at all levels shall be the bounden duty of the State*”. It is in this light that Cameroon incorporated in the corpus of its Constitution the Universal Declaration of Human Rights⁵¹ which provides that “*Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages [...] Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms [...]*» (Article 26). Cameroon has also ratified:

- the African Charter on Human and People’s Rights⁵² which provides that: “*Every individual shall have the right to education*” [Article 17(1)];
- the International Covenant on economic, social and cultural rights (ICESCR)⁵³ which recognises the universal right to set up a framework for the full realisation of this right (Articles 2, 13 and 14). Article 13 of this instrument provides that “*The States parties to the present Covenant recognise the right of everyone to education. They agree that **education shall** be directed to the full development of the human personality and the sense of its dignity and shall **strengthen the respect of human rights and fundamental freedoms**”.*

On the basis of Sustainable Development Goal No.4 (SDG 4), States have taken the commitment to provide quality education to children and adolescents by 2030. Prior to making it a priority objective in its document geared towards putting SDGs into context, Cameroon had already proclaimed equal access opportunity to education without discrimination in Law No. 98/004 of 14 April 1998 to lay down guidelines for education in its Sections 5, 11, 15, 16 and 17. Moreover, Vision 2035 of Government in the education sector has as strategic objectives, *to achieve a 100 % rate at primary education level; reduce regional disparities in terms of school infrastructures and teaching staff; and vocational and*

⁵⁰ See Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972, as amended and supplemented by Law No. 2008/001 of 14 April 2008.

⁵¹ Adopted by the United Nations General Assembly on 10 December 1948.

⁵² Adopted at the 18th Conference of the Organisation of the African Unity (OAU) on 27 June 1981 at Nairobi, Kenya, entered into force on 21 October 1986, signed by Cameroon on 23 July 1987 and ratified on 20 June 1989.

⁵³ Adopted by the UN General Assembly on 16 December 1966, entered into force on 3 January 1976, accession of Cameroon on 27 June 1984.

technical training offer from 10 to 25 % at secondary education level and from 18 to 35 % at primary education level.

As for the 2020-2030 National Development Strategy (NDS30), its various pillars lay emphasis on equitable access to education for both girls and boys, decentralisation in the education sector, generalisation of education to human right, as well as match between the education system and needs of the socio-professional milieus, including in the area of entrepreneurship.

At the institutional level, the Cameroon education system is governed (in 2021) by Law No.98/004 of 14 April 1998 mentioned above which provides for three levels of education steered by the Ministry of Basic Education (MINEDUB), the Ministry of Secondary Education (MINESEC) and the Ministry of Higher Education (MINESUP). This institutional dispensation is strengthened by the Ministry of Employment and Vocational Training (MINEFOP) as well as the Ministry of Youth and Civic Education (MINJEC) which also contribute in formulating and implementing public policies in the area of education.

Paragraph 2.- normative and institutional innovations in 2021

During the year under review, several legal and institutional innovations came in to strengthen the basic education dispensation in Cameroon. They notably included the following instruments:

- Decree No. 2021/0343/PM of 22 February 2021 to create a bilingual secondary school; it concerns the Government Secondary School of Mondoni in the South-West Region, Fako Division, Tiko Sub-Division;
- Decree No. 2021/0344/PM of 22 February 2021 to create a secondary school; it concerns the Government Secondary of Mbrodong, Far-North Region, Mayo-Kani Division, Taïbong Sub-Division;
- Decree No. 2021/0345/PM of 22 February 2021 to transform 10 secondary schools into Government Bilingual Secondary Schools, four of which are in the Far-North Region, three in the Centre Region, one in the Littoral Region, one in the North-West Region and one in the West Region.

With the entry into force of Law No. 2019/024 of 24 December 2019 on the General Code of Regional and local Authorities, the basic education sub-sector confirmed during the year 2021 the transfer of powers and resources⁵⁴. To this end, MINEDUB drafted and forwarded to the Ministry of Decentralisation and Local Development (MINDDEVEL) the

⁵⁴ See Contribution of the Ministry of Basic Education to the drafting of the CHRC's 2021 Annual Report on the state of human rights in Cameroon.

draft specifications spelling out the conditions and technical modalities for the exercise of powers transferred by the State to councils.

The latter received the power to recruit and manage teaching and support staff in nursery and primary schools, as well as in preschool institutions. Moreover, the minimum package, which hitherto was handed by the Ministry of Basic Education is now given by sub-divisional councils. And for the minimum package to reach nursery and primary schools, a budget line is placed at the disposal of mayors. The beneficiary schools receive them in the form of budget expenditure booklet. The mayor can launch an invitation to tender or by mutual agreement.

As for Regions, newly transferred powers include recruitment and management of the teaching and support staff of government secondary and high schools.

At the higher education level⁵⁵, two important strides forward were recorded during the year 2021. They concern:

- the formulation of a draft instrument on sanctions applicable to Private Institutes of Higher Education;
- the legal supervision of the professionalisation of university education.⁵⁶

At the institutional level, innovations observed in 2021 relate to the following:

- implementation of the national qualification framework of Higher Education or *Tuning-Cameroon*;
- finalisation of the approval process of the *Higher National Diploma* (HND) teaching programmes;
- formulation and validation of teaching programmes in nutrition;
- modernisation and professionalisation of programmes of classical faculties;
- development of learning and distance control tools as well as platforms for virtual work;
- implementation of harmonised programmes of the teacher training component;
- study of the national accreditation system in engineering schools.

The above-mentioned innovations ought to help step up access to education offer.

SECTION II.- Progress and challenges in attaining the right to education

If the right to education situation during the reference year still outlines enormous challenges (Paragraph 2), some strides forward should however be lauded (Paragraph 1).

⁵⁵ See Contribution of the Ministry of Higher Education to the CHRC's 2021 *Annual Report on the state of human rights in Cameroon*.

⁵⁶ *Ibid.*

Paragraph 1.- Efforts deployed by the State concerning the right to education

In 2021, efforts deployed by public authorities to attain the right to education were essentially based on the recruitment of the teaching staff (A) and construction of dedicated infrastructures (B) both for basic education and secondary education as well as higher education; yet, other actions worthy of interest were equally carried out (C).

A. Recruitment of teaching staff

The year under review witnessed an increase in the number of teachers recruited at various grades and different levels of education as illustrated below.

In the basic education sub-sector⁵⁷, on the strength of the third absorption by contract of holders of the Teacher’s Grade One Certificate (CAPIEMP) covering the 2019-2021 period, *6 493 primary school teachers were recruited, according to data from the Ministry of Basic Education (MINEDUB)*. These new recruits added to preceding ones, stemming from the first two programmes which covered the 2004-2010 and 2014-2018 periods, respectively. They enabled the recruitment on contract basis of 46 200 holders of the Teacher’s Grade One Certificates (CAPIEMP). Taking into account the recruitment of primary school teachers by the Ministry of Public Service and Administrative Reform (MINFOPRA) between 2011 and 2021, thus representing 4 478 nursery and primary school teachers, as well as the recruitment on contract basis of 9 000 “*parents’ teachers*”, all holders of the Teacher’s Grade One Certificate (CAPIEMP), official statistics from MINEDUB in 2021 reveal that 57 171 Grade One Teachers were recruited in a one way or another by the State.

In the secondary education sub-sector⁵⁸, MINESEC equally deployed efforts in terms of recruiting qualified teaching staff. *In 2021, 6 780 teachers, including 2 214 secondary school teachers, 3 174 high school teachers, 791 contract Grade I Technical Education Teachers and 601 absorbed by contract strengthened the numbers of this sub-sector.*

At the higher education level⁵⁹, the second phase of the special recruitment operation of 549 teachers in Cameroon State Universities was distributed as follows:

- The University of Bamenda (75);
- The University of Buea (75);
- The University of Douala (74);
- The University of Dschang (63);

⁵⁷ See Contribution of the Ministry of Basic Education to the drafting of the CHRC’s 2021 Annual Report on the state of human rights in Cameroon.

⁵⁸ See Contribution of MINESEC to the CHRC’s 2021 Annual Report on the state of human rights in Cameroon.

⁵⁹ See Contribution of the Ministry of Higher Education to the CHRC’s 2021 Annual Report on the state of human rights in Cameroon.

- The University of Maroua (57);
- The University of Ngaoundéré (73);
- The University of Yaoundé I (75) and
- The University of Douala (57), in accordance with the terms of Press Release No. 002/SG/PM of 3 May 2021 to publish the said results by the central committee for supervising the special recruitment operation of teachers of State Universities for the 2019-2021 financial years.

On the strength of this recruitment, official statistics from the Ministry of Higher Education (MINESUP) point to a staff strength of 7 510 permanent higher education teachers in Cameroon in 2021, thus representing a *ratio* of 84 students per teacher.

B. Construction and renovation of teaching infrastructures

Numerous investments and efforts were made in 2021 to step up the offer of teaching infrastructures.

Concerning the offer of education infrastructures at the level of basic education⁶⁰, MINEDUB points out to the *construction and equipment during the reference year, in partnership with the councils concerned, of 10 community preschool centres, 21 nursery blocks and 922 classrooms*. Official statistics concerning the total number of nursery and primary schools of the public and private sectors, opened in Cameroon as at 31 December 2021 are recapitulated in the table below.

Table 8.- Number of operational nursery and primary schools in Cameroons as at 31 December 2021

School Education	Public	Private	Community	Total
Nursery	4 290	6 704	491	11 485
Primary	13 223	7 337	433	20 993
Total	17 513	14 041	924	32 478

Source: Contribution of MINEDUB to 2021 Annual Report on HRS of the CHRC.

With regard to secondary education⁶¹, *the infrastructural offer moved from 4 204 to 4 309 schools between 2019-2020 and 2020-2021, thus representing an increase of 105 schools in absolute terms and 0.98 % in relative terms*. Out of these 4 309 schools, 2 764 fall under the public sector and 1 440 under the private sector, with a strong concentration of

⁶⁰ See Contribution of the Ministry Basic Education for the drafting the CHRC's 2021 Annual Report on the state of human rights in Cameroon.

⁶¹ See Contribution of MINESEC to the CHRC's 2021 Annual Report of the CHRC on the human rights situation in Cameroon.

private schools in the Centre, Littoral, West and South-West Regions, and low concentration in the East Region.⁶²

As regards classrooms, the number moved from 25 187 to 33 018 between 2015 and 2021, with the number of seats in net increase, from 669 042 to 1 538 160 between 2015 and 2021, thereby representing a percentage growth rate of 129 %.

In higher education⁶³, in 2021, Cameroon universities benefitted from newly constructed or ongoing infrastructure construction and the acquisition of new equipment. They include notably amphitheatres 500 (at the universities of Ngaoundéré and Dschang), other amphitheatres, lecture halls, pedagogic and administrative blocks (University Institute of Technology - Douala, National *Higher Polytechnic Institute* - Bamenda, University of Buea, Faculty of Agronomy and Agricultural Sciences - Dschang, etc.). Laboratory equipment was acquired by faculties of medicine (Yaoundé, Bamenda and Buéa), as well as for other faculties such as the National Advanced School of Engineering of Douala⁶⁴. In some professional schools (Higher Teacher Training College - Maroua, Higher Technical Teacher Training College - Bambili and the *Advanced School of Translators and Interpreters* - Buéa), various roads and networks within State universities were developed.

C. Other positive interventions concerning the right to education

If the gratuitous nature of basic education is not yet affective despite the suppression of tuition fees in government schools, the reason for the persistence of other costs payable, including for school textbooks, the first steps towards subsidising these school textbooks were made in 2021. In fact, an allocation of CFA Francs 200 000 000 in the basic education budget was earmarked for the purchase of school textbooks to be distributed to pupils of government primary schools.

Also worth noting is the increase in student enrolment in *public and private secondary schools*, which moved from 1 866 583 in 2019-2020 to 1 918 924 in 2020-2021, thereby representing an increase of 0.97 % in relative terms and 52 341 students in absolute terms. The school enrolment ratio in secondary schools though still low, witnessed a slight increase, moving from 47.47% in 2019-2020 to 47.54% in 2020-2021. Several factors could account for this upward trend, namely:

- relative appeasement observed in the North-West and South-West Regions which encourages the reopening of schools hitherto closed down due to insecurity and

⁶² See Contribution of MINESEC to the CHRC's 2021 Annual Report on the state of human rights in Cameroon.

⁶³ See Contribution of the Ministry of Higher Education to the CHRC's 2021 Annual Report on the state of human rights in Cameroon.

⁶⁴ By Decree of 11 May 2020, the President of the Republic transformed the former Faculty of Industrial Engineering (FGI) of the University of Douala into the National Advanced School of Engineering of Douala (ENSPD).

gradually weakens the call for school boycott launched periodically by secessionist terrorists;

- school enrolment of internally displaced students in government secondary and high schools of host localities;
- efforts deployed by the State and development partners in the fight against poverty and illiteracy in the Adamawa, North, Far-North and East Regions.

The pursuit of the policy geared towards awarding academic excellence prizes in higher education is also to be lauded. In fact, from official sources, 90 000 students having registered the best performances benefitted from this prize in 2021, out of a total student population (both public and private) estimated at 520 000 students.

Paragraph 2.- Main challenges to the attainment of the right to education

Obstacles to the full attainment of the right to education were observed during the reference year, such as challenges linked to measures aimed at containing the spread of the Covid-19 pandemic (A), the persistence of security issues and their impact on education (B), as well as other challenges mainly linked to inadequate human and financial resources as well as the non-compliance of some schools from the private sector with the rules and regulations in force (C).

A. Impact of the fight against the Covid-19 pandemic on the right to education

Since the advent of the Covid-19 pandemic in Cameroon in March 2020, the need to contain its spread gave rise to the adoption of several measures whose implementation continued in 2021, despite a few alleviations. Their impact on the full enjoyment of the right to education was observed.

Thus, if hygienic conditions have been strengthened in some primary and secondary schools, the absence of running and drinking water in several of them, especially in rural areas, has remained a major obstacle in implementing the main preventive measure which is the washing of hands.

Moreover, inequalities persisted in the access to digital resources, designed or made available to overcome the shortcomings that the students accumulated with incomplete programmes of the preceding school year (2019/2020), due to the sudden closure of schools during several months to contain the spread of the virus, as well as the delay in reopening the 2020/2021 school year which followed. This closure of schools and the delay in reopening them probably explains the increase by *1.47 points of the secondary school drop-*

out rate which moved from 11.8 % in 2019/2020 to 13.27 % in 2020/2021, according to statistics from MINESEC⁶⁵.

Still in secondary education, the reduction of the student population per classroom to 50 and the institution of the double shift system to reduce the deficit of classrooms imposed on teachers the challenge to cover the scheme of work in less lecture hours per class than they normally had, with the consequences pertaining thereto for learners who had less time to assimilate lessons, even when the teacher succeeds in completing his programmes, and even less to ask questions.

This double shift system which caused an alteration of students' programmes from one week to another between morning and evening lectures, leaving a long time window "free" for students who are scarcely controlled by parents because of the alternating system, has undoubtedly been one of the factors which, through loitering resulting therefrom, encouraged *the surge of deviant practices observed in secondary schools in 2021*, such as sexual orgies immortalised by pornographic videos often rendered public on social media (1) and the consumption of narcotic drugs which feed violence in school environments (2).

1. Phenomenon of pornographic videos in schools

The publication of obscene videos was a salient event on news in 2021, to the point that the CHRC published, on 7 July 2021, a press release deploring this degrading phenomenon gaining ground in the Cameroon society, while recalling the legal provisions which punish acts of this nature. In this press release, the CHRC observed that school environments are not spared from this phenomenon, several pornographic videos ("sex tapes"), including sex parties having been shot and disseminated on social media by secondary school students, notably at Yaoundé, Douala, Kumba and Kribi whose case is outlined below as an illustration.

Case No. 1. Moral depravity at the Government Bilingual High School of Kribi: dissemination of a pornographic video shot within the school premises and the case referred to as the "magic purse"

A video produced on 1st March 2021 and widely disseminated on social media in which features more than ten Upper Sixth students of the Anglophone section at the Government Bilingual High School of Kribi (young girls and boys), with their faces uncovered, in a pornographic posture during study hours. The video in question lasts for about thirty seconds and shows these students in class uniforms

⁶⁵ See Contribution of MINESEC to the CHRC's 2021 Annual Report on the state of human rights in Cameroon.

shamelessly exhibiting themselves while displaying their private parts openly and comfortably. After the holding of the disciplinary council meeting, the 14 students directly involved were dismissed from the school, whereas others, indirectly involved, were placed under psychological assistance⁶⁶. Informed about this case, the Regional Branch of the CHRC for the South Region wrote to the State Counsel of the Courts of First Instance of Kribi and Regional Delegate for Secondary Education for the South to inquire about the fate reserved to each of these students, notably the possibility of students who were candidates to official examinations to sit for the said examinations.

Earlier, on 3 February 2021, the same Government Bilingual High School was on the spotlight concerning the shocking and mysterious case referred to as the ‘magic purse’. On Thursday, 4 February 2021, the principal of the above-mentioned high school, Mr. Jean Maurice Noah, contacted the Divisional Delegate of Secondary Education for the Ocean, Mr. Marcel Ango, denouncing a mystical sect introduced in his school by students. Gedeon Bikoue Nkou of Form IV (3^{ème}), minoring in Italian, and Felix Bombe of Lower Sixth Science (Première) D3, were presented as the local leaders of this sect from Beninese origin allegedly a source of financial comfort. Gedeon received CFA Francs One million in December 2021 from this sect. At the time his involvement in this deviant behaviour was discovered, he declared that he was threatened by a ‘Beninese spirit’, which was out for sacrifices, we learned. It also pointed out in the document submitted to the Divisional Delegate for Secondary Education that the right leg of the alleged founder of this devilish group was swollen. Before submitting this file to the Commander of the Gendarmerie Company of Kribi for investigations, the Principal proceeded, amongst others, with the sensitisation of students and teachers of the government Bilingual High School, while cautioning all learners and members of staff against ‘*this dangerous and deadly practice*’.⁶⁷

As a follow-up to this case, the CHRC wrote to the State Counsel of the Courts of First Instance of Kribi and the Regional Delegate for Secondary Education for the South. The Regional Branch of the CHRC for the South was requesting for the consideration of the right to education of the students concerned by these cases, especially for those registered for official examinations. As such, thanks to the intervention of the CHRC, *the students concerned sat for the said examinations as regularly registered candidates at the Government Bilingual High School of Kribi and all earned the certificates.*

⁶⁶ See Blanche DIEM, ‘*Lycée Bilingue De Kribi : le théâtre de la pornographie*’, published on 22 March 2021 on <https://www.237campus.com/lycee-bilingue-de-kribi-le-theatre-de-la-pornographie/>, accessed on 15/7/22.

⁶⁷ See Arnaud Kevin NGANO, 2021, <https://actualiteducameroun.com/portemonnaie-magique-le-lycee-bilingue-de-kribi-en-branle/>, accessed on 15 July 2022.

2. Consumption of narcotic drugs in schools

The consumption of narcotic drugs has become a scourge in schools. Statistics from the National Anti-Drugs Committee (NADC) in 2021 revealed that 21 % of the Cameroon’s population of school going age had already consumed drugs. A figure, which according to experts, could increase if measures were not taken to combat this phenomenon⁶⁸. As an illustration, at least two students were caught with drugs and bladed weapons at the Government High School of Elig-Essono, in Yaoundé, on 4 November 2021.⁶⁹

B. Persistence of security issues and their impact on education

The right to education is strongly endangered for over several years now by terrorist attacks, socio-political strife and security issues in the North-West, South-West and Far-North Regions. In the North-West and South-West Regions in particular, attacks against schools and the killing of schoolchildren by secessionist terrorists were frequent (1). This security situation pushed the population of these Regions to move massively towards other regions of the country, especially those bordering them, in order to seek refuge. The only problem is that many students among these displaced persons are confronted with difficulties to resume classes in host regions (2).

1. Attacks against schools and killing of schoolchildren

According to data communicated by the Ministry of Basic Education to the CHRC⁷⁰, 67 schools were not operational in the Far-North Region in 2021, as a result of attacks from the *Boko Haram* sect.

In the North-West and South-West Regions, a substitution phenomenon has been observed. Secessionist terrorists set up schools referred to as “*community schools*” after having imposed the closure of government schools, as well as private schools whose proprietors do not establish ties with them. For the operation of these “*community schools*”, secessionists recruit their own teaching staff among their adepts. They are being paid by them and this staff teaches their own *curricula* and ideology, following a school rhythm dictated by them. In 2021, 12 of these “schools” were closed down by administrative

⁶⁸ See *Echos santé*, “Consommation des stupéfiants en milieu scolaire – Les jeunes font la sourde oreille à la sensibilisation”, published on 26 October 2021 on <https://echosante.info/consommation-des-stupefiants-en-milieu-scolaire-les-jeunes-font-la-sourde-oreille-a-la-sensibilisation/>, accessed on 14 February 2023.

⁶⁹ See.. *Le Bled Parle*, “*Délinquance en milieu scolaire: Deux élèves pris en possession de drogues et armes blanches au lycée d’Elig-Essono à Yaoundé*”, published on 4 November 2021 on <https://www.lebledparle.com/delinquance-en-milieu-scolaire-deux-eleves-pris-en-possession-de-drogues-et-armes-blanches-au-du-lycee-d-elig-essono-a-Yaounde/>, accessed on 15 July 2022.

⁷⁰ See Contribution of the Ministry of Basic Education to the drafting of the CHRC’s *2021 Annual Report on the state of human rights in Cameroon*.

authorities of the Mbonge Sub-Division and six others in the Kumba III Sub-Division, in the South-West Region.

In this same Region, two attacks were registered during the year under review against education structures:

- the attack of 24 November 2021, that led to the death of four students and a female teacher of Government Bilingual High School of Ekondo-Titi;
- the blast of an improvised explosive device in an amphitheatre of the University of Buéa, on 10 November 2021, during which 11 students sustained grievous injuries.

233 secondary schools out of 427 opened their doors for the school resumption of September 2021, as against 189 out of 425 for the preceding school reopening⁷¹, thus representing surplus of 44 schools.

Conversely, in the North-West Region, the kidnapping of seven students of the University of Bamenda occurred on 27 June 2021 at Bambili, Tubah Sub-Division by secessionists was registered. They were released two days later.

Out of the 570 secondary schools existing in this Region, 204 were able to open their doors during school resumption in September 2021 as against 568 in 2020, to accommodate only 30 % of the number of secondary school students normally awaited⁷².

Generally speaking, more than 65 schools were attacked in Cameroon and at least 58 incidents were signalled concerning attacks against students, teachers and other members of the education community. Most of these phenomena occurred between August and December 2021 in the three Regions facing security threats. As at 31 December 2021, the CHRC regrettably noted that about 4 797 nursery, primary and secondary schools remained closed in these Regions, a situation which affects more than 700 000 children of school-going age⁷³.

In this difficult context, it is unfortunate that some State agents often behave as scapegoats, hence the need for the intervention of an independent body such as the CHRC, as illustrated in the case below scrutinised by the South-West Regional Branch.

⁷¹ See Statement by the CHRC to mark the International Day for the Protection of Education against Attacks, published on 9 September 2022, pp. 6 and 7.

⁷² *Ibid.*

⁷³ *Ibid.*, p. 4.

Case No. 2. Proprietor of the FOGAPE Primary School versus some elements of the First District Police Station of Buea

M. Fru, proprietor of the FOGAPE Primary School, contacted the South-West Branch of the CHRC on 29 June 2021 to complain about the violation of the right to education of 43 pupils of the FOGAPE Primary School, implicating the elements of the *First District Police Station* of Buea. The petitioner was stopped by the said elements of the police around *Longstreet* at Buea whereas he was transporting, in school bus, pupils of his primary school who were on their way to sit for the *First School Leaving Certificate examination*. The police asked him the sum of CFA Francs 5 000, claiming that the bus did not have all the required documents; a situation which caused the pupils to lose precious minutes in relation to the first paper of their examination which was already under way.

As soon as informed, the Regional Branch of CHRC contacted the Inspector of Basic Education for the Buea Sub-Division, Mrs Magdaline Lysinge, to let her know about the situation and recommended that special measures be taken for the 43 pupils in question to sit for their examination without suffering from the prejudice resulting from this delay. A favourable response was given to this recommendation and Mr. Hans Esunge, supervisor of the said examination centre, enabled these pupils, on the inspector's instructions, to catch-up for the first paper missed and sit for the rest of the examination.

The Regional Branch of the CHRC then contacted the police superintendent of the *First District Police Station*, who ordered the immediate restitution of the bus documents and took administrative sanctions against the accused police elements.

2. Difficulties encountered in schools by displaced children and refugee children

In its declaration on the occasion of the celebration of the Internationale Refugees Day on 20 June 2021, the CHRC revealed that “386 000 children, including refugees, internally displaced and children from host communities needed education services”. That is the reason why it “condemns attacks against some refugee camps and displaced persons, notably those perpetrated in the Far-North Region by Boko Haram militants, thereby leading to a new influx of persons in quest of security, health and education services”.

The case below illustrates some of the difficulties encountered by internally displaced children, as a result of the security troubles in their region of origin, to continue their studies in host regions, in spite of Government efforts which found expression in the transformation of 10 secondary schools into bilingual secondary schools⁷⁴, to give the

⁷⁴ See Decree No. 2021/0345/PM of 22 February 2021 to transform 10 general education secondary schools into government bilingual general education high schools, including four in the Far-North Region, three in the Centre Region, one in the Littoral Region, one in the North-West Region and one in the West Region.

possibility to students from the Anglophone sub-system of education to continue their studies. These difficulties generally result from the loss of their identification document (birth certificate, national identity card) or the preceding certificates or report cards, documents normally required for registration in schools.

Case No. 3. More than 136 internally displaced children in the Centre Region do not have access to education because they have lost their identification documents

The situation of more than 136 internally displaced children in the Centre Region (Mfoundi and Mefou-and-Afamba Divisions), of North-West and South-West origin, most of them, pupils and students not in possession of neither birth certificates nor national identity cards and thus deprived as a result of access to education, was brought to the knowledge of the CHRC by the partner CSO referred to as the ‘Ligue camerounaise des Droits de l’homme’ (abbreviated LICAMDH).

In reaction to this situation, the CHRC held at its head office, on 15 and 23 September 2020, working sessions steered by the Observation, Investigation and Warning Unit (OIA) with the participation of Mr. Gerome Foe Amougou, National Coordinator of LICAMDH and Mrs Grace Nchangwni, in charge of the association’s projects.

After ensuing discussions, the OIA Unit contacted the Sub-Director in charge of Civil Status Registration at the former Ministry of Territorial Administration on 2 and 3 December 2021 with whom she had a working session on 14 December 2020. On 5 April 2021, the Chairperson of the CHRC wrote three separate letters to MINAT, MINDDEVEL and the Director of BUNEC, respectively to request the facilitation of the establishment of 266 birth certificates to the benefit of the internally displaced children identified by LICAMDH in the Soa neighbourhood, in the Centre Region. At the time of finalising this *Report*, the establishment operation of the above-mentioned birth certificates is still underway in several regional and local councils, in collaboration with BUNEC. [How many birth certificates have already been established?]

D. Inadequate human and financial resources as well as non-compliance of schools of the private sector with the rules and regulations in force

The particular situation linked to the Covid-19 pandemic and insecurity could not conceal the general challenges which continue to undermine the education sector in

Cameroon. These issues fall both under the responsibility of the State, individual teachers and private stakeholders seeking to invest in the sector.

In the basic education sub-sector, a notoriously deplorable fact is the gap observed between the number of grade one teachers recruited based on their qualification or otherwise from 2006 to 2021, thus representing 57 171 grade one teachers, and a real total strength of grade one teachers on duty of 31 182. If one considers that this last figure equally takes into account grade one teachers recruited before 2006 and who are still on duty, *it will be noticed that a greater number of certificate holders are recruited but once transferred to their workstations, will not assume duty to work assiduously at their various duty stations.* Yet, MINEDUB affirms that 46 200 of these recruited grade one teachers since 2006 are already entirely included on the wage-bill, including salary arrears and some salary benefits. If the bottlenecks in the process are admitted by the administrative authorities and that the non-payment of transfer allowance, often denounced, which leaves the transferred staff to take care of his/her travel and accommodation to his/her posting venue, most often far-away from his/her area of residence or region of origin, constitute as many factors to be taken into account in analysing the phenomenon, the fact of the matter is that *these factors alone will hardly account for the wide gap noticed.*

At all level of education, the deficit of classrooms, – which is for example of 4 552 classrooms for secondary education in 2021– teaching aids and structures, including libraries and laboratories for secondary schools and universities, constitute other persistent stumbling blocks to the right to quality education. In fact, there subsist several schools created with at least one member of staff, but which do not have any material structure to host them, even with makeshift materials. It therefore behoves on the school manager to look for ways and means to build classrooms and other structures, at times on land offered by generous residents, a situation which opens the door to excesses such as the requirement of exorbitant fees on account of the Parent-Teacher Association (PTA) or other dues imposed on needy parents in remote areas. Data from the MINEDUB 2020/2021 Statistical Yearbook confirms the huge disparities between schools of this sub-sector in terms of equipment.

Mention can also be made of the difficulty resulting from the non-compliance of some schools set up by stakeholders from the private sector with rules and regulations in force. In fact, it is regrettable that Government is compelled to close down schools opened anarchically, mainly in urban areas where private education is portrayed as a quite attractive and lucrative activity. As such, 157 primary schools and 123 secondary schools were closed down in 2021 for non-compliance with the rule and regulations in force. A situation which unfortunately registers victims among students and parents who had already trusted these schools.

SECTION III.- Recommendations of the CHRC concerning the right to education

On the strength of challenges observed and while lauding the progress made and efforts deployed, the CHRC formulates the following 43 recommendations to stakeholders of the education sector, notably the State, including the ministries concerned (Paragraph 1), as well as other stakeholders of the education community (Paragraph 2).

Paragraph 1.- Recommendations relating to the right to education addressed to the State

These recommendations are addressed to stakeholders of the State machinery, in general, (A) and to the administrations concerned, in particular (B).

A. General recommendations to State stakeholders

To all State stakeholders involved in the decision-making process concerning education, the CHRC recommends as follows:

- *As concerns security issues*
 - take new measures in order to better protect schools, pupils and students, teachers and parents in the regions prone to insecurity to guarantee the children's right to education;
 - ensure that no school or education structure should serve as base for operations to terrorist groups;
 - take all necessary measures and incentives to ensure the reopening of all schools still not operational, as the returnee population gradually resettles in areas initially abandoned at the peak of insecurity;
 - take exceptional measures likely to facilitate access to education by displaced children in other cities or villages of the country as a result of persistent trouble in their regions of origin, notably *formal instructions to materialise Government's desire to exempt internally displaced pupils and students or parents from the payment of tuition fees*;
 - invest increasingly in peace culture in the country through appropriate *curricula* and sensitisation, in order to foster respect, civic education, understanding, tolerance, well-being, solidarity and forgiveness - sources of wealth and happiness – among all components of the human element of the State;
 - ensure that acts threatening peace or which contribute to the destruction of the social and institutional fabric be denounced and then condemned by all, should be subject to investigations and severely punished using a dissuasive approach.

- ***As concerns investments in the education sector***
 - increase the budgetary envelope of ministries in charge of education to enable the construction and equipment of new infrastructures (including libraries, laboratories and equipped workshops for technical education), rehabilitation or modernisation and adequate equipment of existing structures as well as recruitment and rapid payment of salaries of teachers.
 - scrutinise with more expediency the absorption files and salary payment of teachers already recruited at various grades and levels of education;
 - ensure the effective and systematic payment of transfer allowance to teachers when they are transferred from one locality to another, as well as the payment of salary benefit owed to teachers by virtue of the instruments in force, in order to redress the feeling of frustration that leads to strikes, abandonment of posts and often denounced unorthodox practices;
 - ensure that the formulation and implementation of recovery projects and processes are inclusive, in order to promote equitable and sustainable social and economic development.

B. Specific recommendations to sectoral administrations

The CHRC addresses the following 19 recommendations to the sectoral administrations concerned:

- ***To the Ministry of Basic Education***
 - ensure that nursery and primary schools are equipped with potable water points and adequate health facilities so that the respect of hygienic measures by children for barring the spread of the Covid-19 pandemic, cholera and other diseases should be effective;
 - take necessary measures for the *adoption of a text clearly governing the total gratuitous nature of basic education* (making provisions notably for the gratuitous nature of educational materials and the exemption from all related charges) in Cameroon, at least for the primary cycle;
 - permanently facilitate access to schools by simplifying some registration procedures for refugees, internally displaced persons and asylum seekers;
 - ensure the presence of teachers as well as the administrative staff and their effective deployment in the respective transfer posts, including in rural and remote areas;
 - ensure the exemplary nature of teaching and administrative staff, in order not to promote or encourage in any way whatsoever, deviant practices within the education environment (cheating, trafficking of good marks or exchange of good marks for sexual favours, consumption of psychotropic substances with students.);

- severely sanction promoters of illegal schools in order to eradicate this phenomenon.
- ***To the Ministry of Secondary Education***
 - increasingly implement efficient measures to combat violence and narcotic drugs within the school environment;
 - better supervise the double shift system devised to alleviate the phenomenon of overcrowded classrooms due to inadequate infrastructures, in order to avoid boredom, the mother of all vices in students as well as the risk of not completing or rushing over course programmes;
 - permanently facilitate access to secondary schools, by simplifying some registration procedures for refugees, internally displaced persons and asylum seekers;
 - ensure the presence of teachers as well as the administrative staff and their effective deployment in the respective transfer posts, including in rural and remote areas;
 - ensure the exemplary nature of teaching and administrative staff, in order not to promote or encourage in any way whatsoever, deviant practices within the education environment (cheating, trafficking of good marks or exchange of good marks for sexual favours, consumption of psychotropic substances with students.);
 - severely sanction promoters of illegal schools in order to eradicate this phenomenon.
- ***To the Ministry of Higher Education***
 - pursue efforts to construct, develop and equip teaching, research and application universities and professional schools;
 - generalise and deepen teaching aimed at developing the entrepreneurial spirit and self-employment in students;
 - ensure the presence of teachers as well as the administrative staff and their effective deployment in the respective universities and professional schools, including in rural and remote areas;
 - ensure the exemplary nature of teaching and administrative staff, in order not to promote or encourage in any way whatsoever, deviant practices within the education environment (cheating, trafficking of good marks or exchange of good marks for sexual favours, consumption of psychotropic substances with students).

- ***To the Ministry of External Relations***
 - render operational eligibility and appeal committees, so that refugees should benefit from a status recognised and enjoy privileges pertaining thereto, notably in the area of education.
- ***To the Ministry of Decentralisation and Local Development and the General Delegation for National Security***
 - increasingly facilitate the procedure for obtaining identification documents for displaced persons in order to enable them to easily accede to public services such as health and education.

Paragraph 2.- Recommendations addressed to non-State stakeholders of education

These recommendations are addressed to development partners investing in the education sector (A) then to the rest of the stakeholders (B), including private actors, the teaching and administrative staff of schools as well as students.

A. To development partners

The Commission recommends the following:

- step up investments in the education sector aimed at supporting the construction or renovation and equipment of classrooms as well as other education infrastructures, including the recruitment and payment of salaries of qualified teachers;
- ensure a better monitoring-evaluation of all steps in implementing projects financed in the sector.

B. Other stakeholders

The Commission addresses the following recommendations to other stakeholders of the education community.

- ***To private investors***
 - scrupulously respect standards in force for opening schools or private institutes of higher education, in order to offer all guarantees for quality education;
 - ensure the recruitment of qualified and regularly remunerated staff.

- ***To teachers and administrative staff***
 - rigorously respect discipline in the school environment to eradicate scourges such as violence, drug addiction, pornography, etc.;
 - combat fraud and cheating at school;
 - increasingly work in synergy in order to obtain better results;
 - continue to adopt preventive measures to bar the way to the Covid-19 pandemic;
 - denounce and sanction in an exemplary manner possible defaulters.
- ***To parents of students***
 - participate more actively and deliberately in the education of their children;
 - show proof of exemplary behaviour and exercise reasonable discipline towards their children;
 - exercise reasonable control of access and exposition of their children to information and communication technology, as well as digital platforms.
- ***To armed groups in regions affected by conflicts***
 - definitely renounce from attacks against pupils and students, teachers, parents, schools and other members of their staff, as well as the use of school infrastructures as landmarks or bases for operation, all of which prevent their access for the education of children;
 - lay down their weapons and give pride of place to peaceful means to make their voice to be heard.

CHAPTER III.- THE RIGHT TO AN ADEQUATE LIVING STANDARD

The right to an adequate living standard is based on the achievement of some economic and social conditions on which the development of the human being depends. According to the legislator, it is understood as the permanent quantitative and qualitative adequate satisfaction of fundamental needs measured by the Human Development Index (HDI) of United Nations Development Programme (UNDP). It entails access to education, health, work, food, property, housing, clothing, water and electricity, etc. Some of these rights have been outlined in specific chapters of this *Report* (education, health, work). These rights are enshrined in national, African and universal instruments. They notably include the following:

- the Constitution of Cameroon, in its preamble, which provides that “*The people of Cameroon affirm our attachment to fundamental freedoms enshrined in the Universal Declaration of Human Rights, the United Nations Charter, the African Charter on Human and People’s Rights and all duly ratified conventions relating thereto*”;
- the African Charter on Human and People’s Rights (AChHPR) which deals with the right to property⁷⁵, the right to work under equitable and satisfactory conditions⁷⁶, the right to enjoy the best attainable state of physical and mental health⁷⁷ and the right to education⁷⁸;
- the Universal Declaration of Human Rights, in its Article 25, provides that: “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control*”;
- paragraph 1 of Article 11 of the International Covenant on economic, social and cultural rights (ICESCR) which provides that “*States parties to the present Covenant recognise the right to an adequate standard of living for himself and his family, including food, clothing, and to the continuous improvement of living conditions. States parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent*”.

In a nutshell, the right to an adequate living standard is one of the broad based rights which takes into account several individual fundamental freedoms. This chapter focuses on

⁷⁵ Article 14, AChHPR.

⁷⁶ Article 15, AChHPR.

⁷⁷ Article 16, AChHPR.

⁷⁸ Article 17, AChHPR.

the right to water and energy (Section 1), the right to adequate food (Section 2), the right of consumers (Section 3) as well as on the right to landed property and the right to housing (Section 4).

SECTION I.- The right to water and energy

During its 26th extraordinary session held from 16 to 30 July 2019 at Banjul, the African Commission on Human and People's Rights adopted *guiding principles on the right to water in Africa*, by exhorting States parties to the AChHPR to take all necessary measures to incorporate provisions pertaining thereto in their national legislation, by ensuring their widest possible promotion and dissemination, but also their effective implementation.

The issues of access to drinking water (Paragraph 1) and electric power (Paragraph 2) in 2021 will be examined in turns before addressing recommendations to the competent authorities (Paragraph 3).

Paragraph 1.- Access to drinking water: progress registered and challenges

In addition to the above-mentioned legal instruments, access to drinking water is governed by Law No.98/005 of 14 April 1998 to lay down regulations governing water resources in Cameroon. This Law provides in its Article 2 (1), that *“Water shall be a common national resource protected and managed by the State, which shall facilitate access to it by all citizens”*. Moreover, paragraphs 2 and 3 of Article 2 of the above-mentioned Law provide that:

(2) *“However, the State may transfer all or part of its prerogatives to regions and councils”*;

(3) *“Furthermore, water management may be transferred or leased according to conditions laid down by a decree to implement this Law”*.

In compliance with these provisions, the State of Cameroon has taken the following initiatives to ensure water supply to the population:

- the setting up of the *Cameroon Water Utilities Corporation (Camwater)*, a company to which Government has entrusted the management of the property and rights devoted to the public service utility of drinking water in urban and semi-urban areas in accordance with the provisions of Decree No. 2005/494 of 31 December 2005.
- the launch, in 2005, of the *National Action Plan for the Integrated Management of Water Resources (PANGIRE)*. It falls in line with the framework of actions carried out by the Government of Cameroon to reduce inequalities in the area of access to water in urban zones. It finds expression in the price plan through a 50 % reduction in the connection costs. At tax level, a VAT exemption pertaining

to consumption bands, referred to as social consumption bands are granted to households.

- the *Project for water supply and sanitation in rural areas in Cameroon (PAEA-MRU)*: in order to improve access to drinking water in rural areas of Cameroon, this Project was designed by Government. It is evaluated at more than CFA Francs 18 billion. It aims to devise simplified networks of drinking water supply, some of which are gravity-fed and others use pumping to operate. Twenty-two (22) simplified drinking water supply system (WSS) were earmarked for the West Region, 16 in the South Region, 28 in the North-West Region and 22 in the South-West. The implementation of the PAEA-MRU project was initially scheduled for 2020. Nevertheless, it was in February 2021 that MINEE published the results of the restricted international invitation to tender aimed at selecting a consultant for the complete project management.

On 13 December 2021, *Camwater* officially accepted delivery of works pertaining to the rehabilitation, strengthening and expansion of the drinking water supply system of the city of Bertoua. The same process had earlier taken place in November 2021 at Edea, in the Littoral Region. These projects enabled to increase the drinking water production capacity in these two cities by 88 % and 56 %, respectively. Similarly, the *storage* capacities ought to move from 444 % and 500 %, according to official documents on the two projects, thereby facilitating access to drinking water to some 110 000 inhabitants of Edea and the close to 125 000 inhabitants of Bertoua⁷⁹.

However, drinking water remains out of reach for the majority of Cameroonians, despite the existence of numerous surface and ground water reserves (ground water reserves are estimated at 2700 km³, including 285 km³ of renewable water resources). Several national, bilateral or multilateral projects and programmes meant for this product are implemented annually within the framework of the public investment budget (PIB) or through support from development partners (UNDP, UNICEF, AFD), notably at the level of regional and local authorities; but they are delaying to produce satisfactory results. The coverage rate and degree of satisfaction of the rural and urban population remains low. The consequence of this situation is the persistence or resurgence of water-borne diseases (cholera, typhoid, bilharzia, etc.); the fight against the COVID-19 pandemic is also undermined, given the poor hygienic measure pertaining thereto.

Other stumbling blocks to the realisation of the right to access to water include, amongst others:

⁷⁹ See Inès MAGOUM, “Cameroun: la *Camwater* remet en service des installations d’eau à Bertoua et à Édéa”, published on 13 December 2021 by Afrik21, <https://www.afrik21.africa/cameroun-la-camwater-remet-en-service-des-installations-deau-a-bertoua-et-a-edea/>, accessed on 17 February 2023.

- **irrational water consumption.** Water wastage in urban and rural areas (leakages resulting from the deterioration of pipes and equipment) constitutes an important issue which worsens the shortage of water; poor management of water resources equally observed not only in the agricultural area, which according to the World Bank consumes 70 % of accessible fresh water⁸⁰, on average, but also in industrial or domestic activities;
- **difficult access to drinking water:** the situation in *Cameroon* is all the same a cause for concern, with 34 % of the population without access to drinking water. In the rural area, only 43.5 % of inhabitants have access to drinking water, often at the price of long and perilous journeys⁸¹; weak infrastructural meshing necessary for water supply (boreholes, various water distribution networks) and landlocked nature of rural areas are the main causes; for some inhabitants, water from streams and rivers constitute the most accessible source of water;
- **spatial and temporal variability of rainfall, increasingly accentuated by global warming;**
- **difficulties to have access to drinking water and poor sanitation conditions which lead to water-borne diseases and malaria;** several cases of water-borne diseases were recorded in medical centres found in rural and urban areas of Cameroon, cholera and typhoid being the most widespread of them; according to the Ministry of Public Health of Cameroon and the World Health Organisation (WHO), *the mortality rate attributable to water insanity is estimated at 45.2 deaths for 100 000 inhabitants, the majority of which are children*⁸², thus representing a total death percentage number which stand at 0.045 %.

As an illustration, between 21 October 2021 and 31 December 2021, more than 100 persons died of cholera and more than 5000 cases were recorded⁸³. Out of the country's ten Regions, five of them, namely the Centre, Littoral, North, South and South-West, signalled at least one case of cholera. The South-West Region single-handedly accounts for half of the total number of cases and deaths of infected persons⁸⁴. This situation is essentially due to the high water pollution risk and the socio-political strifes affecting this Region.

⁸⁰ See *Banque mondiale Blogs*, “Graphique: 70 % de l'eau douce est utilisée pour l'agriculture”, on <https://blogs.worldbank.org/fr/opedata/graphique-70-de-l-eau-douce-est-utilisee-pour-l-agriculture>, accessed on 18 February 2023.

⁸¹ See Travaux publics sans frontières (TPSF), “Le difficile accès à l'eau potable au Cameroun”, published on 25 February 2022, <https://www.carenews.com/tpsf-travaux-publics-sans-frontieres/news/le-difficile-acces-a-l-eau-potable-au-cameroun>, accessed on 17 February 2023.

⁸² *Ibid.*

⁸³ See Nalova AKUA, “*Au Cameroun, la crise climatique aggrave l'épidémie de choléra*”, website of l'Alliance du vaccin (Gavi), <https://www.gavi.org/fr/vaccineswork/cameroun-crise-climatique-aggrave-epidemie-cholera>, accessed on 18/2/23.

⁸⁴ See WHO, “Choléra – Cameroon”, 16 December 2021, <https://www.who.int/fr/emergencies/disease-outbreak-news/item/cholera-cameroon>, accessed on 18/2/23.

Paragraph 2.- Access electric power: progress registered and challenges

As concerns the right to electric power, following the provisions of Section 3 of Law No. 2011/022 of 14 December 2011 governing the electricity sector in Cameroon, “The storage of water for the generation of electricity, the generation, transmission, distribution, importation and exportation of electricity with a view selling energy to the public shall constitute a public service utility”.

Placed under the supervisory authority of the Ministry of Water Resources and Energy, the electricity sector has organs in charge of ensuring the respect and effective implementation of instruments governing it. Mention can be made of the Electricity Sector Regulatory Agency (ARSEL), the *Energy of Cameroon* (ENEO) company, the Rural Electrification Agency (AER) and the *Electricity Development Corporation* (EDC).

According to figures from the Ministry of Water Resources and Energy, the average percentage of the population having access to electricity was officially evaluated at 69.9 % at the beginning of the year under review⁸⁵. Concerning urban areas, according to a study conducted in 2016, Cameroon is among the four ECCAS countries having an access rate to electricity for the urban population higher than 80 %⁸⁶. Despite the low access rate of the rural population to electricity, only two ECCAS countries, Angola (45 %) and Equatorial Guinea (43 %) have higher rates than that of Cameroon in rural areas.

Therefore, glaring disparities do exist between urban and rural areas concerning access to electric power in Cameroon. Yaoundé and Douala, two of the country’s main cities, concentrate about 45 % of subscriptions to the national electricity network, *for a rural electrification rate which barely reaches 20 % at national scale*. This imbalance constitutes an infringement to the rights of the rural population as a result of *the non-observance of equity in the access to public property and services*⁸⁷.

In a nutshell, despite the legal and institutional supervision, as well as the existence of huge hydro-electric potentials and achievements (Lagdo, Songloulou, Memvélé, and Nachtigal dam) coupled with several opportunities in renewable energy (solar, wind, etc.), the needs of consumers in electric power are far from being satisfied. In fact, though the national electric power distribution network is significant, load shedding is frequent and untimely; power cuts due to hydrological deficit linked to climate change are regular occurrences in some localities of the country, notably in the grand north. This situation is at

⁸⁵ See *Energies-média*, “Cameroun: les chiffres des pouvoirs publics sur les taux d’accès à l’électricité et au gaz domestique à fin 2020”, an article published on 20 December 2021, [Cameroun: Les chiffres des pouvoirs publics sur les taux d’accès à l’électricité et au gaz domestique à fin 2020 \(energies-media.com\)](https://energies-media.com).

⁸⁶ See SE4ALL Cameroon, *Cameroun: ‘note technique sur l’accès à l’électricité et aux énergies modernes de cuisson’*, SOFRECO, December 2016, 31 pp.

⁸⁷ See Africa 24, “Cameroun: le défi de l’accès à l’électricité et à l’eau potable dans les zones rurales”, an article of 22 August 2021, <https://africa24tv.com/cameroun-le-defi-de-laces-a-lelectricite-et-a-leau-potable-dans-les-zones-rurales/>, accessed on 18/2/23.

the origin of ordeal of households, stifles the activities of SMEs and severely affects local economies. In this sector, energy transmission seems to be the weak link in the chain.

Other notable difficulties concerning access to electric power include the following:

- anomalies in the connexion of users and *absence of systematic control of internal installations*; these installations are generally set up by non-professionals, a situation which results in overloaded socket outlets, use of makeshift equipment of doubtful quality and *absence of earthed circuits*; these situations cause the heating-up of LV and HVA conductors, increase the arrow for HVA air lines and the risk of short-circuit in embedded cables; another consequence is the overloaded distribution transformers thereby leading to their deterioration and/or important technical losses in the transmission and distribution networks;
- frequent disruptions of the distribution network as a result of faulty transmission equipment (frequent collapse of wooden poles).

Paragraph 3.- Recommendations of the CHRC concerning the rights to water and electricity

On the strength of the foregoing, the CHRC observes that:

- natural water resources are abundant and adequate to satisfy the drinking water needs of the Cameroon population (surface and ground water, etc.). Yet, supply deficits are glaring;
- natural potentials for electric power generation (hydro-electric power, solar energy, wind energy, etc.) exist, but the needs of the Cameroon population in electric power are far from being satisfied.

These observations call for the recommendations addressed to the competent authorities:

- better enhance the natural potential (water, renewable energy) in order to qualitatively and quantitatively satisfy the needs of the populations in drinking water and electric power;
- improve the technical performance of structures in charge of the generation and distribution of water and electric power;
- increase the consumers' purchasing power (reduction of the unit cost, increase of SMIG (guaranteed minimum wage)), in order to improve access to drinking water and energy;
- create a conducive climate to attract private sector investors in the energy sector and ensure that the prices reflect the costs of energy generation and use;

- lay emphasis on the development of infrastructures adapted to rural areas, in order to improve the quality of water and reduce the contamination rate of inhabitants by water-borne diseases;
- build modern infrastructures for the distribution of energy in rural areas.

SECTION II.- The right to food

The right to food is defined as “the right of each man, each woman and each child, *living alone or in community to have economic and physical access, based on his/her feeding needs, to adequate quality and healthy food for consumption*”⁸⁸. Several international instruments recognise the fundamental right that a human being has to be free from hunger. By so doing, they put on account of each State the obligation to satisfy the essential needs of the population in healthy and adequate foodstuffs. In addition to the provisions of the ICESCR⁸⁹ already mentioned⁹⁰, the right to food is equally enshrined in Article 12 (2) of the Convention on the elimination of all forms discrimination against women⁹¹, Article 24 (2) (c) of the Convention on the rights of the child⁹² and Article 28 of the Convention on the rights of persons with disability.

The second Sustainable development Objective (SDO No. 2) of Agenda 2030 consists in *ending hunger and malnutrition by making sure all people have sufficient and nutritious food all year*. It calls for the devise of sustainable and resilient food production systems and agricultural practices.

As part of the 2020-2030 National Development Strategy (NDS30), two out of the four development pillars retained, the structural transformation of the economy as well as the development of human capital and well-being, meet the requirements of the right to food, with the ultimate goal of ensuring adequate food to all Cameroonians. To this end, the Ministry of Commerce (MINCOMMERCE) is leaving no stone unturned to ensure the regular market supply under sound competitive conditions. This activity is also carried out by Regulatory Mission of the Supply of Consumer Goods (MIRAP).

⁸⁸ General observation No. 12 on the right to sufficient food. (CESCR)

⁸⁹ See International Covenant on economic, social and cultural rights (ICESCR), adopted by the United Nations General Assembly on 16 December 1966, entered into force on 3 January 1976, adhesion of Cameroon on 27 June 1984.

⁹⁰ Article 11 of the ICESCR provides that “*States parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to continuous improvement of living conditions*”.

⁹¹ See Convention on the elimination of all forms of discrimination against women, adopted by the UN General Assembly on 18 December 1979, entered into force on 3 September 1981, ratified by Cameroon on 23 August 1994.

⁹² See Convention on the rights of the child, adopted by the UN General Assembly on 20 November 1989, entered into force on 2 September 1990, ratified by Cameroon on 11 January 1993.

Before formulating recommendations meant for the improvement of the realisation of the right to food in Cameroon (Paragraph 2), we are going to underscore the persistent food insecurity despite efforts deployed by public authorities (Paragraph 1).

Paragraph 1.- Persistent food insecurity in Cameroon despite efforts deployed by Government

In Cameroon, the satisfaction of food needs is essentially based on agricultural, pastoral and fish production.

According to the Ministry of the Economy, Planning and Regional Development (MINEPAT)⁹³, within the framework of the Regional Economic Development Programme for the promotion of medium-sized and large enterprises in the rural sector (Agropoles Programme), CFA Francs 11 billion was mobilised and put at the disposal of 46 Agropoles from 2020 to 2021. By pursuing its objective of producing 27 664 tons of maize per year, the Agropoles Programme was able to reach 42 % of the said production between 2019 and 2021. During the same period, palm oil production stood on average at 9 066 tons per year. Geared towards achieving a production of 62 400 tons of Irish potatoes per year, the Agropoles Programme reached 77% of this target between 2017 and 2021. Cassava production on its part witnessed an implementation rate of 41.26%, thereby representing a total production of 5 125 tons in 2021. According to the NIS, the Covid-19 pandemic, which disrupted production circuits and caused periods of shortages, constitutes the main factor justifying this situation. The price hike of foodstuffs is due to the drop in mobility of the supply of agricultural products, resulting from climate change as well as the difficult security situation prevailing in some regions of the country. The main consequence of this situation is the fall of the purchasing power. However, prospects seem more favourable with, amongst others, the alleviation of the effects of the Covid-19 pandemic on the economy as from 2022.

With regard to animal and fish production, the Ministry of Livestock, Fisheries and Animal Industries (MINEPIA)⁹⁴ reveals on its part that about 270 000 tons of various meats were produced in 2021, thus representing 12 % more than in 2020, and 223 400 tons of fishery products in 2021, thereby representing a 1 % increase as compared to 2020.

Yet, food production does not satisfactorily meet the needs of an increasingly growing population, thereby exceeding the growth rhythm of real food production; hence persistent food insecurity, notably in the Grand North of the country.

⁹³ See Contribution of MINEPAT to the *CHRC's 2021 Annual Report on the state of human rights in Cameroon*.

⁹⁴ See Contribution of MINEPIA to the *CHRC's 2021 Annual Report on the state of human rights in Cameroon*.

Though food insecurity is endemic in Cameroon, the Covid-19 pandemic, climate change and conflicts in the Far-North, North-West and South-West Regions have exacerbated the food precariousness to which the population is subjected. The vulnerable segments of the population due to their gender, economic status, region of residence or location in urban or rural areas as well as small producers and communities, are hardest hit.

Food insecurity is linked to several factors, including the following:

- scarcity or poor distribution of foodstuffs (unavailability) in time and space;
- exorbitant cost and price hike, considering the purchasing power of the majority of consumers (unaffordability);
- difficult access to land and agricultural inputs, notably the vulnerable segments of the population;
- inadequate use of qualified labour force in agro-pastoral activities;
- poor agricultural mechanisation which has as corollary poor yields;
- effects of climate change on agriculture;
- fraudulent export of home-grown livestock (cattle);
- practice of transhumance within the framework of cattle breeding;
- multiplication of agro-pastoral conflicts;
- inadequate local production of several agro-pastoral and fish products which cannot satisfy local demand and induces strong dependence on imported products, with the ensuing incidence on the cost of basic foodstuffs;
- resurgence of some animal diseases such as swine fever, small ruminants' pest and the *Newcastle disease*;
- persistence of the use of noxious and forbidden phyto-sanitary products to encourage the early ripening of plantain and banana;
- constantly very high cost of some agricultural and livestock inputs;
- failure to consider rural areas in setting up test warehouses;
- difficulties to access credits by small agricultural producers, fishermen and stockbreeders;
- low level of conservation and processing of domestic production which leads to huge losses in periods of abundant production and serious shortages as well as strong inflation when production decreases (the case of tomatoes);
- *lack of reliable statistics in the sector.*

Food security conditions remain seasonally precarious for most poor households in the Far-North Region. An unusual increase in basic commodity prices, coupled with the drop in income exacerbate the precarious living conditions of the population, especially households depending on periodic markets in the Logone-and-Chari, Mayo Sava and Mayo Tsanaga, Divisions hardest hit by the terrorist activities of the *Boko Haram* sect.

According to statistic from the UN Office for the Coordination of Humanitarian Affairs (OCHA), about 2.7 million persons are in acute food insecurity and most of them are found in the Adamawa, Far-North, Littoral, North-West and South-West Regions. This insecurity essentially results from inadequate food consumption (10.7 % of the population), negative adaptation strategies based on food self-consumption or less appropriate living standards (10.2 % and 17.2 % of households, respectively), or economic vulnerability, with 33.2 % of the population devoting 65 %, or more, of their spending to foodstuffs. Moreover, 1.1 % of households suffer from serious hunger.⁹⁵

In addition, close to one-third (32.4 %) of households in Cameroon have unbalanced diets, that is a diet composed of more than four groups of foods, and this situation is increasingly witnessed in the Littoral (48.4 %), Far-North (39.1 %) and North-West (36.7 %) Regions.⁹⁶

An increase in foodstuff prices was observed on the entire Cameroonian territory with as main cause the Covid-19 pandemic which led to the closure of Cameroon's borders.

According to the National Institute of Statistics (NIS), in contrast with the 1st quarter of 2021, prices increased by 0.8 % during the 2nd quarter of 2021. On average over the 12 months, the increase at general level stood at 2.2 % after the +2.5 % of 2020.⁹⁷

The highest inflation rate was observed at Bertoua with a percentage figure that moved from 1.2 % in June 2020 to 2.5 % in June 2021; at Maroua: from 2.7 % in June 2020 to 3.1 % in June 2021; at Ngaoundéré: from 2.1 % in June 2020 to 2.3 % in June 2021.⁹⁸

The price hike of some foodstuffs was also observed: +6.0 % for fruits, +6.9% for vegetables, +5.1 % for bread and cereals, + 3.4 % for oil and fats⁹⁹.

Paragraph 2.- Recommendations of the CHRC concerning the right to food

From the foregoing, food insecurity, structural or cyclical in nature, observed in Cameroon necessitates the formulation of a multi-sectoral and coordinated policy, inasmuch as Cameroon possesses an enormous potential of agro-pastoral and fish production. Thus, there is need to formulate a certain number of recommendations for the competent authorities.

⁹⁵ See OCHA, “République du Cameroun: Enquête nationale sur la Sécurité alimentaire et nutritionnelle, avril 2021”, <https://reliefweb.int/report/cameroon/r-publique-du-cameroun-enqu-te-nationale-sur-la-s-curit-alimentaire-et>, accessed on 18 February 2023.

⁹⁶ *Ibid.*

⁹⁷ See INS, *Évolution de l'inflation au cours du premier semestre 2021*, downloaded from ins-cameroun.cm on 18 February 2023.

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

Generally speaking, policies for better nutrition can be translated into the following thrusts:

- render canteen and restaurant compulsory in primary and secondary schools as well as institutes of higher education, ensure that they are operational and offer complete meals to learners at affordable prices taking into consideration the dietetic requirements of the brain;
- increase subsidies and investments in the agricultural, pastoral and fishery sectors to step up production;
- provide long-term support to small producers and marginalised persons to increase their income and improve their living standards;
- invest in agricultural programmes (production, processing, popularisation) designed to combat malnutrition;
- step up collaboration with UN agencies specialised in the fight against malnutrition.

The CHRC specifically recommends the following actions to the State:

- implement more relevant programmes in order increase production in the agricultural, pastoral and fishery sector, in order to combat malnutrition;
- provide long-term sustained support to small producers and marginalised persons in order to increase their income and improve their living standards;
- increasing ensure the availability of foodstuffs in market stalls, ensure their affordability to all social segments of the population (price) and their quality.

Furthermore, the CHRC reiterates the nine recommendations formulated in its *2020 on the state of human rights in Cameroon*, namely:

- ease access of the vulnerable segments of the population to agricultural land, including through the finalisation of land reforms;
- strengthen the monitoring of the regulations in force on the use of fertilisers and pesticides in order to ensure food quality and safety;
- ensure the effective implementation of sanctions provided for by the regulations in force against any defaulter;
- increasingly promote the formulation of policies or incentive measures for the modernisation of agro-pastoral techniques, including the transition to second generation agriculture;
- facilitate access to credit for small producers and stockbreeders, as well as their technical support in order to reduce losses;
- develop at large scale and popularise conservation and processing techniques of agro-pastoral and fish products, in order to minimise shortage and inflation risks that undermine the population's food security;

- increasingly foster and provide vigorous incentive measures for entrepreneurship and self-employment in the agro-pastoral and fish sectors;
- strengthen health monitoring in order to prevent animal diseases;
- encourage the production of statistics in the agro-pastoral and fishery sectors.

SECTION III.- Consumer rights

According to the Framework Law No. 2011/012 of 6 May 2011 on consumer protection in Cameroon, the term “*consumer*” refers to “*any person who uses products to satisfy his own needs and those of persons under his care and not to resell, process or use them within the framework of his professional purposes, or any other person who benefits from service provision*”. Consumer rights form part of the right to an adequate living standard, inasmuch as these rights aim to satisfy the needs of users of consumption products. It will entail outlining the legal and institutional framework pertaining to the protection of consumer rights, on the one hand (Paragraph 1) and uncover the efforts deployed to implement the said rights, on the other hand (Paragraph 2), as well as the recommendations formulated by the CHRC to meet the challenges concerning consumer rights (Paragraph 3).

Paragraph 1.- Legal and institutional framework for the protection of consumer rights in Cameroon in 2021

We are primarily going to outline the basic legal and institutional framework for the protection of consumer rights (A) before delving into the account of its developments during the referenced year (B).

A. Basic legal and institutional provisions

Given the need to protect consumers from any violation and infringement against him, his rights are governed by Framework Law No. 2011/012 of 6 May 2011 on consumer protection¹⁰⁰. Paragraph 2 of Section 1 provides that “*it applies to all transactions relating to the supply, distribution, sale, exchange of technologies, goods and services pertaining to consumer protection*”. Paragraph 3 of the same Section adds that: “*the transactions referred to under paragraph 2 above, notably concern the health, pharmacy, food, water, housing and education sectors, financial, banking, transport, energy and communication services*”. Public authorities through the Ministry of Commerce, ensure the availability of foodstuffs in market stalls and their affordability (price control by the MINCOMMERCE National Control and Fraud Repression Brigade as well as by its local branches).

¹⁰⁰ It entails all general rules applicable to traders who supply goods or services to consumers and rules peculiar to some types of goods and services.

Consumer protection is ensured by the National Consumption Council (CONACO). It has as main mission to supervise consumer rights defence associations. It notably ensures the sanitisation of the market through the fight against illegal trade practices.

As for the Standards and Quality Agency (ANOR), it was set up by Presidential Decree No. 2009/296 of 17 September 2009 with the mission to contribute in implementing Government policy in the area of standardisation and quality in Cameroon. The quality of agricultural and food products consequently falls under its sphere of responsibility.

B. Normative and institutional innovations in 2021

During 2021, new instruments came in to enrich the basic dispensation. They include:

- Law No.2021/023 of 16 December 2021 to govern inter-branch organisations in Cameroon; this law constitutes a response to a certain number of issues that might be encountered in Cameroon production sectors¹⁰¹;
- Decree No. 2021/091 of 12 February 2021 to transform the Company for the Development and Operation of Animal Production into a company with public capital (SODEPA);
- Decree No. 2021/092 of 12 February 2021 to approve the statutes of the company for the Development and Operation of Animal Production;
- Order No. 00079/MINADER of 23 March 2021 on the creation, organisation and functioning of the steering and counselling committee in charge of the implementation policy for the award of agricultural subsidies in Cameroon.

At institutional level, the development of new operational projects by MINADER is worthy of note, namely:

- Support Project for the Development of Cocoa (Pad-cacao);
- Support Project for the Relaunch of the Coffee Sector (Parf-café);
- Support Project for the Development of Cashew Nut Sector (Parf-cajou).

Paragraph 2.- Efforts deployed to implement consumer rights

Efforts deployed by the State to ensure respect of consumer rights are essentially translated into quality control and observation of standards.

In 2021, the quality control of products put on the market is mainly based on refined vegetable oil enriched with vitamin A and mineral water. It is in this light that the SANO S.A. company was suspended from the operation and packaging of bottles and gallons of

¹⁰¹ Contribution of MINADER to the *2021 Annual Report of the CHRC on the human rights situation in Cameroon*.

AR000084/A/MINMIDT/SG/DM/DAJ of 4 March 2021, in application of the provisions of Sections 95, 213 et al of Law No. 2016/017 of 14 December 2016 to lay down the mining code.

Concerning the sanitising of markets, the National Control and Fraud Repression Brigade (BNCRF) carried out, during 2021, 21 916 controls, out of which 6388 sanctions were meted out, with 47 seals affixed and 71 076 products seized for non-compliance with standards rendered of compulsory application, on the one hand, and, sale of prohibited products, on the other hand¹⁰².

As for pricing, the Metrology, Quality and Price Department proceeded with 3463 price approvals of services and goods not referenced in the price-list and approved the two price-list of brewing companies¹⁰³.

With regard to trade operations, 1150 inclusions on the importers and exporters card index were made in 2021¹⁰⁴.

Despite efforts deployed to protect consumer rights, several challenges persist, notably:

- unfair, anti-competitive and restrictive trade practices;
- abusive clauses contained in consumption contracts¹⁰⁵;
- non-respect of standards relating to foodstuffs and pharmaceutical products;
- artificial scarcity and price speculation for consumer goods;
- lack of consumer information on quality products and their use;
- recourse to untimely advertising by mobile telephone operators meant for subscribers, etc.

Paragraph 3.- Recommendations of the CHRC concerning consumer rights

From the foregoing and for a better protection of consumer rights, the CHRC reiterates its six *recommendations* formulated in its *2020 Annual Report on the state of human rights in Cameroon*:

- capacity building of State and non-State stakeholders working for the promotion and protection of these rights;
- strengthening the role of the National Consumption Council and the Standards and Quality Agency to enable them to better carry out control activities;

¹⁰² See written contribution of MINCOMMERCE to the *2021 Annual Report of the CHRC on the human rights situation in Cameroon*.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ The above-mentioned Framework Law.

- trade obligations in force;
- strengthening the fight against counterfeiting and contraband;
- regular publishing of the approved price-lists for common consumer goods;
- updating and regular publishing of the catalogue of manufacturing and packaging standards of common consumer goods.

SECTION IV.- The right to landed property and housing

The guarantee of the right to landed property is essentially to ensure the well-being of the population and encourage investments. In several countries, access to land constitutes a real challenge in urban areas, with galloping urbanisation, then in rural areas, with the quest of arable and grazing land. Similarly, the issue of housing lingers on with acuteness in major agglomerations, due to rural exodus and its negative effects which notably include an increase in unemployment and under-employment, growing crime wave and urban disorder, pressure exerted on land, sky rocking increase in the cost of living, etc., all of which lead to constant pressure on the cost and quality of housing in these areas, thereby widening the gap between the haves and the have-nots.

In this Section, we are going to analyse the prevailing situation of the right to landed property (Paragraph 1), followed by that of the right to housing (Paragraph 2) during the reference year, a situation from which stems the recommendations of the CHRC to the competent authorities (Paragraph 3).

Paragraph 1.- The right to landed property: progress registered and challenges

The right to landed property relates to the access, conservation, free enjoyment and possession of one's landed property, in the absence of any trouble. According to Article 17 of the Universal Declaration of Human Rights (UDHR)¹⁰⁶, “*Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property*”. Article 14 of the African Charter on Human and People's Rights (AChHPR)¹⁰⁷ specifies that “*The right to property is guaranteed. It may be encroached upon in the interest of public need or in the general interest of the community, [...] in accordance with the provisions of appropriate laws*”.

According to the preamble of the Constitution of Cameroon¹⁰⁸, ownership in the broad sense is:

¹⁰⁶ Adopted by the UN General Assembly on 10 December 1948.

¹⁰⁷ Adopted at the 18th Conference of the Organisation of African Unity (OAU) on 27 June 1981 in Nairobi, Kenya, entered into force on 21 October 1986, signed by Cameroon on 23 July 1987 and ratified by the latter on 20 June 1989.

¹⁰⁸ See Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972, as amended and supplemented by Law No. 2008/001 of 14 April 2008.

The right guaranteed every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law. The right of ownership may not be exercised in violation of the public interest or in such a way as to be prejudicial to the security, freedom, existence or property of other persons.

In addition to the preamble of the Constitution of Cameroon, landed property is governed by several other instruments, notably:

- Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure, followed by Ordinance No. 74-2 to establish rules governing State lands, as amended and supplemented by Ordinance No. 77-1 of 10 January 1977 and by Law No. 83-19 of 26 November 1983 which create national land in replacement of the collective national estate; these founding instruments of land tenure and State lands enshrine and maintain land registration as the exclusive mode of acceding to landed property in Cameroon and the land title (official ownership certification) as the exclusive proof of landed property; they also enable village communities, their members or any other Cameroonian citizen to register land occupied prior to 5 August 1974; lastly, they define four major categories of lands, notably: public property, private property of the State, private property of individuals and national land;
- Law No. 80-22 of 14 July 1980 to repress infringements to landed property and State lands, as amended by Law No. 85-05 of 4 July 1985, to determine sanctions provided for in case of infringement of landed property and State lands; for example, it declares null and void any real estate transaction based on the indivisible nature of the property if there is no common agreement of the parties thereof duly noticed by a notarised deed; it specifies the sanctions meted out against those who use or maintain themselves on a piece of land without the prior authorisation of the owner, as well as against State agents liable for collusion in land transactions in such a way as to encourage illegal occupation of a piece of land, including parcels of the private property of the State or land appertaining to public property or national land;
- Law No. 94/01 of 20 January 1994 to lay down regulations for forests, wildlife and fisheries, as amended by Ordinance No. 99/001 of 31 August 1999 to supplement some of its provisions as well as the 1995 implementation decree, which encourages the creation or award of community forest and the participation of the population in the management of forestry resources; these instruments also promote equity in participating in the management of forestry resources;
- Decree No. 2005/481 of 16 December 2005 to amend and supplement some provisions of Decree No. 76-165 to establish the conditions for obtaining land

certificates, which introduces decentralisation in the establishment procedure of the land certificate;

- Decree No. 2008/0738/PM of 23 April 2008 on the organisation and procedures for land development which regulates urban restructuring and renovation; the provisions of this instrument provide that when land development operations are initiated by the State, an order signed by the Minister in charge of Urbanisation defines the implementation, recognition and compensation modalities of owners with or without land certificates, as well as modalities for the creation of the resettlement zone and award of parcels of land in the said zone.

At institutional level, the ministries in charge of State Property, Surveys and Land Tenure (MINDCAF), on the one hand, and Housing and Urban Development (MINHDU), as well as Forestry and Wildlife (MINFOF), on the other hand, are responsible, each in his own sphere, for the formulation and implementation of public policies in the area of landed property.

Concerning the NDS30, Government is poised to achieve the following objective:

pursue the modernisation of State property, surveys and land management through the implementation of a vast programme to digitalise land survey, secure the public State property and land documents. This will involve digitalising all land documents and setting up a computerised network between land registries at national level, with a view to securing land transactions and developing economic activities¹⁰⁹.

In 2021, allegations of violation and infringement of the right to property registered by the Cameroon Human Rights Commission still appear, as in the previous years, among the most numerous cases. They occupy the first position with 208 out 983 allegations (thus representing 21.16%), divided up into 861 requests.

Violations of the right to landed property are in the main initiated by the State which takes over property belonging to individuals, in order to develop infrastructures, without always respecting legal procedures pertaining to expropriation. Issues linked to expropriation procedures made headline news in 2021. As an illustration, on 5 May 2021, the Prime Minister, Head of Government signed a decision cancelling an expropriation of 66 340 acres of forest in the Ntem Valley Division, in the South Region, dating as far back as 2016. We can also recall the mobilisation of the Banen community in 2020 against the classification of the Ebo forest into the private property of the State, following an information made public, on 4 February 2020, by the Minister of Forestry and Wildlife, for public hearing on the classification of 64 835 acres within the said estate, to make it a concession of about thirty Forest Management Units (FMU). This project immediately led to

¹⁰⁹See 2020-2030 National Development Strategy (NDS30).

concerns raised by the indigenous Banen population which organised itself to stand against the expropriation process of their land.

But most often than not, violations of the right to property is also the result of individuals who try to illegitimately take over the property of others, as illustrated by the case narrated below which was examined by the CHRC branch of the Centre Region.

Case No. 4. *The Mveng family and Eyenga Mveng versus Mrs Bessala Antoinette (a widow)*

On 11 August 2021, the Regional Branch of the Cameroon Human Rights Commission for the Centre (RBC/CHRC), received a petition from the Mveng family, represented by Mrs Marie Françoise Eyenga Mveng, in which she alleged that the right to landed property was being tampered with by a widow bearing the name of Mrs Antoinette Bessala.

It stems from this petition that Mr. Simon Mveng, the petitioner's father, was a native of the village of Ebolmedjom, in the Mefou-and-Afamba Division, Nkolafamba Sub-Division, where the widow Antoinette Bessala settled for several years, after the death of her husband.

Wishing to return to their village, his descendants were strongly deterred by the respondent who wanted to take away their land from them. The court case pertaining thereto, which had earlier been settled by the notables who are the custodians of the tradition of their village, is still pending at the Governor Office of the Centre Region and seems not to have been resolved because the respondent, who is rejecting the verdict made about seven years ago, indulged into parallel procedures.

Convinced to be quite within their rights, the Mveng family embarked on the construction of a residential house on the piece of land in question, but the construction work was stopped by instructions from the Governor because the respondent and her husband had already erected their own house on the disputed land while her husband was still alive.

The family of the petitioner is complaining that a third party, the respondent, is using cunning and deceitful means to take over their land, including the fact that the competent authorities are dragging their feet to give a final ruling to this case.

Mrs Eyenga Mveng and her parents, who were received by the RBC/CHRC for discussions, confirmed the alleged facts.

In return, the RBC went down to the field at the Ebolmedjom village (on the disputed site) three times: on 2 September 2021, at the chieftaincy of the said village where it met His Royal Highness Basile Ngoumou, village chief, and his notables; on 3 September 2021, at Oyeck village in the Nkolmeyang locality; on 14 September 2021, to verify the veracity of the petitioners' allegations as well as the real origin of the late Mr. Valere Bessala whose widow was being accused.

After these visits, all witnesses interrogated affirmed that the widow, Mrs Bessala and her deceased husband were not native of Ebolmedjom, but were rather from the Oyeck village and could consequently not claim to be the owners of the disputed land which belongs to the Mveng family.

This case was pending at the Governor’s Office for the Centre Region without any final verdict until the RBC of the CHRC received the above-mentioned petition. On 10 November 2021, the RBC addressed a letter to the Governor informing him of the facts gathered on the field which could adequately guide him into taking a final and objective decision concerning this case.

While the decision of this administrative authority is still being awaited, the RBC later on contacted the petitioner *who pointed out that the respondent withdrew from the disputed parcel of land and that construction work of the Mveng family residence had resumed.*

Paragraph 2.- The right to housing: progress registered and challenges

The legal framework of the right to housing in Cameroon consists of the enunciations of paragraph 1 of Article 25 of the Universal Declaration of Human Rights and those of Paragraph 1 of Article 11 of the International Covenant on economic, social and cultural rights, mentioned in the introduction to this chapter. They make mention of the right to housing and adequate housing as components of the right to an adequate living standard.

The right to housing is therefore considered as a fundamental right which is a condition to the satisfaction of other vital rights. The situation of housing in Cameroon reveals a quantitative and qualitative deficit in residential houses, a situation which renders access to housing difficult. Access to housing, especially in urban areas, is much more arduous for the population because of constraints encountered as part of demand, acquisition and even sojourn in rented houses, if need be.

The deficit of low-cost housing is estimated at 2.5 million in urban areas in 2021¹¹⁰. It is a crucial challenge that necessitates synergy between the private and public sector to be overcome. It is within this context that a construction agreement of 3000 low-cost houses was signed between the company Shelter-Afrique and the Cameroon Ministry of Housing and Urban Development.

According to the National Institute of Statistics (NIS), one out of eight households is potentially eligible to the acquisition a house built by the State¹¹¹. The same study reveals

¹¹⁰ See. *Actu Cameroun*, “Habitat: 3000 logements sociaux en perspective au Cameroun”, 4 March 2021 on <https://actucameroun.com/2021/03/04/habitat-3000-logements-sociaux-en-perspective-au-cameroun/>, accessed on 18 February 2023.

¹¹¹ *Ibid.*

that *only households with an annual income higher than or equal to CFA Francs 200 000 are capable of financing the acquisition of their house*. To solve this situation in the short-term, the deputy executive director of UN-Habitat, Mr. Victor Kisob, signed, on 9 February 2021, with the general manager of the Cameroon Real Estate Corporation (SIC), a funding agreement worth CFA Francs 2 billion for the rehabilitation of the dilapidated building of Cité SIC Bornoua at Garoua and Cité verte and Nlongkak at Yaoundé.

The population is also facing the disturbing situation of being chased away from their houses, either for illegal stay or because of a government construction project. As an illustration, we can mention the chasing out of the population at the ‘Newton Aéroport’ neighbourhood in Douala. They received a notice to quit the premises on 21 January 2021. About 300 families found themselves homeless after this operation.

Paragraph 3.- Recommendations of the CHRC concerning the right to landed property and the right to housing

We are going to outline the les recommendations concerning the right to landed property, on the one hand (A), and those pertaining to the right to housing, on the other hand (B).

A. Recommendations of the CHRC concerning the right to landed property

The CHRC recommend the following to the competent authorities:

- secure land documents;
- pay convenient compensation to victims in case of justified expropriation;
- ensure better planning of the occupation of urban spaces;
- improve low-cost housing offer and facilitate access to mid-income earners.

B. Recommendations of the CHRC concerning the right to housing

With a view to the realisation of the right to convenient housing in Cameroon and taking into account challenges uncovered in this area, the CHRC reiterates the following **recommendations**.

1) To Government

- more actively pursue the construction of low-cost housing – by making it a point of duty to ensure that persons with disability have more access – and take measures to reduce the acquisition cost of these houses, for them to be within the reach of low-income earners;
- lay particular emphasis on the formulation and popularisation of urban planning and soil occupation plans as well as lay-out plans in urban areas and outskirts of major cities to fight against urban disorder;
- encourage the use of local materials in the construction of public buildings and structures, including in the determination of the minimum usage proportions of the said local materials for project managers or as part of public contracts.

2) To regional and local authorities

- lay emphasis on the promotion of decent housing, rehabilitation of urban roads, hygiene, sanitation and improvement of the population's access to basic urban services;
- develop plots and council houses to facilitate the access of the most disadvantaged segments of the population to decent housing;
- work out and implement risk management plans.

3) To the population

- avoid settling in risk-prone areas;
- respect urbanisation and soil occupation plans;
- obtain building permits and all necessary authorisations from competent authorities before starting construction works;
- avoid obstructing road networks, pipes and other common spaces with waste and other refuse.

CHAPTER IV.- THE RIGHT TO WORK, TO DECENT WORKING CONDITIONS, AND TO SOCIAL SECURITY

Labour law refers to the set of rules that govern the relationship between workers and employers. The International Labour Organization (ILO), established in 1919 by the Treaty of Versailles and reinvigorated in May 1944 by the Philadelphia Conference, became the first specialized agency after the founding of the United Nations in 1946. Founded to promote social justice, the ILO has established a Code of International Labour Standards consisting of a set of conventions and recommendations that cover fundamental freedoms such as freedom of association, employment and training policies, working conditions, and social security.

Cameroon has not been left out of this movement¹¹². Even before its independence in 1960, the freedom to work¹¹³ was proclaimed by the Law of April 11, 1946, which was a crucial step in modernizing Labour law in a colonial context marked by forced labour¹¹⁴. As early as 7 August 1944¹¹⁵, the decree legalized trade unions in Cameroon. The prohibition of forced labour was reaffirmed in the Labour Code of the Overseas Territories on 15 December 1952¹¹⁶. This text went beyond the Law of April 11, 1946, by defining forced labour and providing for sanctions against those who violated the prohibition. In addition to penalties, the 1952 Labour Code regulated issues related to trade unions, employment contracts, wages, working conditions, hygiene and safety, as well as labour disputes.

Since its implementation on 1 January 1953, the Labour Code of 1952 has been supplemented by numerous provisions, and various international conventions have become applicable in the territory. Clearly, the conclusion of collective agreements between employers and employees represents progress in labour law in Cameroon. Distortions in the freedom to work have been significantly reduced as professional trade unions have gained significant importance and influence in the Cameroonian socio-economic landscape.

The Labour legislation imposed by the colonial power underwent a shift with the adoption of the first Cameroonian-inspired Labour Code by the Law of 12 June 1967. With

¹¹² See Jean-Marie TCHAKOUA, "Le droit du travail dans la République du Cameroun" (Labour Law in the Republic of Cameroon), in *Dignité humaine en Afrique Hommage à Henry De DECKER*, Cahier de l'UCAC 1996, Presses de l'Université Catholique d'Afrique Centrale, 1996. Also see Jean Marie NYAMA, "Droit et contentieux du travail et de la sécurité sociale" (Labour Law and Social Security Law), Presses de l'Université Catholique d'Afrique Centrale, 2012.

¹¹³ See Law of December 15, 1952, instituting a Labour Code in the Territories and Associated Territories under the Ministry of Overseas France (Official Journal of Cameroon, 1953, p. 49).

¹¹⁴ See Léon KAPTUE, "Travail et main d'œuvre sous le régime français 1916-1952" (Labour and Workforce under the French Regime 1916-1952), Paris, *Le Harmattan*, 1986.

¹¹⁵ See Decree of 7 January 1944, regulating indigenous labour in Cameroon (Official Journal of Cameroon, 1944, p. 47) and Implementing Order of 14 February 1944 (Official Journal of Cameroon, 1944, p. cit).

¹¹⁶ See Law of 15 December 1952, instituting a Labour Code in the Territories and Associated Territories under the Ministry of Overseas, France. Op. cit.

the advent of the unitary state, this labour legislation was replaced by a new reform introduced by the Law of November 27, 1974. This law remained in force for almost two decades but demonstrated many limitations that led to its repeal by the Law of 14 August 1992, which is still applicable today. After analysing the legal and institutional framework of labour rights (Section 1), the progress and challenges observed in 2021 regarding these rights (Section 2) will give rise to recommendations for the relevant stakeholders (Section 3).

SECTION I.- The Legal and Institutional Framework for the Right to Work, to Decent Working Conditions, and to Social Security

We will examine in turn the basic legal and institutional framework (Paragraph 1) as well as the innovations in this regard during the year under review (Paragraph 2).

Paragraph 1.- Basic normative and Institutional Framework

The situation of workers in Cameroon is governed by a range of legal and institutional instruments at the national, regional, and international levels¹¹⁷.

At the national level, the right to work is enshrined in the preamble of the Cameroonian Constitution of 18 January 1996¹¹⁸, which states that "*every person has the right and duty to work.*" According to Article 26(2) of the Constitution, the rights of workers include the right to work (including the cessation of work), freedom of association, the right to strike, and the right to social protection. These constitutional norms are complemented by Law No. 92/007 of 14 August 1992, known as the Labour Code, which states in Article 2(1) that "*the right to work is recognized as a fundamental right for every citizen. The State must make every effort to help citizens find and retain employment.*"

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR)¹¹⁹ states in Article 15 that "*every person has the right to work in equitable and satisfactory conditions and to receive equal pay for equal work.*" Mention can also be made of Article 29(6) of the same Charter, which is dedicated to the duty to work, as well as the 2005 Nairobi Convention on African Cultural Renaissance.

At the universal level, several legal instruments protecting workers' rights have been ratified by Cameroon, adopted with its support, or incorporated into its Constitution. These include:

¹¹⁷ See, Ministry of Labour and Social Security, *Labour and Social Security in Cameroon, Legal Instruments and International Conventions*, Volume 1, Yaoundé, La documentation camerounaise, 2021.

¹¹⁸ See, Law No. 96/6 of 18 January 1996, revising the Constitution of 2 June 1972, as amended and supplemented by Law No. 9008/1 of April 14, 2008.

¹¹⁹ Adopted at the 18th Conference of the Organization of African Unity (OAU) on June 27, 1981 in Nairobi, Kenya, entered into force on 21 October 1986, signed by Cameroon on 23 July 1987, and ratified by Cameroon on 20 June 1989.

- The Universal Declaration of Human Rights (UDHR)¹²⁰, which proclaims the right to work in Articles 23 and 24. Article 2 of the same text states that *"everyone, as a member of society, has the right to social security and is entitled to the realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for their dignity and the free development of their personality."*
- The United Nations Declaration on the Rights of Indigenous Peoples (Article 17).
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)¹²¹, particularly in its Articles 6, 7, 8, and 9. Article 6 of this text recognizes the right of every person to the opportunity to gain a living by work freely chosen or accepted. This recognition is manifested through strong commitments by states, which are translated into the implementation of public policies aimed at facilitating access to work and promoting decent employment.

Cameroon is a member of the International Labour Organization (ILO) and has ratified several international conventions specific to labour¹²².

In light of the above, the rights related to work encompass:

- Protection against unemployment.
- The freedom to choose one's work.

¹²⁰ Adopted by the United Nations General Assembly on December 10, 1948, incorporated into the Constitution of 18 January 1996.

¹²¹ Adopted by the General Assembly on 16 December 1966, entered into force on 3 January 1976, Cameroon's accession on 27 June 1984.

¹²² Notable among them are:

- ILO Convention No. 100 concerning Equal Remuneration, adopted by the General Conference of the International Labour Organization on 29 June 1951, entered into force on 23 May 1953, and ratified by Cameroon on 15 May 1970.
- ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, adopted by the General Conference of the International Labour Organization on June 25, 1958, entered into force on 15 June 1960, and ratified by Cameroon on 15 May 1970.
- ILO Convention No. 105 concerning the Abolition of Forced Labour, adopted by the General Conference of the International Labour Organization in Geneva on June 25, 1957, entered into force on 17 January 1959, and Cameroon's accession on 13 September 1962.
- ILO Convention No. 138 concerning the Minimum Age for Admission to Employment, adopted on 26 June 1973, entered into force on 19 June 1976, and ratified by Cameroon on 13 September 2001.
- ILO Convention No. 182 concerning the Worst Forms of Child Labour, adopted on 17 June 1999, entered into force on 19 November 2000, and Cameroon's accession on 15 June 2002.
- ILO Convention No. 155 concerning Occupational Safety and Health and the Working Environment, adopted by the International Labour Conference on 22 June 1981, in Geneva, entered into force on 11 August 1983, and ratified by Cameroon through Decree No. 2015/579 on 16 December 2015.

- Equitable and satisfactory working conditions.
- The right to equal remuneration for equal work without discrimination.
- The right to fair and satisfactory compensation.
- The right to form and join trade unions for the defence of one's interests.
- The right to rest and leisure, including reasonable working hours and periodic paid leave.
- Protection against unfair dismissal.

Regarding the institutional framework, the Ministry of Employment and Vocational Training (MINEFOP) is responsible for the development and implementation of the government's policy on employment, training, and vocational integration¹²³. The Ministry of Labour and Social Security (MINTSS) is responsible for the development and implementation of the government's policy in the field of industrial relations, the status of workers, and social security¹²⁴. In this capacity, it is responsible for monitoring the application of the Labour Code and the international conventions ratified by Cameroon relating to labour¹²⁵. The National Social Insurance Fund (CNPS), established by Ordinance No. 73/17 of 22 May 1973, is responsible for providing various social and family protection benefits in line with the overall government policy. This includes:

- the family benefits scheme established by Law No. 67/LF/7 of 12 June 1967,
- the pension and disability insurance scheme established by Law No. 84/007 of 4 July 1984 (amending Law No. 69/LF/18 of 10 November 1969), and
- the workplace accident and occupational disease prevention and compensation scheme established by Law No. 77/11 of 13 July 1977.

The National Employment Fund (FNE), created by Decree No. 90/805 of 27 April 1990, has a general mission of promoting employment. Its objectives include:

- increasing employment opportunities,
- providing information to job seekers,
- facilitating the integration of young Cameroonians seeking their first job into the production circuit,
- promoting the reintegration of those affected by economic layoffs, and
- designing, financing, and monitoring programmes related to on-the-job training, formal training, self-employment creation, support for the establishment of micro-enterprises, and possibly, any other programmes as required by the labour market.

These national structures are strengthened at the African and global levels by:

- The Working Group on Economic, Social, and Cultural Rights of the African Commission on Human and Peoples' Rights,

¹²³ See Decree No. 2012/644 of 26 November 2012.

¹²⁴ See Decree No. 2012/558 of 26 November 2012.

¹²⁵ *Ibid.*

- The Committee on Economic, Social, and Cultural Rights (CESCR);

Paragraph 2: Normative and institutional innovations in 2021

During the year under review, several legal and institutional innovations were implemented to strengthen the existing framework. These include:

- The ratification of Convention No. 155 concerning Occupational Safety and Health and the Working Environment, 1981¹²⁶.
- The Law No. 2021/015 of 9 July 2021, on the organization and promotion of volunteering in Cameroon.
- The Decree No. 2021/2124/PM of 14 April 2021, establishing the conditions for opening and the minimum operating rules for temporary employment agencies.
- The Order No. 00000125/MINEFOP of April 21, 2021, specifying the constitutive elements and modalities of payment of financial compensation to temporary employment agencies.
- The Order No. 126/MINEFOP of 21 April 2021, on the organization and functioning of the Interministerial Commission for granting approvals to temporary employment agencies, private Labour placement offices, and bureaus.
- The Order No. 00000127/MINEFOP (and its annex) of 21 April 2021, establishing the procedures for issuing certificates of lack of national workforce in public and private investment projects.

SECTION II.- Progress and Challenges regarding Labour Rights

During the year under review, the government implemented programmes through its two main ministries responsible for employment and Labour issues¹²⁷ to promote the realization of Labour rights (Paragraph 1). However, citizens did not always fully enjoy the existing guarantees due to the violation of current standards, particularly by companies, leading to numerous complaints received by the CHRC on these issues (Paragraph 2).

¹²⁶On 1 October 2021, Cameroon submitted to ILO the instrument of ratification of Convention No. 155 on Occupational Safety and Health, 1981. The country became the 74th ILO member state to ratify the instrument. Convention No. 155 entered into force for Cameroon on 1 October 2022, one year after its ratification.

¹²⁷ The Ministry of Employment and Vocational Training (MINEFOP) and the Ministry of Labour and Social Security (MINTSS).

Paragraph 1.- Measures taken by the State in favour of the right to work and workers' rights

These measures focus on the promotion of vocational training and access to employment (A) and the improvement of Labour protection and social security (B).

A. Promotion of vocational training and access to employment

The actions taken in 2021¹²⁸ to promote vocational training and access to employment are carried out within the framework of three programmes linked to the missions of the Ministry of Employment and Vocational Training (MINEFOP), namely:

- Programme 1: Promotion of decent employment and professional integration
- Programme 2: Skills development
- Programme 3: Governance and institutional support in the employment and vocational training sub-sector

The implementation of these three programmes has led to:

- Improved access and equity in vocational training through the provision of training scholarships to young people seeking professional qualifications.
- Expansion of vocational training opportunities through the effective start of the Secondary Skills Development Project for Growth and Employment (PADESCE), with support from the World Bank¹²⁹.

It should be noted that these new achievements are in addition to the existing structures, including:

- Five training centres, including the Institute of Trainer Training and Programme Development in Yaoundé, three centres of excellence for vocational training in Douala, Limbe, and Sangmélina, as well as a Vocational Skills Training Center in Nkongsamba.
- Five operational centres for information and vocational guidance in Yaoundé, Douala, Maroua, Ngaoundéré, and Bamenda.

Regarding the private sector in vocational training, MINEFOP issued 900 new accreditations to private vocational training centres and approved 76 new vocational training frameworks.

¹²⁸ Input provided by the Ministry of Employment and Vocational Training (MINEFOP) for the 2021 Annual Report on the state of human rights in Cameroon, prepared by the Cameroon Human Rights Commission (CHRC)

¹²⁹ In this regard, the construction works of vocational training centres (CFMs) and sector-specific vocational training centres (CFPS) have been completed. Additionally, pilot projects for artisanal and rural sections (SAR-SM) and the development project for the rapid vocational training centre for industrial trades in Pitoa have been implemented.

- Protecting Labour and maintaining social peace.

In terms of results, occupational Health and Safety Committees (CHS) were established in all regions, and numerous texts were being prepared in the field of occupational safety and health.

Regarding *Labour standards, principles, and fundamental rights*, the government achieved the following:

- Monitoring the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour in Cameroon (PANETEC).
- Cameroon's election as a full member of the International Labour Organization (ILO) Governing Body for the 2021-2024 term.
- The effective start of the process to revise the list of hazardous work for children.
- Ratification of International Labour Organization (ILO) Convention No. 155 on Occupational Safety and Health.
- Launching the process, in collaboration with the ILO, to develop the second country programme for decent work.

Regarding *Labour protection and social peace*, the Ministry of Labour and Social Security reported the following results:

- 6,254 workplace inspection visits conducted by Labour inspectors, with 908 warnings issued to employers.
- 7,881 minutes of proceedings drawn up in the resolution of Labour disputes.
- Ongoing negotiations for the signing of the National Collective Agreement for private education.
- 44 strike notices were lifted during the reference period.
- The trade union registry service identified the headquarters of 223 trade unions in the 10 regions.
- 12 new trade unions were registered.

As for the **promotion of social security for the majority**, the dedicated programme has two objectives: strengthening the social security system and expanding social security coverage to socio-professional groups not covered by the existing system.

Regarding the *strengthening of the social security system for workers*, three actions were undertaken:

- Reviewing the implementation of social security in Cameroon for the period 2016-2028 with the support of the ILO to improve social coverage.
- Evaluating the functioning of the 10 regional social security dispute resolution commissions, identifying bottlenecks hindering their operation, and formulating appropriate solutions.
- Organizing a capacity-building workshop for judicial actors on social security dispute mechanisms.

In terms of *expanding social coverage*, the achievements include:

- Protecting Labour and maintaining social peace.

In terms of results, occupational Health and Safety Committees (CHS) were established in all regions, and numerous texts were being prepared in the field of occupational safety and health.

Regarding *Labour standards, principles, and fundamental rights*, the government achieved the following:

- Monitoring the implementation of the National Action Plan for the Elimination of the Worst Forms of Child Labour in Cameroon (PANETEC).
- Cameroon's election as a full member of the International Labour Organization (ILO) Governing Body for the 2021-2024 term.
- The effective start of the process to revise the list of hazardous work for children.
- Ratification of International Labour Organization (ILO) Convention No. 155 on Occupational Safety and Health.
- Launching the process, in collaboration with the ILO, to develop the second country programme for decent work.

Regarding *Labour protection and social peace*, the Ministry of Labour and Social Security reported the following results:

- 6,254 workplace inspection visits conducted by Labour inspectors, with 908 warnings issued to employers.
- 7,881 minutes of proceedings drawn up in the resolution of Labour disputes.
- Ongoing negotiations for the signing of the National Collective Agreement for private education.
- 44 strike notices were lifted during the reference period.
- The trade union registry service identified the headquarters of 223 trade unions in the 10 regions.
- 12 new trade unions were registered.

As for the **promotion of social security for the majority**, the dedicated programme has two objectives: strengthening the social security system and expanding social security coverage to socio-professional groups not covered by the existing system.

Regarding the *strengthening of the social security system for workers*, three actions were undertaken:

- Reviewing the implementation of social security in Cameroon for the period 2016-2028 with the support of the ILO to improve social coverage.
- Evaluating the functioning of the 10 regional social security dispute resolution commissions, identifying bottlenecks hindering their operation, and formulating appropriate solutions.
- Organizing a capacity-building workshop for judicial actors on social security dispute mechanisms.

In terms of *expanding social coverage*, the achievements include:

- Conducting and validating two studies on the feasibility of a package of benefits tailored to the immediate needs of actors in the informal and rural economy, as well as the financing mechanisms of the voluntary insurance system.
- Organizing the fourth edition of the 2021 Mutual Insurance Information Day, with a view to implementing universal health coverage.
- Finalizing the draft agreement between the National Social Security Fund (CNPS) and the Livestock and Fish Farming Value Chains Development Project (PDCVEP).

The data collected in the *Statistical Yearbook* published by NSIF provides information on the movements recorded during the year in terms of registration of contributors, collection of contributions, and payment of benefits.

During the year 2021, 6,164 *new employers* were registered, *compared to 7,040 in 2020, bringing the total number of active employers to 36,595.*

As for social security beneficiaries, *69,993 new registrations were recorded for the compulsory regime, representing a decrease of 16.51% compared to 2020.*

Regarding the voluntary insurance scheme, *33,192 new registrations were recorded, totalling 103,185 for the year, with a total of 1,073,463 active members at the end of 2021, including 316,820 women and 756,643 men.*

The amount of *contributions collected in 2021 increased by 2.76%*, while the number of *tele-declared workers increased by 20.4%*.

The benefits provided are distributed in the following three branches:

- Family benefits.
- Old age, disability, and death pensions.
- Occupational accidents and occupational diseases.

As for family benefits:

- 30,331 applications were received in 2021 and 27,431 were processed within 15 days.
- *The number of beneficiaries increased by 48.4%, from 76,006 in 2020 to 112,788 in 2021.*

Regarding old age, disability, and death pensions, the number of applications increased from 8,367 in 2020 to 9,175 in 2021, of which 92.6% were processed, and 6.7% are pending.

Regarding occupational accidents and work-related illnesses:

- 2,533 cases were filed in 2021, and 1,860 occupational accidents were reported.
- Out of 469 analysed accidents, companies classified in Group C (high risk) accounted for 270 cases, representing a percentage of 57.56%.

occupational accidents are *excessive efforts and incorrect movements*. These predominantly result in trauma and fractures.

Paragraph 2.- Persistent difficulties in the enjoyment of Labour-related rights

The difficulties observed in the enjoyment of Labour-related rights pertain to both the implementation of programmes aimed at promoting access to employment (A) and the respect of workers' rights by companies (B).

A.- Difficulties related to the execution of special projects implemented by the Government: the case of PANEJ 2

The National Youth Employment Covenant (PANEJ) was developed and validated for the first time in 2008 as part of the measures taken by the Government to address the already pressing issue of youth employment.

In fact,

its implementation from 2008 to 2012 was intended to support a growth strategy through investment for job creation, as defined in the national employment policy document through a coordinated approach involving the Government, social partners, civil society organizations, and international development partners. An evaluation conducted in 2013 revealed a number of deficiencies and inconsistencies in its design, coordination, implementation, and performance. However, the evaluation recommended the continuation of the process with certain adjustments and corrections, given that the reasons for the creation of PANEJ 2008-2012 remained relevant (youth employment crisis characterized by high unemployment, underemployment, and the predominance of the informal sector). In response to this recommendation, the Government, through the Ministry of Employment and Vocational Training (MINEFOP), with technical and financial support from the International Labour Organization (ILO) and the United Nations Development Programme (UNDP), undertook the updating of PANEJ 2008-2012, incorporating lessons learned from its implementation, taking into account persistent challenges in youth employment, ongoing reflections on Labour market governance in Cameroon, and aligning PANEJ (2016-2020) with Cameroon's new development frameworks (Vision 2035 and DSCE)¹³³.

Thus, PANEJ 2016-2020 2nd generation, also known as PANEJ 2, was specifically designed to address the shortcomings of PANEJ 1 (2008-2012). Its objective, according to MINEFOP, was "*to bend the curve of youth unemployment and underemployment through the creation of 380,000 jobs for youths aged 15 to 34, at a total cost of 135 billion CFA francs.*"¹³⁴

¹³³ See National Youth Employment Covenant (PANEJ) 2016-2020, drawn up by the Interministerial Working Group, November 2015, p. vi.

¹³⁴ See Contribution of MINEFOP to the CHRC's 2021 Annual Report on the state of Human Rights in Cameroon

2 and in view of a new plan, the final evaluation revealed a low achievement rate due to several shortcomings, including:

- The absence of profiling the target population of PANEJ 2, which prevented the precise identification of the concerns of young people in order to formulate appropriate responses.
- The lack of a mechanism for tracking created jobs.
- Insufficient dissemination of the framework document of PANEJ 2.
- The absence of a coordination and monitoring structure for the implementation of PANEJ 2¹³⁵.

Considering that these **serious deficiencies identified in the evaluation of PANEJ 2 are almost the same as those mentioned earlier regarding PANEJ 1**, it is worth questioning the effectiveness of the remediation strategies implemented to give PANEJ 2 a better chance of success than its predecessor, especially in view of the urgency of the youth employment problem in Cameroon.

Ultimately, the low achievement rate of PANEJ 2 led the government to establish the 3rd generation National Youth Employment Covenant, PANEJ 3 (2021-2025), which is based on the following four strategic axes:

- *Strengthening the skills of young people for employment.*
- *Accelerating the transition of young actors from the informal sector to the formal sector and supporting the creation of productive and innovative enterprises.*
- *Strengthening emergency initiatives for employment among vulnerable young people.*
- *Enhancing governance, monitoring framework, and accountability¹³⁶.*

However, it is regrettable that PANEJ 3 does not prioritize self-employment and entrepreneurship training, despite a World Bank study, confirmed by the ILO and the Foreign and Commonwealth Office of the United Kingdom, which established that between 2014 and 2024, only 25% of young people will have access to wage employment in Sub-Saharan Africa. Furthermore, there are questions regarding the guarantees put in place to ensure the success of this 3rd generation of PANEJ, hence the recommendations of the Cameroon Human Rights Commission (CHRC) in Section 3 of this chapter.

B. Difficulties related to the respect of workers' rights by companies

As part of its human rights protection activities, which mainly involve handling complaints of human rights violations brought to its attention by third parties, in addition to self-referrals, the National Human Rights Institution received a total of 983 allegations

¹³⁵ *Ibid.*

¹³⁶ See Contribution of MINEFOP to the 2021 CHRC Annual Report on the state of Human Rights in Cameroon

through 861 complaints in 2021. Among these allegations, 142 were related to labour rights violations (right to work and workers' rights), accounting for a proportion of 14.45%.

This proportion has increased compared to the previous two years, where the proportions were calculated as 10.20% (126 allegations out of 1,235) in 2019 and 12.11% (129 out of 1,065 allegations) in 2020.

The 142 allegations concerning violations of labour-related rights implicated 23 public enterprises, 2 public establishments, and 63 private companies, making a total of 88 entities implicated out of 1,001. This is compared to 102 implicated out of 1,069 in 2019 and 77 out of 987 in 2020. In relative terms, companies accounted for 8.79% of the entities implicated before the National Human Rights Institution of Cameroon, compared to 7.80% in 2020 and 9.54% in 2019.

Based on the statistics of complaints received by the National Human Rights Institution through its nine operational regional branches at the time, as well as from its headquarters, labour rights constituted the second most violated category of rights in 2021.

The main violations highlighted in these complaints relate to employers' non-compliance with contractual provisions and the violation of the right to social security. The following three cases illustrate these violations.

. Case No. 5 - Mveh Oumarou v. Source du Pays S.A.

On 16 August 2021, the Regional Office of the Cameroon Human Rights Commission, Littoral Branch (CHRC/ARL), received a complaint from Mr. Oumarou MVEH Francis alleging a violation of his right to work and social security by Source du Pays S.A.

The complainant states that he was employed by the company as a driver on 10 September 2015.

On 29 November 2018, while on a work-related mission in the Ekona locality, the complainant claims to have been involved in a work accident. He was shot by armed separatist groups, resulting in the loss of his right arm and the death of his assistant. The complainant states that the company was aware that the locality was in a "red zone" declared by the government but still sent him there. As a result of the accident, the complainant has a 70% disability.

The complainant asserts that he continued to report to work after the accident until the Director of Logistics and Transportation asked him to stay home, claiming that his presence would discourage his colleagues. He also mentions that he was surprised when the General Director refused to meet with him. In July 2021, the complainant received a message from his bank informing him that his employer had made a payment of 10,400 FCFA as a final settlement, instead of his regular salary.

He states that he never received a notice assigning him to a different position considering his proven disability.

The company confirmed the unilateral termination of his contract. Consequently, the complainant sought the assistance of the CHRC to protect his rights. After conducting investigations, the Regional Office of the Littoral convened both the complainant and the employer. Following a tripartite meeting, an amicable settlement was reached between the parties. The complainant was reinstated in the company and received payment for his outstanding rights.

The company confirmed the unilateral termination of his contract. Consequently, the complainant sought the assistance of the CHC to protect his rights.

After conducting investigations, the Regional Office of the Littoral convened both the complainant and the employer. *Following a tripartite meeting, an amicable settlement was reached between the parties. The complainant was reinstated in the company and received payment for his outstanding rights.*

Case No. 6 - Jean de Dieu Kongomatchi v. Provincial of the Congregation of the Sons of the Immaculate Conception (CFIC) and others

On November 2, 2020, the Regional Office of the Commission on Human Rights in Cameroon for the Centre Region (CHRC/ARC) received a complaint from Mr. Jean de Dieu Kongomatchi, a teacher at the Catholic College Père Monti in the Mefou-et-Afamba Division. He alleged a violation of his rights to work and remuneration by the Provincial of the Congregation of the Sons of the Immaculate Conception (CFIC).

According to the complaint, Mr. Jean de Dieu Kongomatchi, a Central African refugee, had been employed by the school since 2006 as a teacher under an indefinite contract.

After holding several positions of responsibility, he claims to have been appointed as a Sector Supervisor in 2019, in addition to his teaching duties. He expressed his incompetence for the new position in a letter to the principal of the college.

His complaint had a negative impact on his employer, leading to a suspension of his salary for seven months and his dismissal without payment of his rights, as stated in an unsigned letter.

After escalating the matter within the hierarchy of his employer, the CHRC/ARC established that partial payment of his salary arrears had been made.

At the time of filing the complaint, he was demanding payment of his salary arrears and the rights due to his dismissal.

The CHRC/ARC attempted to meet with the accused party, who refused to receive them. Mr. Kongomatchi sought a solution through the Divisional Delegate of Labour and Social Security for Mefou-and-Afamba. However, the conciliation process did not succeed.

The complainant faced difficulties obtaining the non-conciliation report from the inspector in charge of his case, who claimed to have closed his file without further action. Due to these obstacles, the victim returned to the CHRC/ARC to request further intervention.

A letter was sent to the Divisional Delegate of Labour and Social Security for Mefou-and-Afamba on 9 September 2021, and the complainant was finally provided with the desired document, which allowed him to pursue legal action against his former employer.

Case No. 7. - Vérité - Rigueur - Rassemblement - Assistance (VERIRA) and Ghislain Tsagueu v. Zacharie Chembou Kebou

On 15 March 2021, the Regional Branch of the Cameroon Human Rights Commission for the Centre (CHRC/ARC) received a complaint from the civil society organisation called Vérité - Rigueur - Rassemblement - Assistance (VERIRA). The complaint denounced the violation of Mr. Ghislain Tsagueu's right to remuneration, implicating Mr. Zacharie Chembou Kebou.

Based on the investigation of this complaint, it was found that the accused had secured a contract with *Funding Transport and Services Group S.A.*, for which he had enlisted the victim's services as a technician.

After the completion of the contract, Mr. Ghislain Tsagueu did not receive the agreed-upon remuneration of 400,000 FCFA.

In an attempt to collect the owed amount, Mr. Ghislain Tsagueu took legal action through a bailiff, but those efforts did not yield any results. Therefore, the complaining civil society organisation sought the intervention of the CHRC/ARC.

Both parties were separately received by the CHRC/ARC and subsequently questioned by its competent services to establish the truth and explore the possibility of an amicable settlement. Unfortunately, the settlement attempts did not succeed due to the claimant's categorical refusal to accept the financial compensation in three instalments, as proposed by the accused. It was evident from the medical records provided that the accused had recently undergone surgery.

As a result, this case was closed at the level of the CHRC.

SECTION III.- Recommendations of the CHRC on Labour-Related Rights

While acknowledging the innovations and efforts observed in the employment and Labour sector in 2021, and in light of the challenges observed, the CHRC formulates the following recommendations for the State (Paragraph 1) and for businesses and employer syndicates (Paragraph 2).

Paragraph 1.- Recommendations Addressed to the State

To the state actors involved in decision-making concerning the employment and Labour sector, the CHRC addresses the following recommendations:

- Take appropriate measures to address all the gaps identified in the implementation of the second-generation National Action Plan for Youth Employment (PANEJ 2) within the framework of the third generation of this project (PANEJ 3).
- Annually compile statistics on the state of youth employment through the National Institute of Statistics.
- Regularly compile statistics on workers by employment category (fixed-term contracts, permanent contracts, temporary contracts, formal and informal sector jobs).
- Enforce the existing laws and regulations on the verification of the compliance of contracts concluded by companies with legal provisions, particularly Articles 25-4 and 26 of the Labour Code.
- Annually update data on the activities of health and safety committees (CHS), the health and safety programme (PHS), by developing posters and announcements for the Labour inspection, and maintaining a file on the number of investigations conducted by these entities.
- Comply with the conventional standards for the elimination of the worst forms of child Labour in Cameroon and maintain updated statistics on child employment.
- Adopt texts to effectively implement Convention No. 162 on asbestos, adopted in 1986 and ratified on February 20, 1989.
- Issue the implementing decree provided for in Article 109-2 of the Labour Code to establish the modalities for exercising the control powers of Labour inspectors.
- Implement the provisions of Article 55 of the Labour Code by taking all measures for the effective coverage of private education through the collective agreement.
- Establish a priority programme for the prevention of occupational hazards in Group C companies, which, in accordance with the Annex to Decree No. 78/283 of 10 July 1978, setting the contribution rates for the occupational accidents and occupational diseases branch, are the eight categories where the severity and frequency of occupational accidents and occupational diseases risks are high, namely:

- - i) Forestry companies and sawmills;
 - ii) Fishing companies;
 - iii) Road freight or passenger transport companies;
 - iv) Hydrocarbon exploration companies;
 - v) Major metallurgy companies;
 - vi) Public works and civil engineering companies (open-pit quarrying; underground work in the construction and maintenance of sewers and water channels; construction and maintenance of structures such as bridges, aqueducts, docks, jetties, dikes, and dams; construction and maintenance of outdoor energy transport lines; demolition companies; tunnel construction);
 - vii) Agricultural or pastoral hydraulic companies;
 - viii) Underground mining companies.
- Take appropriate measures to effectively ensure the application of current standards on occupational health and safety.
- Continue to actively participate in negotiations concerning the Universal Treaty on Business and Human Rights, which has been in effect since the 2020 session, as well as in the work of the Working Group on the issue of Human Rights and Transnational Corporations and other business enterprises (also known as the Working Group on Business and Human Rights), established by the United Nations Human Rights Council through Resolution A/HRC/RES/17/4 of 7 June 2011.
- Adopt a national action plan on business and human rights along with a budgeted action plan, with the participation of the CHRC.

Paragraph 2.- Recommendations Addressed to Individuals, Businesses, and Employer Syndicates

To individuals, businesses, and employer syndicates, the CHRC formulates the following four recommendations:

- Respect and ensure compliance with the existing laws and regulations that guarantee the rights of workers in contractual provisions offered to them and in their implementation.
- Specifically, respect the rights of workers, including domestic staff, to social security by ensuring their affiliation with the National Social Insurance Fund (CNPS) and consistently and faithfully paying their contributions.
- Ensure rigorous compliance with health and safety standards in the workplace.
 - Take into account the responsibility that companies have under the United Nations Guiding Principles on Business and Human Rights (Ruggie Principles) in their interventions.

Civil and political rights are a class of human rights also known as “*freedom rights*”. Historically, Civil and Political Rights have led to the recognition of the individual and his or her freedoms, especially through the exercise of citizenship and the protection of physical integrity. They protect people’s individual freedoms against infringement by governments, corporations, social organisations and private individuals; they guarantee the possibility for everyone to participate in the civil and political affairs of society and the State without discrimination or repression.

Civil rights include protection of physical and mental integrity, life and security; hence, the prohibition of torture and slavery, protection from all forms of discrimination based on ethnicity, gender, nationality, colour, sex, religion or disability; as well as individuals’ right to an identity, to citizenship, but also to privacy, freedom of thought and conscience, and freedom of expression, religion, press, assembly and movement.

The term “*political rights*” can be understood in two different senses. In an objective sense, it refers to the legal systems that structure, guarantee and ensure the harmonious functioning of political institutions in a State governed by the rule of law. These include constitutional law, electoral law and parliamentary law. However, the term “*political rights*” is used here in a subjective sense, to refer not to a set of rules that are binding on individuals, but to the rights that individuals possess in a personal capacity in the political sphere. In the realm of procedural fairness, political rights include the rights of an accused person, mainly the right to a fair trial and due process, as well as the right of victims to seek redress, the right to participate in civil and political life, also known as the right to participate in the management of public affairs, evidenced in freedom of association, freedom of demonstration, freedom of candidacy and the right to vote.

The state of civil and political rights in Cameroon in 2021 will be assessed in terms of:

- the right to identity, nationality and citizenship (Chapter I),
- the right to security of person and property (Chapter II),
- the right to a fair trial (Chapter III),
- public freedoms (Chapter IV).

CHAPTER I.- RIGHTS TO IDENTITY, NATIONALITY AND CITIZENSHIP

Identity and citizenship are two closely related concepts since to enjoy legal personality and claim the status of citizen, one must show proof of a recognised identity. Identity comprises elements such as name, date of birth, parentage, geographical location, and occupation. These parameters help, at any given time, to distinguish an individual from others, classify him or her in a precise category, confer on him or her the rights that go with the status thus determined, and enable him or her to discharge the corresponding responsibilities.

From birth, every human being has the right to an identity, entitling him or her to a name, parentage and nationality. Citizenship refers to the enjoyment of civil rights linked to nationality. Civil rights, also known as political rights, are the rights, protections and privileges conferred on all citizens by law in their relations with the State, which must protect them from discrimination. Citizens have rights, but they are also subject to duties and the obligation to respect the law in the general interest. Establishing a child's identity and parentage is a prerequisite to acquiring the Cameroonian nationality. On acquiring such nationality, the citizen is entitled to enjoy all his/her civic rights, including the right to participate in the management of public affairs.

The right to identity, the right to marry, the rules governing filiation, guardianship, legal separation, divorce, adoption and paternity, the right to gifts and matrimonial property regimes, the right to participate in the management of the public affairs of one's country, to elect and be elected, to assert parity and equal opportunities, and the right to education and access to all professions, are guaranteed to every citizen. The rights to identity, nationality and citizenship are powers of self-determination vested in every citizen, but they must be exercised within the laws and regulations laid down by the State.

Beyond the legal framework in force (Section 1), this chapter explores the advances and difficulties in achieving the rights to identity, nationality and citizenship (Section 2), before putting forward recommendations for improving the situation (Section 3).

SECTION I.- Legal and institutional framework governing the rights to identity, nationality and citizenship

The rights to identity, nationality and citizenship are enshrined in a body of legal provisions. These include:

- Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972¹³⁷;
- The Universal Declaration of Human Rights of 1948¹³⁸ (Articles 6 and 15);

¹³⁷ See. Law No. 96/06 of 18 January 1996 to revise the Constitution of 2 June 1972, as amended and supplemented by Law No. 2008/001 of 14 April 2008.

¹³⁸ Adopted by the United Nations General Assembly of 10 December 1948.

- 13);
- The African Charter on Rights and Welfare of the Child, 1990 (Article 6)¹³⁹;
 - The African Union Convention on the Protection and Assistance of Displaced Persons in Africa of 2009 (Article 3);
 - The preamble to the 1945 United Nations Charter;
 - The 1954 Convention on the Registration of Stateless Persons (Articles 12, 27 and 28);
 - The 1961 New York Convention on the Reduction of Statelessness (Article 1 et seq.);
 - The 1966 International Covenant on Civil and Political Rights¹⁴⁰ (Articles 24 and 25);
 - Law No. 2011/011 of 6 May 2011 to amend and supplement Ordinance No. 81/002 of 29 June 1981 to organise civil status registration and various provisions relating to the status of natural persons;
 - Law No. 2016/007 of 12 July 2016 on the Penal Code;
 - Law No. 1968-LF-3 of 11 June 1968 on the Cameroon Nationality Code, as supplemented by Decree No. 1968-DF-478 of 16 December 1968 laying down procedures for enforcing the Cameroon Nationality Code and the conditions for loss of citizenship;
 - Ordinance No. 81/02 of 29 June 1981 to organise civil status registration and various provisions relating to the status of natural persons, and Law No 2011/011 of 6 May 2011 to amend and supplement some provisions of the aforementioned Ordinance 29 June 1981;
 - Decree No. 2013/031 of 13 February 2013 on the organisation and operation of the National Civil Status Registration Office (BUNEC);
 - Decree No 87/1115 of 17 August 1987 laying down the procedures for the creation and operation of special civil status registration centres;

In a bid to strengthen its diplomatic and consular relations with other States, Cameroon has signed judicial cooperation agreements for the sharing of civil status registration information between itself and these countries. *The State also gave a prominent place to civil registration in its Growth and Employment Strategy Paper (GESP) adopted in 2010—the aim being to cover the first ten years of Vision 2035, which focuses on accelerating growth, creating formal employment and reducing poverty.* To promote and

¹³⁹ Adopted in July 1990, became effective on 21 November 1999, signed by Cameroon on 16 September 1992, and ratified on 5 September 1997, the ratification instrument having been deposited on 23 June 1999.

¹⁴⁰ Adopted by the General Assembly on 16 December 1966, became effective on 23 March 1976 and accession of Cameroon on 27 June 1984.

protect the right to identity and ensure the security of the Cameroonian nationality, Decree No. 2013/031 of 13 February 2013 on the organisation and operation of BUNEC makes the *latter responsible for the regulation of the civil status registration sector*. Therefore, BUNEC is responsible for combating malpractices by civil registry actors and, above all, fraud in this sector.

The key players involved in the process of issuing birth certificates in Cameroon are:

- health facilities, through their main managers or, failing that, doctors or any person who assisted the mother during childbirth;
- primary registrars (these are mayors and their deputies, heads of diplomatic missions or consular posts and diplomats acting as their deputies, chairpersons and vice-chairpersons of special delegations set up within councils, where applicable, etc.)¹⁴¹ and secondary registrars (citizens appointed by the minister in charge of regional and local authorities to secondary civil status registration centres, after consultation with the territorially competent Senior Divisional Officer)¹⁴², as well as those established by decree of the President of the Republic in the event of war or a serious disaster¹⁴³;
- BUNEC, which is responsible in particular for monitoring and checking that civil status registers are properly kept, and for compiling and managing the national civil registry database¹⁴⁴;
- the courts with jurisdiction in matters of personal registration, when called upon to establish or reconstitute birth certificates in accordance with the law;
- administrative authorities (Senior Divisional Officers and Divisional Officers in particular);
- health facilities;
- traditional chiefdoms;
- churches.

¹⁴¹ *Ibid.*, paragraphs 1 and 4 of Article 7.

¹⁴² *Ibid.*, para. 5 of Article 10.

¹⁴³ *Ibid.*, para. 3 of Article 7.

¹⁴⁴ *Ibid.*, para. 1 of Article 10.

SECTION II.- Advances and difficulties in securing the rights to identity, nationality and citizenship

In 2021, there were still challenges in safeguarding the rights to identity, nationality and citizenship—seen mainly in birth registration and the issuance of secure identification documents attesting to the Cameroonian nationality and enabling their holders to enjoy other civil, political, economic, social and cultural rights, such as the right to education, the right to vote and be elected, and the right to move freely within and outside the country. As a result, Cameroonians were able to exercise their right to nationality, and enjoy their political, economic, social and cultural rights, such as the right to education, the right to vote and be elected, the right to move freely within and outside the country, etc. The State initiated strategies to gradually resolve the nagging problem of lack of birth certificates, which affects millions of people in Cameroon. A rapid and secure system for issuing passports is now in place (Paragraph 1). However, the situation in regions plagued by insecurity is a call for serious concern (Paragraph 2).

Paragraph 1.- Improved access to civil status registration and system for issuing the Cameroonian passport

With the implementation of the agreement signed between BUNEC and the Ministry of Public Health on 18 February 2020, *civil registry offices are gradually being integrated into health facilities*. This, in addition to awareness-raising efforts and other initiatives in this area – has led to a slight decline in the rate of non-registration of births to under-five children, from 34% in 2020¹⁴⁵ to 30% in 2021¹⁴⁶.

At the end of the base year, *Cameroon had 107 civil registry offices integrated into health facilities*, as follows: Far North (59), North (33), East (7), Adamawa (6) and Centre¹⁴⁷ (2) Regions. BUNEC reports having facilitated the issuance of 6,000 court judgements to people without birth certificates, while 11,000 civil status registrars and secretaries were trained over the same period¹⁴⁸.

On 1 December 2021, BUNEC also launched the operation to digitise and index civil registry archives, in order to computerise the registry and align Cameroon with best practice in this area¹⁴⁹.

However, the most significant development in the security of identification documents during the period under review was undoubtedly the operationalisation of the

¹⁴⁵ See CNDHL 2020 Annual Report on the State of Human Rights in Cameroon.

¹⁴⁶ See. Statement by the CHRC to mark the 5th African Civil Registration and Vital Statistics Day on 10 August 2022. p. 4.

¹⁴⁷ BUNEC contribution to CHRC 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁴⁸ *Ibid.*

¹⁴⁹ Operation launched in Mfoundi Division, Centre Region, and in eight councils in the Far North Region. Source: BUNEC, *op. cit.*

National Passport Production Centre, inaugurated on 25 August 2021 in Yaoundé by the Minister of State, Secretary-General of the Presidency of the Republic.

The commissioning of this Centre equipped with cutting-edge technology has truly revolutionised the production of biometric passports in Cameroon. Passports are now available in under 48 hours, following a transparent process, at an admittedly higher cost (CFAF110,000 versus CFAF80,000 previously for the ordinary passport).

This breakthrough has solved the thorny issue of long waiting times for a document which is essential for travelling abroad. With lengthy processing time, avenues for corruption had multiplied and the stakes raised amidst strident complaints from users like the one presented in the box below.

Case No. 9-Monique Nadege Eyimi Bikele versus the State of Cameroon (DGSN, Emi-Immigration Littoral)

On 9 September 2021, the Cameroon Human Rights Commission (CHRC) received a thermocopy of Mrs Eyimi Bikele’s petition requesting its intervention regarding the reimbursement of costs incurred for the issue of passports for her minor children. The applicant stated that she had submitted the correct passport application forms for her three children to the Littoral Emi-Immigration service on 14 June 2021, i.e. before the presidential decree of 17 June 2021, which instituted a new stamp duty of CFAF110,000, effective from 1 July 2021. But after several months, she complained to CHRC Littoral regional office that her children’s passports had still not been produced. She claimed that she had been threatened and intimidated, and that no credible information had been provided to her on the production of the expected passports.

A team from CHRC Regional Office visited the Littoral Emi-Immigration Office in Douala on 16 November 2021 and met Superintendent of Police Gertrude Bikou, who reassured them that notwithstanding difficulties linked to the poor state of production machines and the failure to supply maintenance equipment for these machines, the children’s passports would be available shortly. However, she refuted the allegations of abuse made against her employees.

However, contacted by CHRC Regional Office for an update on the situation at the time of finalising this *Report*¹⁵⁰, the applicant said that her children’s passports were still not available; that she was told *her money had probably disappeared* notwithstanding receipts issued by *Emi-Immigration* when she had submitted the application files; that given the urgency of her first daughter’s trip, she had paid CFAF110,000 for her new passport, a document issued under the new system in place, within 72 hours; that *Emi-Immigration officials had told her to wait until the*

¹⁵⁰ Report dated 14/3/23.

President of the Republic decides whether or not her money should be reimbursed; and finally, that for the time being, the other two children remain without passports because she does not have money to initiate a new procedure to that end.

In following up the case, the applicant revealed that, given the urgency and the silence of authorities to whom she had referred the matter on 9 September 2021, such as the Prime Minister, with a copy to the President of the Republic, she was obliged to again pay stamp duty of CFAF110,000 for each of the three passports. She feels that she has been wronged and wishes to recover the sums initially spent.

CHRC team again visited the Emi-Immigration Office where it learned about Press Release No. 28/COM/DGSN/SG/DPF/S signed by the Delegate General for National Security on 25 May 2023 calling on Cameroonians in a similar situation to the applicants to re-register online free of charge to have their passport issued.

Based on this press release, we may conclude that the case will soon be resolved. While this initiative by the Government is to be applauded, it is important to note that the press release is silent on the situation of people who had already paid stamp duty at the old rate and who, out of necessity, agreed in spite of themselves to also pay the rate in force, without a refund of sums paid initially. CHRC Regional Office intends to bring this situation to the attention of the Police Superintendent at the head of the Emi-Immigration office for the Littoral.

Paragraph 2.- Challenges in issuing and reconstituting identification documents: Case of the South West Region in the context of insecurity

During the year under review, although the average rate of civil status registrations was estimated at 70% by BUNEC, which represents a clear increase since 2018 (46.39%)¹⁵¹, there are still major regional disparities. The situation is more alarming in regions plagued by insecurity. Accurate figures are also more difficult to obtain, since civil status registration services are not operational in several localities, particularly in the North West and South West.

During the year under review, *1,600,000 children enrolled in nursery and primary school had no birth certificate* nationwide, including 400,000 in the Far North, 210,000 in the Centre and 295,000 in the Littoral¹⁵². These figures remain preoccupying, *although showing a slight reduction versus the previous year, when there were 1,785,668 nursery and*

¹⁵¹ See BUNEC Contribution to *CHRC 2021 Annual Report on the State of Human Rights in Cameroon, op. cit.*

¹⁵² See Statement by the CHRC to mark the African Civil Registration and Vital Statistics Day, published on 10 August 2022, p. 4.

primary school pupils without birth certificates, 808,609 of them in the three northern regions¹⁵³.

The procedure for issuing a judgment of a substitute birth certificate – the means under the laws in force to remedy the millions of births not registered within the statutory time limits – poses one problem: its exorbitant cost amounting to CFAF40,000 to CFAF150,000 or even CFAF200,000 per person or per child. This perpetuates the risk of statelessness for the poor, uneducated people who often live in isolated areas, and are most affected by the problem of non-registration of births in time.

Added to this general picture are increasing insecurity problems, which further complicate the situation for these people trapped by terrorist attacks, who see their homes burnt down, their property looted or who have to flee to save their lives.

In the South West Region, for example, CHRC Regional Office has observed that during the year under review, babies were born while their parents were fleeing to safer places; houses were burnt down along with their inhabitants' civil status documents; people were killed and no death certificate was issued; school report cards were lost; land and other property titles were lost. All of these situations require the reconstitution or issuance of new documents.

It has been possible for some people in this region to enjoy their right to an identity, because the issuing services were not operational in most localities. The secessionist terrorists had either burnt down civil status registration centres, or the registrars had fled for their lives. As some courts needed to issue judgments of a substitute birth certificate were not operational, there are children in schools without birth certificates (over 6,740 primary school pupils without birth certificates versus 15,573 enrolled, according to BUNEC Regional Office for the South West).

The administration's commendable initiative to move civil registry centres to safe areas has not produce the expected positive effects, as the population had moved from these to other areas, or the beneficiaries did not know where the registries had been moved to.

The CHRC Office and its affiliated CSO, the *Association for Release of Prisoners*, have identified over 500 people living between Muyuka, in Fako Division, and Mbonge, in Meme Division, South West Region, who need civil status documents such as birth certificates or the reconstitution of lost marriage certificates. All attempts by the Field Office and its partner CSO to *get the administration to comply with the stipulations of the Kampala Convention on Displaced Persons in Africa*, which are consistent with Section 26 of the 2011 law amending and supplementing certain provisions of the 1981 Ordinance, have been futile. However, the team is continuing to look for solutions.

¹⁵³ See CNDHL 2020 Annual Report, *op. cit.*

The situation of internally displaced persons (IDPs) was also a major concern for the Field Office. Reports from numerous affiliated civil society organisations (CSOs) affiliated to the Field Office raised the issue of lost identification documents and, consequently, the fear of loss of citizenship by IDPs. In towns like Mamfe, Kumba, Buea and Limbe, where victims of the unrest in the region have taken refuge, there have been reports of harassment and detention by the police and gendarmerie for non-possession of a national identity card or birth certificate.

These people had lost their civil status documents when fleeing during clashes between the army and secessionist groups, or when their homes were burnt down. The main problem is that most courts have asked these displaced persons to return to their place of birth to have their lost birth certificates reconstituted. Unable to return to insecure areas, displaced persons find themselves trapped in a cycle of arrest, detention and extortion to be released (“bail”) by police and gendarmes.

Worse still, most displaced persons are not registered with humanitarian coordination centres set up by the authorities at the divisional level. These services are supposed to keep a record of all the displaced people in the towns they serve. Unfortunately, this is hardly the case, and the services visited by the Office were found to have been closed since March 2020.

Faced with the distress of IDPs, the Office continued to advocate for the application of the provisions of the Kampala Convention, ratified by Cameroon on 6 April 2015 and whose instruments of ratification were deposited on 24 May 2017, especially the articles relating to States Parties’ responsibilities towards displaced persons, in particular Article 13 on the registration and guaranteed establishment of civil status documents for the benefit of internally displaced persons.

CHRC also deplores the fact that insecurity has brought BUNEC activities in the South West Region to a virtual standstill, making it impossible to obtain accurate and regularly updated statistics on birth registration in this Region.

SECTION III.- CHRC observations and recommendations on the rights to identity, nationality and citizenship

Before presenting CHRC recommendations on the rights to identity, nationality and citizenship (Paragraph 1), the related observations will be highlighted (Paragraph 2).

Paragraph 1.- CHRC observations

- Although civil status registration is organically well-structured, its functioning remains subject to improvement and the services provided by the State are very

inadequate to meet public demand for the normal establishment of civil status records or their reconstitution by exceptional means;

- the issue of a secured civil registry remains a call for concern. The State and non-state actors involved – the Ministry of Justice, the Ministry of Territorial Administration, the General Delegation for National Security, the Ministry of External Relations, BUNEC and CSOs – are still far from responding satisfactorily to the needs of citizens;
- without operational mapping, related issues such as the electoral roll, demographics, internal migration and land occupation continue to be social time bombs.

Paragraph 2.- CHRC Recommendations

- there is an urgent need to update the legislation on civil registration, by removing structural barriers such as the costs relating to judgments of substitute birth certificates and any other procedures linked to the issuance of birth certificates;
- the setting up of civil registry offices in health facilities, begun by BUNEC, should be extended throughout the country;
- local campaigns for the issuing of birth certificates or judgements of substitute birth certificates should be conducted free of charge in the most remote areas of the country;
- it is urgent and desirable to set up a system similar to that for issuing passports within 48-72 hours to issue the National Identity Card, the most common identification document whose non-possession is an offence punishable by law;
- Diplomatic missions and consular posts should be instructed to prepare an exhaustive inventory of the situation in their respective jurisdictions;
- an operational, computerised and secure national map of civil status centres should be drawn up;
- breaches of citizenship and civil status should be punished more severely.

CHAPTER II.- RIGHT TO PERSONAL SECURITY AND PROPERTY

According to Barrister Henri Leclerc¹⁵⁴,

Safety is a fundamental right and one of the conditions for the exercise of individual and collective freedoms. The State has a duty to ensure security by ensuring the defence of national institutions and interests, respect for the law, the preservation of peace and public order, and the protection of persons and property throughout the territory of the Republic¹⁵⁵.

The right to security therefore implies an obligation on the part of the State to take the necessary measures to protect the life and physical and moral integrity of people on its territory. Measures should not only be taken to protect the individual whose life could be threatened by the actions of others, but to establish a legal and institutional framework to deter all forms of attacks on people and property, based on mechanisms designed to prevent, prosecute or punish cases of violation¹⁵⁶. It is worth noting that this obligation has to do with means and not results. The state of this right in 2021 shall be presented, in terms of the related legal and institutional framework (Section 1), violations observed in the country (Section 2) and the recommendations to the authorities (Section 3).

SECTION I.- Legal and institutional framework governing the right to personal safety and property

The provisions relating to personal security and property are enshrined in the preamble to the Constitution¹⁵⁷ of the Republic of Cameroon and in other African and universal human rights instruments ratified by Cameroon. The right to security is enshrined in the preamble to Cameroon's Constitution of 18 January 1996 in the following terms: *“Freedom and security shall be guaranteed to each individual, subject to respect for the rights of others and the higher interests of the State”*. The same Preamble protects the right to life and the right to physical and moral integrity as follows: *“Every person has a right to life, to physical and moral integrity and to humane treatment in all circumstances”*. With regard to the right to security of property, the country's fundamental law states that *“ownership shall mean the right guaranteed to every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and*

¹⁵⁴ Former member of the Paris Bar Council since 14 December 1955, Maître Henri LECLERC was chair of the *Ligue française pour la défense des Droits de l'homme et du citoyen* from 1995 to 2000, <https://www.france-avocat.net/avocat/maitre-henri-leclerc/> or <https://www.babelio.com/auteur/Henri-Leclerc-II/436707>, accessed on 4 September 2023.

¹⁵⁵ See Henri Leclerc, *« De la sûreté personnelle au droit à la sécurité »*, *Journal du droit des jeunes* 2006/5, No. 255, p. 8

¹⁵⁶ See Xavier DUPRE de BOULOIS, *« Existe-t-il un droit fondamental à la sécurité ? »*, *Chronique classée des Théories des Droits fondamentaux, Revue des Droits et libertés fondamentaux*, No. 13, 2018, www.revuedlf.com/droit/fondamentaux/existe-t-il-un-droit-fondamental-a-la-securite/, accessed on 16 May 2021.

¹⁵⁷ See Law No. 96/06 of 18 January 1996 to revise the Constitution of 2 June 1972, as amended and supplemented by Law No. 2008/001 of 14 April 2008.

subject to the payment of compensation under conditions determined by law". The Penal Code of Cameroon also protects life and physical and moral integrity: murder (Section 275), capital murder (Section 276), grievous harm (Section 277), simple harm (Section 280), slight harm (Section 281), desertion of incapable (Section 282), failure to assist (Section 283) and unintentional killing and harm (Section 289).

Other African and universal instruments protect the right of persons and property.

As far as personal security is concerned, it is included in the

- the Universal Declaration of Human Rights (Article 3);
- Article 6¹⁵⁸ of the African Charter on Human and Peoples' Rights;
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa¹⁵⁹ (Article 4);
- Article 9 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;
- the International Covenant on Civil and Political Rights (Article 9)¹⁶⁰;
- the Convention on the Elimination of All Forms of Racial Discrimination¹⁶¹ (Article 5);
- the Convention on the Rights of Persons with Disabilities and its Optional Protocol¹⁶² (Article 14).

With regard to ownership, it is protected by:

- the Universal Declaration of Human Rights (Article 17);
- the African Charter on Human and Peoples' Rights (Articles 14 and 21);
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 6).
- the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5);
- the Convention on the Elimination of All Forms of Discrimination against Women (Article 16);
- the Convention relating to the Status of Refugees¹⁶³ (Article 13).

¹⁵⁸ Article 6 of the African Charter on Human and Peoples' Rights (ACHPR) states that "every individual shall have the right to liberty and security of his person".

¹⁵⁹ Ratified by Cameroon on 13 September 2012

¹⁶⁰ Article 9(1) of the International Covenant on Civil and Political Rights of 10 December 1966, ratified by Cameroon on 27 June 1984, recognises that every individual has the "right to liberty and security of person".

¹⁶¹ Ratified by Cameroon on 24 June 1971.

¹⁶² Ratified by Cameroon on 28 December 2021.

¹⁶³ Adopted on 29 October 1961.

At the African and universal levels, the right to life is enshrined in the following instruments:

- the African Charter on Human and Peoples' Rights (Article 4);
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 4);
- the African Charter on the Rights and Welfare of the Child (Article 5);
- the Universal Declaration of Human Rights (Article 3);
- the International Covenant on Civil and Political Rights (Article 6).

The State's duty to protect the right to life includes the prohibition of arbitrary executions by agents of the State. The United Nations Human Rights Committee succinctly stated this in its General Comment No. 6 of 30 April 1982 on Article 6 (right to life) of the International Covenant on Civil and Political Rights as follows:

[t]he protection against arbitrary deprivation of life, which is expressly required in the third sentence of Article 6(1) is of paramount importance. The Committee considers that States Parties must take measures not only to prevent and punish criminal acts involving deprivation of life, but also to prevent their own security forces from arbitrarily killing individuals. The deprivation of life by State authorities is an extremely serious matter. Legislation must therefore strictly regulate and limit the cases in which a person may be deprived of life by these authorities.

With regard to the African Commission on Human and Peoples' Rights, its General Comment No. 3 on the African Charter on Human and Peoples' Rights¹⁶⁴ reads as follows:

The State is responsible for murders committed by private individuals, for which the authorities have not adopted any preventive measures, opened investigations or initiated adequate prosecutions. These responsibilities are heightened when an observable pattern has been neglected or ignored, which is often the case when it comes to mob justice, gender-based violence, femicide or harmful practices. States must adopt all necessary measures to effectively combat, prevent and eliminate all such patterns or practices.

SECTION II.- The many breaches observed in the country

During the year under review, there were a number of cases of attacks on life and property (Paragraph 1), and on physical and moral integrity (Paragraph 2).

Paragraph 1.- Violations of the right to life and the right to security of property

In 2021, numerous violations of the right to life were recorded, including cases of “*mob justice*” (A), suspicious deaths (B) and other violations of the right to life brought before the judicial authorities (C). Other violations, which resulted in significant material

¹⁶⁴ Right to life (Article 4).

(E) and terrorist attacks against civilians (F).

A-Mob justice

“Mob justice” is the practice whereby a group of people or a mob take the law into their own hands by beating up a person suspected of having committed a crime or offence. In some cases, the suspect is beaten to death or simply burned alive.

During a seminar organised on 5 August 2010 in Yaoundé by the erstwhile National Commission on Human Rights and Freedoms (CNDHL) to raise awareness among human rights stakeholders of this phenomenon and respect for the law and human life, it was observed that *the resurgence of “mob justice” in society was attributable to the corruption of the country’s judicial system*¹⁶⁵.

During the year under review, as in the previous year, the practice of mob justice was commonplace. From January to December 2021, CHRC recorded 20 cases of mob justice, including three in the Centre Region, five in the Littoral Region, six in the North Region, five in the North West Region and one in the South West Region. The table below summarises some of the most salient cases involving violations of the right to life.

Table 9.- Some cases of mob justice involving violations of the right to life

No.	Summary of allegations
1.	A commercial motorbike rider was burnt to death for fraudulently stealing a motorbike belonging to someone else in Poupoure-Garoua on 6 January 2021.
2.	Two individuals were lynched for unlawfully breaking into a shop in Nkwen-Bamenda on 24 April 2021.
3.	A young man was lynched for unlawfully breaking into a shop in Nkwen-Bamenda, on 21 September 2021.
4.	A young man was lynched in Douala on 5 October 2021 after having been recognised as a reputed assailant in one of the city’s neighbourhoods.
5.	A gendarme was lynched for inadvertently shooting a little girl on her way to school in her mother’s car after she refused to stop at the checkpoint, while driving a vehicle suspected of being used by secessionists to stock up on arms and other equipment in Buea on 14 October 2021.

Source-OIA – CHRC, 2021

Mob justice can in no way be justified because it not only infringes, the right to life of its victims, but it also violates the rule of law, including the right to equal protection of

¹⁶⁵ See [https:// cameroonpostline.com/mob-justice-blamed-on-corrupt-legal-system](https://cameroonpostline.com/mob-justice-blamed-on-corrupt-legal-system) (accessed on 6 November 2021).

or when the perpetrators and accomplices of these atrocities are not identified and brought to book. It also violates the victims’ rights to physical and moral integrity, and to a fair trial, as well as their right to not be subjected to cruel, inhuman or degrading treatment, etc. – rights that are guaranteed by the provisions of the applicable legal framework in Cameroon, as described at the beginning of this chapter.

B-Suspicious deaths

Suspicious deaths are emblematic deaths whose causes or circumstances appear obscure.

In 2021, several cases of suspicious deaths were reported in some localities, as shown in the table below.

Table 10.- Cases of suspicious death

No.	Summary of what happened
1.	The bodies of two children, Archange Djuikem and Abdou Ibrahim, were pulled out from a well on 7 January 2021. The incident took place in Matsah, a village in Babete, Babadjou Sub-Division, West Region. According to local residents, the bodies of the two children aged 2 and 3 were found not far from the family home. After several hours of fruitless searching, their mother raised the alarm and the bodies of the two children, who had been missing all day, were found in a neighbour’s well.
2.	The mortal remains of a French teacher were discovered in Ocean Division, South Region, on 30 January 2021 (Report for the 1st half of 2021 from CHRC Regional Office for the South).
3.	A student of Chadian nationality, enrolled in sociology at the University of Maroua, was found dead with a rope around his neck in his room in the Palar district of Maroua on 23 March 2021, at around 6:40 a. m.
4.	The body of a man in his 50s was found in the early hours of 3 April 2021 on the banks of a small stream in the town of Bafoussam, West Region.
5.	In April 2021, four people, including three children, drowned in the Benoue river. Among those concerned, there was one in his twenties and disappeared on 24 April 2021. His body was found on Monday 26 April 2021, after several searches by his family. The three children were aged around 10 years. The Northern Regional Office got wind of the case. The authorities have taken measures to raise awareness among people who come to bathe at this site.
6.	The body of a 12-year-old girl was found hanging from a tree in the grounds of the <i>Saint Theresa of the Infant Jesus Cathedral</i> in Garoua, North Region, at around 2:00 p. m. on Friday 27 August 2021. According to eyewitnesses, the young girl, who regularly helped her mother, a grilled fish seller, told her mother that she was going to relieve herself in the

toilet next to the Cathedral wall. A member of the health staff found that the victim had been raped.

Source-OIA – CHRC, 2021.

While suspicious deaths are always systematically investigated by the appropriate agencies, the results of such investigations are sadly not always made public, which leads to doubt about the arrest or punishment of the perpetrators.

The police and gendarmerie officers responsible for these investigations often complain to the families concerned about a lack of material and financial resources (for example, fuel for vehicles), or use this as an excuse to demand from them sums of money that are not always unjustifiable to continue the investigations. As a result, unless the administrative and judicial authorities take a particular interest therein, cases involving relatives of poor families who lose their lives in unclear circumstances are rarely solved.

C-Other violations of the right to life

The table below summarises other types of violation of the right to life brought before the judicial authorities in 2021. The data presented add to the indicators of the level of violence and insecurity in Cameroon as a whole, and should raise the alarm on these disturbing developments.

Table 11.- Offences constituting violations of the right to life known to the judicial authorities in 2021

Offences	No. of investigation reports received	No. of procedures opened		No. of persons sentenced	No. of acquittals	No. of victims				No. of victims having benefitted from damages	Offenders	
		At the judicial enquiry stage	Before the courts			M ¹⁶⁶	W	Children			Number of law enforcement officers (Specify offender's status: magistrate, police officer, gendarme, prison administration staff, court officer)	No. of people with authority over the victim (family relation, subordinate relation)
								B	G ¹⁶⁷			
Capital murder	362	243	219	87	32	165	49	12	05	40	00	05
Murder	428	271	237	97	41	206	40	19	01	26	00	15
Unintentional killing and harm	1 041	163	937	457	56	661	217	93	35	212	00	39
Assault occasioning death	346	139	120	96	40	115	28	06	01	19	02	04

In other cases, violations of the right to life are accompanied by destruction of property and, sometimes, physical and moral harm, such as those caused by road accidents and fires, as well as attacks by *Boko Haram* terrorists in the Far North and secessionist terrorists in the North West and South West Regions.

¹⁶⁶ M: Men; W: Women; C: Child.

¹⁶⁷ B: Boy; G: Girl.

D-Road accidents

Personal safety also means respecting road users’ right to life and physical integrity. In 2021, there were recurrent allegations of violations of the right to life and physical integrity caused by road accidents. According to Ministry of Transport data¹⁶⁸, over 3,000 people were killed in road accidents in Cameroon in 2021. In addition, road accident statistics from 2011 to 2019, compiled by the National Gendarmerie and published by the Minister of Transport, are as follows:

- in 2011, 3525 accidents with 1588 deaths;
- in 2012, 3327 accidents with 1187 deaths;
- in 2013, 2997 accidents with 1160 deaths;
- in 2014, 3065 accidents with 1081 deaths;
- in 2015, 2896 accidents with 1091 deaths;
- in 2016, 2954 accidents with 1241 deaths;
- in 2017, 2341 accidents with 929 deaths;
- in 2018, 1898 accidents with 782 deaths;
- in 2019, 1533 accidents with 627 deaths.

These alarming figures can be explained by speeding (35%), vehicle condition (17%), drunk-driving (10.5%), lack of control of the steering wheel (10.5%), road conditions (10%), poor overtaking (7%) and other causes (10%)¹⁶⁹.

Hopefully, after analysis of these causes, a more appropriate road safety strategy will be devised and implemented, to better protect road users’ right to life.

The following table presents a few serious cases.

Table 12.- Some serious cases of serious road accidents reported

No.	Summary of what happened and measures taken by CHRC
1.	On the night of 8 to 9 January 2021, four people were killed in a violent road accident at the entrance to the town of Fouban, capital of the Noun Division in the West Region. A pick-up belonging to the town’s gendarmerie violently collided with a taxi. Several people were also seriously injured in the accident.
2.	A serious accident that occurred on 27 January 2021 claimed the lives of 53 people at the “Dschang Cliff”. Of the 53 charred bodies, 36 were placed in Penka Michel district hospital mortuary, 13 were taken to the Bafoussam Regional Hospital mortuary, while four identified bodies were buried directly by the families.

¹⁶⁸ See contribution of the Ministry of Transport to CHRC 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁶⁹ Ibid.

3.	A road accident occurred on the Mbe cliff, in Vina Division, Adamawa Region, at around 4:00 p. m. on 15 February 2021. A 70-seater bus belonging to a local public transport agency negotiated an overtaking manoeuvre incorrectly and ended up on its side. The provisional toll at the time of the accident was six dead and around thirty injured who were treated at the Ngaoundere Regional Hospital.
4.	On 8 April 2021, five people died in a road accident at Piko on the Mandjou-Batouri road. Ali Youssouf, a driver who was speeding and trying to avoid a pothole, collided with a Toyota Land Cruiser. Five people were killed. The Toyota Carina E involved in the accident was damaged beyond repair.
5.	On 15 April 2021 in Massaga, a locality on the outskirts of Maroua, a vehicle with registration number LT 209 BV, leaving the Domayo neighbourhood with passengers on their way to a religious ceremony, crashed, killing two people, aged around fifty and forty. The driver was seriously injured and taken to the Maroua Regional Hospital.

Source-OIA – CHRC, 2021.

Following the tragic accident on the Dschang-Douala road that claimed 53 lives and left 29 seriously injured, mentioned above, the erstwhile National Commission on Human Rights and Freedoms issued a press release¹⁷⁰ on 27 January 2021. It noted that “*the poor state of some of our roads, which are poorly maintained, and the lack of road signage in some places are factors contributing to the increase in road accidents*”. The Commission then invited:

- the Government to take robust measures to ramp up road safety checks and controls on the use and transportation of dangerous products, ensure that the statutory penalties for road offences are enforced, carry out ongoing road maintenance and raise awareness among road users of the need to comply with the Highway Code and behave responsibly;
- road users to be more responsible and comply strictly with the legal provisions in force, in particular the Highway Code and the specific texts governing road transport.

Some measures taken by Government to curb road accidents

In order to reduce the number of road accidents and their implications for the right to life, physical integrity and personal safety, the Government has adopted measures ranging from capacity-building seminars for law enforcement personnel to the construction and rehabilitation of road infrastructure, the design of road accident prevention tools and the

¹⁷⁰ See *Compendium* of Statements and Press Releases of the National human Rights Institution of Cameroon published in 2021.

initiatives include¹⁷²:

- With funding from the Government and the European Union, the International School for Security Forces (EIFORCES) trained 400 law enforcement officers and civil society actors in road accident prevention, control, repression and emergency relief during the period under review;
- from 29 March to 1 April 2021, the same structure trained 34 civil-military agents in post-accident rescue and medical care;
- on 27 September 2021, the Government launched the Intercity Transport Management and Monitoring Project, an AI-based tool aimed at reducing the rate of road accidents caused by the human factor on the Douala-Yaoundé, Douala-Bafoussam and Yaoundé-Bafoussam roads; The pilot phase of the project, which lasted two months and during which 400 vehicles were fitted with a remote monitoring system, helped to identify the main risks of accidents, as well as to limit malpractices such as speeding, driving under influence or fatigue, overloading, driving without a driver's licence, the absence of a roadworthiness certificate and the use of mobile phones at the wheel;
- the Ministry of Transport (MINT) organised the traditional road safety campaign during the period of high mobility before the start of the new school year and a special road safety campaign covering the period from 10 September 2021 to 28 February 2022; joint teams (MINT/DGSN; MINT/National Gendarmerie) were deployed on roads throughout the country, equipped with control equipment like speed cameras, chemical and electronic breathalysers and digital applications for authenticating transport documents (roadworthiness stickers, driver's licences, registration certificates, etc.). Permanent control units and a central unit have been set up to coordinate actions and centralise information;
- In December 2021, EIFORCES organised a training session for 23 police and gendarmerie officers, focusing on the global and African road safety environment, the continental challenges of the road safety action decade 2021-2030, the design and analysis of road statistics and the specific features of rural areas.

E-Fires

Numerous cases of serious fires resulting in loss of life – *mostly children* – and material damage were also recorded, as shown in the table below.

¹⁷¹ See. Contribution provided of MINJUSTICE to CHRC's 2021 Annual Report on the State of Human Rights in Cameroon-

¹⁷² Data provided by MINJUSTICE.

Table 13.- Cases of serious fires

N°	Summary of what happened and measures taken by CHRC
1.	On 12 February 2021, a fire broke out at 1:40 a. m. in Dschang, Menoua Division, West Region, in a house located at B Market, killing three girls aged 7, 3 and 2.
2.	At around 4:00 p. m. on 23 March 2021, not far from the <i>Monique&t Niat's</i> school, a fire consumed the ground floor of a tenement building. Clothing, personal documents and many other items of furniture belonging to the tenants living in the building were reduced to ashes.
3.	The vehicle of the Minister of State, Minister of Justice, Keeper of the Seals, caught fire in front of his office. From information gathered from Mrs Feh Helen Galega, General Secretary of the said Ministry, by a team from the OIA Unit who rushed to the scene, it appears that this fire occurred on 1st April 2021, and that it was intentionally caused by an individual who was subsequently arrested by the Police. It also appears that the Minister of State's vehicle, registration number CE 3628 R, was set on fire using fuel, a homemade explosive and fuel. As the car park of the Minister of State was closed, the arsonist threw his explosive at the vehicle through the gate before setting it off. He then continued to set fire to and damage other vehicles parked outside the car park of the Minister of State before being apprehended and brought under control by the police. According to the General Secretary, investigations were immediately opened to determine the motives of the person concerned and his mental state.
4.	A fire on the night of 24 April in the Etoudi district of Yaoundé, at "sixième", caused extensive damage. Two second-hand shops, a bar, several electronic appliance shops and a car parts shop were consumed.
5.	A serious fire broke out on 22 May 2022 in Douala, in the Bepanda area of Descente Intac, completely engulfing four children aged 17, 8, 5 and 2 years.
6.	On 25 August 2021, a fire at the Brazzaville Government Bilingual High School in the Douala 3rd district claimed the lives of six children. The victims were occupants of a house that was completely consumed by flames in the absence of their mother, who had left earlier to pursue her commercial activities.
7.	On 13 and 14 September 2021, several homes were gutted by flames following a fire in the New-Bell neighbourhood, in the Douala 2 district, at around 10:00 pm.

Source-OIA – CHRC, 2021.

F-Attacks on civilians in regions suffering from insecurity

In 2021, Boko Haram and secessionist terrorists continued to carry out attacks targeting civilians or in which civilians were killed. The table below shows the main terrorist attacks causing civilian casualties in 2021.

Table 14.- Main terrorist attacks causing civilian casualties in 2021

1.	On 6 January 2021, secessionist terrorists attacked the motorcade of the SDO of Momo Division, Mr Benoit Foua Etaba Nicaise, at around 1:00 a. m., 15 kilometres from Mbengwi, the headquarters of Momo Division, North West Region.
2.	The bloody attack that took place on 7 and 8 January 2021, following an incursion of rare barbarity carried out by terrorists of the <i>Boko Haram</i> Islamist sect in Mozogo, headquarters of Mayo-Moskota Sub-Division, Mayo Tsanaga Division, Far North Region. According to survivors, it was around midnight that the assailants burst into Mozogo, opened fire and began setting fire to compound houses, causing loss of life. In the meantime, a female suicide bomber infiltrated the population and blew herself up, causing more deaths. The death toll rose to 12, including 11 civilians and the female suicide bomber.
3.	Jean Fidi, a native of Mandoussa in the Mayo-Moskota Sub-Division and a student at the University of Ngaoundere, had his throat slit by Boko Haram terrorists on the night of 1 to 2 February 2021.
4.	On 12 February 2022, at around 3:00 a. m., in the locality of Amchide-Ouro-Dole, fighters from the Boko Haram Islamic sect murdered Goni Idrissa, a man in his seventies, in his compound.
5.	The assassination of traditional chiefs Formin Nkengncha Benedict of Ndung Ngho village, Forzizong of Mbrah village and Fualeasuoh Peter of Aleshesuoh village in the South West by secessionist terrorists on 13 February 2021.
6.	The Boko Haram attack on 24 March 2021 in Houza-Zarwa (Kolofata), Far North Region, resulted in the death of three civilians.
7.	The attack on the Soueram military camp on 2 April 2021 by Boko Haram terrorists resulted in the death of three civilians.
8.	The attack on Gouzoudou (Kolofata) in the Far North Region on the night of 13 to 14 April 2021 by unidentified gunmen resulted in the deaths of three civilians.
9.	The murder of Atambu Muluh Alfred and Cho Pius Asobo in Mankon on 30 April 2021. Investigations by CHRC North West Regional Office reveal that the victims were shot dead by terrorists for refusing to get on their motorbikes.

	Therefore, this was an attempted kidnapping that ended in murder. The bodies of the two victims were taken to the Bamenda Regional Hospital mortuary by the police.
10.	On the night of 23 to 24 August 2021, heavily armed alleged members of the Boko Haram terrorist group burst into Malika village, Mora Sub-Division, on motorbikes, taking the lives of two people.

Source-OIA – CHRC, 2021.

Following the attacks perpetrated in Mozogo and Mbengwi on 6, 8 and 9 January 2021, the erstwhile National Commission on Human Rights and Freedoms issued a press release on 14 January 2021 condemning “*these atrocities which can in no way be justified*”. The Commission also encouraged “*the populations, particularly those of the Far North, North West and South West Regions, to cooperate fully with the defence and security forces in the preservation of territorial integrity, the protection of persons and property, and the protection of State institutions*”.

Paragraph 2.- Violations of physical and moral integrity and repressive measures of the authorities

Violations of physical and moral integrity include some of the most serious and dehumanising human rights violations, such as torture and cruel, inhuman and degrading treatment, these are covered by a universal treaty and are monitored by dedicated international and national mechanisms¹⁷³, such as national mechanisms for the prevention of torture (NMPT), including Cameroon’s NMPT, lodged in CHRC, as part of the transformation that the country’s NHRI has undergone through the 2019 law.

By definition, torture is committed by a public official or any other person acting in an official capacity, at his instigation or with his express or tacit consent, with the aim of extracting a confession or information from a person¹⁷⁴. This practice is often perpetrated on individuals as part of another attack on their physical and moral integrity, namely enforced disappearance (A).

Cruel, inhuman and degrading treatment is also perpetrated by persons vested with State authority, sometimes through arbitrary or abusive arrest and detention (B). They are also often perpetrated by non-State actors such as terrorist groups who kidnap and maltreat people and demand ransoms for their release (C).

During the year under review, there was also an upsurge in attacks on the moral integrity of individuals via social media, evidenced in the publication of pornographic images exposing their intimacy in broad daylight (D).

¹⁷³ See paragraph 1 *supra*.

¹⁷⁴ Section 277-3 (5) of the 2016 Penal Code.

All these malpractices were denounced by CHRC and a number of cases were brought to the attention of the authorities, who prosecuted and imposed sanctions (E).

A-Enforced disappearance

Under Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, signed by Cameroon on 6 February 2007, the term “enforced disappearance” is understood as,

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by the denial of acknowledgement of the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, thereby placing him or her outside the protection of the law.

This definition is inspired by the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in Resolution 47/133 of 18 December 1992.

Deprived of the protection of the law, victims of enforced disappearance are not only at the mercy of their captors, but are also exposed to torture and deprived of many other rights, including the right to human dignity.

B-Cruel, inhuman and degrading treatment, arbitrary or abusive arrest and detention by public officials

During the year under review, several baseless allegations and verified cases of violations of the right not to be subjected to cruel, inhuman or degrading treatment, committed by agents of the defence and security forces, were recorded, as well as cases of arbitrary or abusive arrest and detention, sometimes with the complicity of traditional authorities. Some of these cases are listed in the table below.

Table 15.- Some cases implicating the defence and security forces

No.	Summary of what happened and measures taken by CHRC
1.	Mr Robert Ngomba was received at the South West Regional Office of the Human Rights Commission on 25 February 2021, to denounce the assault he suffered on 24 February 2021 in his taxi, involving police inspectors Nchong and Oumarou, two of his clients on duty with the South West Judicial Police. Following an argument between the defendants and him about the expected taxi fare, they assaulted him in his taxi, causing an accident. Informed of the situation, the Regional Delegate for National Security in the South West instructed that the suspects be arrested and taken into custody at GMI in Buea. Disciplinary sanctions were meted out. The suspects also paid

	<p>the cost of repairing the victim’s taxi as part of an amicable settlement.</p>
2.	<p>On 20 March 2021, Messrs Bagaou Gadji, Zeyouna and Lakadjo were subjected to inhumane and degrading treatment (slaps, immersion in dirty water, and 300 lashes of the cane) in the Mbandi-Tcharatche chiefdom in the North Region, with the participation of members of the Rapid Intervention Battalion (BIR). They were accused of stealing two mobile phones.</p> <p>The investigations carried out by CHRC Regional Office for the North revealed the following.</p> <ul style="list-style-type: none"> - On 26 March 2021, CHRC referred this case to SEMIL/North, due to the involvement of BIR elements. - On 27 March 2021, the Commander of SEMIL/North dispatched a team to the said chiefdom, to arrest the two BIR elements involved, the village chieftain and Mr Souaibou, the owner of the mobile phones in question. <p>In the follow-up, it turned out that they did not have any identification documents (birth certificate, identity card). They were asked to provide a forensic certificate in order to initiate legal proceedings. Investigations are ongoing.</p>
3.	<p>Alleged improper arrest and detention by the police of seven minors suspected of being involved in the theft of a telephone on 15 May 2021, at around 4:00 p. m. Following the hearing of the plaintiffs, a team from CHRC Regional Office for the North immediately went to the Regional Delegation of National Security for the North on Saturday 15 May 2021 at around 5:00 p. m and the following day, 16 May 2021 at 8:30 a. m.</p> <p>As most of the suspects were candidates for official examinations, in particular the entrance exams into <i>Form 1</i> or 1st year technical high school, scheduled on Tuesday 18 May 2021, the Commander of the North Police of the Police Control Office instructed the Commander of the Special Rapid Intervention Teams (ESIR) to release them before 11.00 a. m. on 17 May 2021, after spending three days in police custody. In response, the main Superintendent of Garoua, to whom the suspects had been transferred by ESIR, released them on their parents’ bail at 2:00 pm.</p>

Source OIA – CHRC, 2021.

To counter the upsurge in violations of the right to physical and moral integrity and the right not to be subjected to torture by members of the defence and security forces, offenders are subjected to disciplinary and criminal proceedings and also sanctioned. The sanctions are both administrative and judicial.

Fourteen disciplinary sanctions were meted out on police officers for misconduct related to human rights violations: two dismissals, five warnings, one delay in promotion, one removal from the promotion list, two downgrades in salary scale and three downgrades in rank¹⁷⁵.

As regards judicial sanctions, the following cases were communicated to CHRC by MINJUSTICE during preparation of this *Report*.

Table 16.- Some cases of judicial sanctions meted on dishonest personnel of the defence and security forces

No.	Summary of what happened
1.	A lawsuit was brought before the Ngaoundere Military Tribunal against Private First Class L.B.D. for the torture and degrading treatment of J.P. on 18 May 2021 at the Koumtchoum checkpoint.
2.	On the night of 15 to 16 September 2021, Cyrille Tchoumi, suspected of theft, was subjected to inhumane treatment by five police officers on duty at the 18th Police District in Yaoundé. The incident was filmed and posted on social media. The defendants were arrested and charged before the Yaoundé Court of First Instance, Administrative Centre, for acts of torture and degrading treatment and sentenced on 6 December 2021 to the following penalties: N.F.J.M. to one month's imprisonment; K.D to two months' imprisonment; A.A.A. to three months' imprisonment; and N.K.M and K.P. to one month's imprisonment each. They were also ordered to pay fines ranging from CFAF25,000 to CFAF45,000.
3.	Proceedings are ongoing before the Bertoua Military Tribunal against M.N.R., M.M.J. and S.J.P. for torture, in parallel with proceedings before the Yokadouma Court of First Instance against L.W. for the same acts ¹⁷⁶ .

C-Violations of physical and moral integrity by terrorist groups

In addition to the atrocities committed by the aforementioned armed gangs, which resulted in the loss of human life¹⁷⁷, these groups have also made a habit of kidnapping civilians, for ransom or otherwise, thereby undermining their physical and/or moral integrity. The table below presents some cases of kidnapping by secessionist terrorists operating in the North West and South West Regions during the year under review.

¹⁷⁵ See Contribution of the Ministry of Justice to the CHRC's 2021 Annual Report on *the state of Human Rights in Cameroon*.

¹⁷⁶ *Ibid.*

¹⁷⁷ See bullet point F at paragraph 1 in this section.

Table 17.- Main cases of kidnapping by secessionist terrorist groups

No.	Summary of facts
1.	On 13 January 2021, armed separatists attacked a transport truck in the village of Bamessing, in the Ndop council area, North West Region, and kidnapped the truck driver and his assistant.
2.	On 15 January 2021, two civilians were kidnapped from their farms at Mbelewa (Bamenda), North West Region, by individuals alleged to be secessionist terrorists.
3.	On 21 January 2021, separatists kidnapped three civilians from a construction site in Nkwen, North West Region, on the grounds that they had not been authorised by the local commander of the secessionist terrorists before starting work.
4.	On 3 February 2021, armed men, alleged to be secessionists, kidnapped three municipal officials in Bamenda, North West Region, while they were closing their stores. A video posted on social media shows the officials sitting on the ground, bare-chested, threatened by their kidnapers who accused them of violating the laws of the imaginary "Ambazonia".
5.	On 12 March 2021, Human Rights Watch reported that armed separatists had kidnapped a doctor on 27 February of the same year in the North West Region and taken him to their camp. Accused of "not having contributed to the cause," he received death threats before being released six hours later after paying a ransom of CFAF300,000 (US\$545) demanded by his kidnapers.
6.	On 13 March 2021, armed men alleged to be secessionists kidnapped a journalist from CRTV Buea, in the South West region, named Fame Bonyui. A video widely circulated on social media shows the helpless captive woman in an unknown place, at gunpoint, begging for her life. She was finally released during the night of 14 March 2021, after paying part of the ransom demanded by her kidnapers.

Source-OIA – CHRC, 2021.

Perpetrators of these abuses are actively sought out by authorities, and when they are arrested, they are tried and sentenced.

On 7 September 2021, the Buea Military Tribunal pronounced its verdict on the case of the 24 October 2020 massacre at *Mother Francisca International Academy* in Kumba, where secessionist terrorists murdered seven children and wounded 13 others.¹⁷⁸ In its

¹⁷⁸ See Contribution of the Ministry of Justice to CHRC 2021 *Annual Report on the State of Human Rights in Cameroon*.

deliberations, the tribunal declared K. P. T., R. L. M., Y. L. and E. K. E. guilty of acts of terrorism, hostility against the nation, insurrection, secession, murder and others, before sentencing them to death by shooting.

D-Violations of moral integrity of individuals via social media

One of the relatively new developments to Cameroonians in 2021 is the distribution of images likely to undermine the moral integrity of victims on social media, since they reveal sexually explicit content. These human rights violations mainly concerned the cases listed in the table below. The offenders of some of these abuses have been punished.

Table 18.- Cases of violation of the right to moral integrity and privacy through social media

No.	Summary of facts
1.	<p>In mid-June 2021, there was posted on social media a video of a young woman taken hostage and tied up by a hooded individual, obviously under the influence of psychotropic substances, who assaulted her and stripped her naked with a knife, uttering death threats towards her.</p>
2.	<p><i>Malika Bayemi</i> case (posting of a sex tape of the young girl), involving a journalist from the Douala-based RSI radio and one of his friends.</p> <p>The two men took pictures of their sexual intercourse with the young girl in the journalist’s office and published them on social media. These pictures quickly went viral on 16 June 2021.</p> <p>At a press briefing on 23 June 2021, the Minister of Women’s Empowerment and the Family condemned this publication saying it tarnishes the image of that particular woman and of all women.</p> <p>On 24 June 2021, a group of lawyers formed on behalf of the young woman brought a complaint for <i>cyber invasion of privacy and obscene publications of sex-related content in complicity on social media</i> before the Douala-Bonanjo Court of First Instance against the two men identified as people behind the filming and distribution of the video.</p> <p>The following day, on 25 June 2021, at a press briefing organised by the journalist incriminated. He apologised “<i>to the victim and to those affected</i>” by the affair, and said that he had nothing to do with that offence, which had allegedly taken place in his absence. As for his friend, he admitted that he had intimate relations with Malika Bayemi.</p> <p>On Wednesday, 7 July 2021, the defendants were questioned at the Littoral Regional Division of the Judicial Police in Douala-Bonanjo. They were held in custody in the Judicial Police on 14 July 2021, and subsequently placed under remand in custody in the Central Prison of Douala on</p>

	16 July 2021. The first hearing took place on Wednesday 21 July 2021 before the Douala-Bonanjo Court of First Instance, during which the defendants' request for release submitted by their counsel was rejected by the court. Pronouncing its verdict in this case on 3 March 2022, the court sentenced the journalist to four months' imprisonment and a fine of CFAF500,000 for being accomplice in the facts alleged against his friend Wilfried Eteki. The latter was found guilty of obscene publications and invasion of the young girl's privacy. He was sentenced to nine months' imprisonment and fined CFAF1,500,000. The two defendants were also ordered to pay the young woman CFAF20,300,000 to compensate the victim for the damage caused to her image, and to cover her proceedings costs.
3.	The video of a stripped naked young woman, assaulted and insulted by a group of individuals accusing her of stealing a cell phone and locks of hair was widely circulated on social media at the beginning of July 2021. The offence took place in a shop in the <i>Nkomkana</i> district of Yaoundé.
4.	A video showing a group of naked young men and women being assaulted by gendarmes in a house in the <i>Bonamoussadi</i> district of Douala was widely circulated on social media on 6 July 2021. The defendants were accused not only of forcing these young people to undress and allow themselves to be filmed without covering their faces, but also of posting the recorded videos on social media. The Minister of Defence immediately ordered MINDEF specialised services to launch investigations against the gendarmes involved for extortion, blackmail, serious invasion of privacy and cybercrime. This investigation led to the arrest of the defendants on 7 July 2021.

Source: OIA-CHRC, 2021.

In reaction to the distribution of these videos, CHRC issued a press release on 7 July 2021 ¹⁷⁹ in which it expressed its “*dismay*” and “*indignation*”, before *strongly condemn[ing] the capturing and spreading, via social media and other digital platforms, of indecent, shocking or violent images and videos, which seriously undermine human dignity, the right to privacy, the right to physical and moral integrity, the right to image, the right to modesty, the presumption of innocence, public decency and morality*”. Recalling the legal provisions that punish such offences, CHRC urged relevant authorities to take steps to prevent such violations, by investigating the allegations and bringing the offenders to justice. This press release was widely commented on and covered by the public and private media, including community radio stations in the country's 10 regions.

¹⁷⁹ *Compendium* of statements and press releases of the national human rights institution in Cameroon in 2021.

E-Sanctions imposed by the authorities against various violations of physical and moral integrity

In 2021, the Judicial Police Department and its regional divisions recorded 1,755 cases of serious crime, for which investigations led to the arrest and referral of certain defendants to the competent courts.

SECTION III.- CHRC Recommendations

Due to the increasing number of “*mob justice*”, road traffic and fire deaths, suspicious deaths, misuse of the media affecting the moral integrity and privacy of individuals, and atrocities committed by the Boko Haram terrorist group and secessionist terrorists, CHRC makes the following seven Recommendations.

To public authorities, the Commission recommends:

- systematically initiating or pursuing in-depth investigations, as appropriate, to ensure accountability, bring suspects before the competent courts and impose sanctions, in accordance with the legal and regulatory provisions in force;
- raising awareness of the responsible use of modern information and communication technologies, to avoid any violation of human dignity and privacy;
- Increasing road safety campaigns and make road users more aware of the need to save lives and property by complying with the Highway Code;
- stepping up campaigns to raise public awareness of the fact that even an alleged criminal is entitled to a fair trial before a competent court, and must therefore enjoy the presumption of innocence.

To parents

CHRC calls on parents, as those “*primarily responsible for the upbringing of children*”, in accordance with the provisions of Article 20 of the African Charter on the Rights and Welfare of the Child, to be more rigorous and vigilant in the supervision of their children, instilling in them values likely to enable them to contribute effectively to the moral wellbeing of society as a whole.

To the population

- The Commission, in its constant didactic approach, recommends *responsible use of the new information and communication technologies*, including refraining from producing, disseminating or relaying of images, texts, videos and other content likely to undermine human dignity, privacy, physical and moral integrity, public morality and decency;

- *to the populations of areas affected by insecurity in particular*, the Commission reiterates its constant appeal to cooperate with Defence and Security Forces to help track down terrorists and other criminals whose actions seriously undermine the rights of peaceful citizens.

CHAPTER III.- THE RIGHT OF ACCESS TO JUSTICE AND THE RIGHT TO A FAIR TRIAL

In a society with a legal order and system for delivering justice, access to justice means equal protection of the law, access to the law and access to the courts. In the Cameroonian context, and in view of our changing judicial system over the course of 2021, we are entitled to ask ourselves the following questions: can all defendants have access to law and courts? If not, how can this dual access be guaranteed? How much does such access cost? Who pays the costs? The right to access to justice, when existing and effectively exercised, gives rise to a trial which must be fair for the credibility of the judicial institution. This right concerns all the preparatory stages leading up to the referral to an established jurisdiction.

The right to a fair trial for its part encompasses a series of human rights which, taken as a whole, ensure the proper administration of justice. It encompasses the entire procedure before the court, from its referral to the effective enforcement of the rendered judgment. In any event, the right to a fair trial includes the right to be judged by an independent and impartial court, with due respect for the fundamental contradiction principle (*audi alteram partem*, meaning “*you shall listen to the other*”) and other rights of the defence.

In a state governed by the rule of law, justice is a genuine tool for development, ensuring peace, security and the protection of human rights. Respect for the right to a fair trial is one of the hallmarks of the rule of law. *Every defendant has the right to access to justice*, which must lead to fair proceedings, including the right to the presumption of innocence, the right to respect for the contradiction principle, the right to an independent and impartial judge, the right to be assisted by counsel, the right to freedom of debate, freedom and immunity of the defence, the right to free assistance, if necessary, of an interpreter, the right to a reasoned judgment, the right to be judged within a reasonable time limit, the right to legal assistance if necessary, the right to effective enforcement of decisions rendered at the end of the trial, etc.

The Cameroonian legislator affirmed its commitment to the rule of law and, consequently, to fair trial guarantees in the preamble to the Constitution of 18 January 1996, which states that “[t]he law shall ensure the right of every person to a fair hearing before the courts”. Other national regulations help to protect this human right. These include:

- Law No. 2016/007 of 12 July 2016 on the Penal Code amended by Law No. 2019/020 of 20 December 2019;
- Law No. 2005/007 of July 27 2005 on the Criminal Procedure Code (including Sections 30, 31, 65, 118, 119, 123, 218, 221, 236, 237, 246, 564, 565 and 566);
- Law No. 2014/028 of 23 December 2014 on the repression of terrorist acts;

of 7 August 1997 laying down certain provisions relating to the Enforcement of Court Judgments.

Cameroon also ratified the relevant regional and international conventions. These include:

- the Universal Declaration of Human Rights, adopted on 10 December 1948 by Resolution 217 A(III) of the United Nations General Assembly, incorporated into the Constitution of 18 January 1996;
- the International Covenant on Civil and Political Rights, adopted on 16 December 1966 by Resolution 2200 A(XXI) of the United Nations General Assembly, which entered into force on 23 March 1976, and to which Cameroon acceded on 27 June 1984;
- the African Charter on Human and Peoples' Rights (ACHPR), adopted on 27 June 1981 by the 18th Conference of Heads of State and Government of the Organisation of African Unity in Nairobi (Kenya), which came into force on 21 October 1986, was signed by Cameroon on 23 July 1987 and then ratified on 20 June 1989 and for which ratification documents were deposited on 18 September 1989;
- Guidelines and Principles on the Right to a Fair Trial and Legal Assistance in Africa, adopted by the African Commission on Human and Peoples' Rights (ACHPR) on 29 May 2003;
- the Principles and Guidelines on Human and Peoples' Rights in the Fight against Terrorism in Africa, adopted by the ACHPR at its 56th ordinary session held in Banjul (Gambia) from 21 April to 7 May 2015;
- Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the ACHPR during its 55th ordinary session held in Luanda (Angola) from 28 April to 12 May 2014.

In order to be effective, the right of access to justice and the right to a fair trial rely on an arsenal composed¹⁸⁰, at national level, of the judicial system, and at African and universal level of various mechanisms and Special Rapporteurs.

Mechanisms include the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the Human Rights Council, the Human Rights Committee and the United Nations Working Group on Arbitrary Detention.

Special Rapporteurs include the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, the Special Rapporteur on the Independence of Judges and

¹⁸⁰ Supreme Court, Appeal Courts, Special Criminal Court, Administrative Courts, Military Tribunals, First Instance Courts and High Courts, 1st Degree Courts.

Lawyers, the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, and others.

During 2021, field visits and investigations carried out by the Cameroon Human Rights Commission (CHRC) revealed that frequent cases of violations of the right of access to justice and the right to a fair trial mainly concern the right to an effective remedy (Section 1), arrests, police custody and abusive detentions (Section 2), as well as the rights to speedy judicial proceedings and the enforcement of court decisions (Section 3). These findings give rise to Recommendations to the relevant stakeholders (Section 4).

SECTION I.- The right to an effective remedy

The “*right to an effective remedy*”¹⁸¹, otherwise known as “*access to justice*”, is a fundamental principle of the rule of law. It gives the opportunity to citizens to be heard or to exercise their Rights before any jurisdiction.

To this end, the Cameroonian legislator developed an effective legal and institutional framework for the right to an effective remedy (Paragraph 1), that enables CHRC to take effective action for its implementation (Paragraph 2).

Paragraph 1.- The legal and institutional framework of the right to an effective remedy

The fundamental nature of the right to an effective remedy is enshrined in the preamble to the Constitution of Cameroon of 2 June 1972, as revised by Law No. 96/06 of 18 January 1996 and Law No. 2008/001 of 14 April 2008, as well as in all domestic laws, in this case the Penal Code, the Criminal Procedure Code, Law No. 2014/028 of 23 December 2014 on the repression of terrorist acts, etc.

Cameroon also ratified the relevant regional and international conventions. Article 8 of UDHR of December 10, 1948 states that “*[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law*”.

By ratifying these international conventions and treaties, Cameroon clearly adhered to the principle of the internalisation of human rights, which gives to the right to an effective remedy the status of a human right, through access to a judge and a court and through the right to an effective remedy.

In a State governed by the rule of law, with a few exceptions, any act or action by the state can be challenged before a court. In an entity governed by the rule of law, the acts and actions of those in power can be appealed before a judge. *The right to an effective remedy* is

¹⁸¹ See Julien Betaille, *Le Droit d'accès à la justice en matière d'environnement*, Presses de l'Université Toulouse 1, Coll. « Colloques de l'IFR », Toulouse, 2016, 389 pp., p. 49.

therefore the cornerstone of the rule of law. It is a fundamental tool for the protection of human rights. It is the first of all procedural rights, the shield and spear of all human rights.

However, despite its force and its many ramifications, the right to an effective remedy is not an absolute right. Like the vast majority of human rights, with the exception of intangible rights which cannot be derogated from, the right to an effective remedy may be subject to limitations. These limitations may be legal or conjunctural.

The right to an effective remedy is generally subject to procedural conditions of a temporal nature. The Cameroonian legislator provided for several cases of limitation of action. For example, all civil proceedings are time-barred after a period of thirty (30) years (Section 2262 of the Civil Code). In the *Common Law* system, reference is made to the *Limitation Acts for the time being in force in England*. In criminal proceedings, no action may be brought after one (1) year from the day following the perpetration of acts characterised as offences, three (3) years for those characterised as misdemeanours and ten (10) years for those characterised as felony (Section 65 of CPC).

Furthermore, the rate of deposits payable to court registry, which is a prerequisite for bringing civil actions, is not likely to encourage defendants to exercise their right to an effective remedy, even in many cases where violations have been proven. Cameroon's Finance Laws (the one for 2021 is no exception) require any defendant before a civil court to pay a deposit of 5% of the amount of the claim. Access to legal assistance requires a sometimes lengthy procedure, and is not at all free of charge due to the documents that must be produced (certificate of non-taxation, certificate of indigence, etc.). Due to all these requirements, many defendants give up, making it impossible for them to exercise their right to an effective remedy.

Over the course of 2021, CHRC carried out a number of actions to give concrete form to the right of claimants to access to justice.

Paragraph 2.- CHRC actions in favour of the right to an effective remedy

During 2021, CHRC in its mission to protect human rights as provided for in Sections 6 and 7 of Law No. 2019/014 of 19 July 2019 relating to the establishment, organisation and functioning of this institution, particularly in the processing of petitions, carried out several actions for the citizens, thus enabling the exercise of their right of access to justice or the continuation of actions already initiated. The *Benoit Assam Assam* case is a striking example.

Case no. 9 - *Benoit Assam Assam v. Mfoundi High Court and the State Counsel of the said Court*

On 8 February and 26 July 2021, CHRC received petitions from Mr Benoît Assam Assam, an economic operator detained in the Yaoundé central prison in a forgery of a public and authentic document. The plaintiff alleged that his right to health had been violated as a result of his improper detention, accusing the Mfoundi High Court and the State Counsel of the said court.

Benoit Assam Assam was remanded in custody by the Examining Magistrate of the Mfoundi High Court on 12 February 2021, following a complaint by Mr Constantin Assam Assam for the above-mentioned acts. He was subsequently referred to the Criminal Division of the said court to be tried for the same acts.

Before the Examining Magistrate, the suspect requested his release several times, on the grounds of his utterly weak health and the facts of the case, which, according to him, reflected a family score-settling. These requests were all rejected by the trial court. CHRC noted that the civil party, who happens to be his first cousin, was using dilatory tactics to protract the proceedings and thus his continued detention.

After examining this situation and following its thorough investigations, punctuated by raids on both the Legal Department and the Mfoundi High Court headquarters, with hearings of the main parties concerned, CHRC was convinced of the *blatant violation of Mr Benoit Assam Assam's right to health and freedom of movement*. Accordingly, the Institution intervened in this case as *amicus curiae* with a submission filed on 23 March 2022 with the President of the Mfoundi High Court, in accordance with the provisions of Section 7, 8th indent of its enabling Law No. 2019/014 of 19 July 2019. At the same time, by separate correspondence dated 23 March 2022, CHRC referred the matter to the Keeper of the Seals and the State Counsel of the Centre Court of Appeal, requesting their intervention to put an end to this abuse. *Thanks to these actions by NHRI, Mr Benoit Assam Assam was released on 21 April 2022 after more than 14 months in detention.*

This case, which is only one of many referred to CHRC during 2021, illustrates the inertia of certain judicial authorities, who bring discredit to the judicial system and, consequently, the State of Cameroon.

It also highlights the actions taken by CHRC to enable citizens who are victims to exercise their right of access to justice and a fair trial.

It should be emphasised that difficulties encountered by defendants are not limited to exercising their right of access to courts. Even when the courts are seized and the proceedings ongoing, defendants are faced with other challenges, notably organising the trial within a reasonable timeframe and respecting all their rights, including his right to counsel.

However, this right is not absolute, as the Judge may disregard it if it is established that the beneficiary is abusing it, either to indefinitely prolong the legal proceedings or simply to obstruct the proper functioning of the judicial institution. Nevertheless, it is surprising that some people seem to be blaming the fact that the detainees of the Cameroon Renaissance Movement (CRM) were “*sentenced in the absence of their lawyers*”, whereas they voluntarily “*withdrew from all ongoing proceedings*” for subjective reasons not attested to by an independent source, notably “*the perception of a biased justice system*”.

These stakeholders also falsely claim that “*military tribunals increasingly had jurisdiction over peaceful demonstrations that the government had not authorised*”. The same people thus insinuate that the attempts at insurrection organised by CRM in Cameroon, by trying to *use the right to peaceful protest to defeat the rights of Cameroonians to freely choose their leaders through the ballot box*, and by allowing its supporters to storm the country’s embassies, notably in Germany and France in 2019 and September 2020, to take power by force after being defeated in the elections, are the work of “*peaceful protesters*” who should be protected. If this is the case, the American citizens who stormed the Capitol on 6 January 2021, with the aim of enabling their candidate to stay in power by force after being defeated at elections, would also be considered as “*peaceful protesters*” or “*peaceful dissidents*”, and there would be no justification for sentencing some of them to long prison terms.

In any case, during the year under review, obstacles to the right to an effective remedy and a fair trial were also reflected in cases of abusive or arbitrary arrest, police custody and detention.

SECTION II.- Abusive or arbitrary arrests, police custody and detentions

Arbitrary arrest, and abusive police custody and detention are cases of deprivation of liberty without warrant or legal title. Infringement of the right to personal liberty is thus the result of abuse of authority, or failure to comply with procedures and time limits.

Endorsing the assertion that “*liberty is the rule and detention the exception*”, the Cameroonian legislator has provided a sufficient framework for the modes and methods of deprivation of liberty of any citizen, whatever the offence of which he or she is accused.

The prohibition of arbitrary or abusive arrest and detention is clearly enshrined in the Constitution and in Law No. 2005/007 of 27 July 2005 on the Criminal Procedure Code. The preamble to the Cameroon Constitution stipulates that “[n]o person may be prosecuted, arrested or detained, except in the cases and according to the manner determined by law”. Similarly, Section 31 of the Criminal Procedure Code stipulates that, “*except in the case of a felony or misdemeanour committed flagrante delicto, the officer effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for said arrest in the*

language they understand". These laws give everyone the right to challenge the legality of their arrest or detention before the courts.

Other guarantees are provided by the same law, which stipulates, for example, that any person arrested with a warrant shall be brought immediately before an Examining Magistrate or the President of the court who issued the warrant, and shall be given all reasonable facilities to contact his or her family, to obtain legal advice and to prepare his or her defense.

The international laws to which the State of Cameroon has acceded also commit it to banning all arbitrary and abusive measures. These include Article 9 of the Universal Declaration of Human Rights, Article 9 of the International Covenant on Civil and Political Rights and Article 6 of the African Charter on Human and Peoples' Rights.

After examining the situation of arbitrary arrests and abusive police custody in 2021, CHRC came to the clear conclusion that these abuses stem much more from the failure of those involved to comply with the standards in force, than from hypothetical legal loopholes, even if this array of standards does have a few flaws (Paragraph 1). A number of actions have been taken by CHRC to manage the related cases recorded in 2021 (Paragraph 2).

Paragraph 1.- The legal and institutional framework for protection against arrest, police custody and abusive detention, and its weaknesses

A careful reading of Cameroon's body of law reveals that arrest and detention do not in themselves constitute violations of the right to personal liberty, as long as these acts are carried out by the authorities legally empowered to do so, and in strict compliance with the procedures and time limits prescribed by law.

However, while it is true that the legislator has sufficiently regulated arrest and police custody procedures (a), the same is not true for detention (b), although sanctions are provided for in the event of abuse (c).

a. Arrest and police custody

According to Section 30, subsection 1 of the Criminal Procedure Code, "[a]n *arrest shall consist of apprehending a person for the purpose of bringing him without delay before the authority prescribed by law or by the warrant*". The principle laid down by the legislator is therefore that no arrest shall be made without the authorisation or warrant of an authority having jurisdiction over the matter. However, this principle is strongly attenuated in cases of *flagrante delicto*, where the suspect is pursued by public clamour after the commission of the offence, or where, soon after the commission of the offence, the suspect is caught in possession of an article or shows a sign or trace which tends to suggest that he took part in the commission of the felony or misdemeanour.

In the law on the Criminal Procedure Code, the legislator broadened the range of authorities and persons empowered to arrest any suspect. Thus, in addition to the judicial police officer, agent of judicial police or any officer of the forces of law and order, *any person may in case of a felony or misdemeanour committed flagrante delicto arrest the author of such an offence*. An arrest may therefore be made in cases of flagrante delicto or felony, to execute an imprisonment warrant in the case of imprisonment in default of payment, which is a procedure aiming at compelling a convict to execute a pecuniary sentence to the State, or to execute a committal order issued at a hearing or an arrest warrant following conviction to a loss of liberty.

However, whatever the reason for arrest, *the law provides guarantees for the strict observance of the suspect's rights. Thus, any physical or moral harm to the suspect is prohibited*. Except in the case of a felony or misdemeanour committed flagrante delicto, the person effecting the arrest shall disclose his identity and inform the person to be arrested of the reason for the said arrest, and where necessary, allow a third person to accompany the person arrested in order to ascertain the place to which he is being detained, and *be given reasonable facilities in particular to be in contact with his family*, obtain legal advice, make arrangements for his defence, consult a doctor and receive medical treatment, etc.

When a person has been arrested, he or she may be taken into police custody. According to the provisions of subsection 1 of Section 118 of the Criminal Procedure Code, *"Police custody shall be a measure whereby, for purposes of criminal investigation and the establishment of the truth, a suspect is detained in a judicial police cell, wherein he remains for a limited period available to and under the responsibility of a judicial police officer"*. A suspect may therefore only be held in police custody within a specific timeframe and under certain conditions. Thus, *a person with a known place of abode may not be remanded in police custody in the event of a felony, and unless strong corroborative evidence exists against him* (Section 118(2) of the Criminal Procedure Code). Police custody must be expressly authorised by the State Counsel or by the Judicial Police Officer (JPO) responsible for conducting the investigation. Any person who is the subject of a police investigation and is held in police custody may appoint a lawyer at this stage.

In order to protect individual liberties, subsection 2 of Section 119 of the Criminal Procedure Code sets the duration of police custody at 48 hours, renewable once; however, this period may be renewed twice, with the authorisation of the State Counsel.

Furthermore, except in cases of felonies or misdemeanours committed flagrante delicto, remand in police custody shall not be ordered on Saturdays, Sundays or public holidays (Section 119(4) of the Criminal Procedure Code). *The person in police custody shall not be subjected to any physical or mental constraints. At the end of the police custody, it shall be obligatory to medically examine the suspect if he or she so requests* (Section 123(3) of the Criminal Procedure Code).

provided a sufficient framework for the deprivation of liberty following a police custody measure. Nevertheless, during the course of 2021, CHRC observed an *increase in the use of police custody, even though it was intended by the legislator to be exceptional*. This firstly results from the consequence of certain exceptional laws which derogate from the Code of Criminal Procedure, and secondly from the practices of the stakeholders and judicial authorities, who disregard the legal norm.

- Among the exceptional laws that pre-empt the application of the provisions of the Criminal Procedure Code relating to police custody by virtue of the maxim *specialia generalibus derogant* “*the special derogates from the general*”, mention should be made of Law No. 2014/028 of 23 December 2014 on the repression of terrorist acts, which provides in Section 11 concerning remand in custody that “*For the purposes of this law, the duration of remand in custody shall be fifteen (15) days, renewable upon the authorization of the State Prosecutor*”. An analysis of this provision reveals a lack of precision in limiting the number of times the State Prosecutor may renew the period of police custody, leaving him free to do so *ad vitam aeternam*. This exposes suspects to indefinite deprivation of liberty, and prompts political and civil society stakeholders to consider it as “*freedom-destroying*” law. However, a look at comparative law reveals similar provisions in the legislation of the most advanced countries in terms of human rights¹⁸².
- The same is true of Law No. 90/054 of 19 December 1990 on the maintenance of order, which, with regard to administrative police custody, allows administrative authorities to “*take measures of police custody for a period of 15 days, renewable, within the framework of the fight against organized crime*”, without further clarification.

In view of the foregoing, however, it has to be admitted that Cameroon’s regulations on arrests and police custody are sufficiently detailed, and that it is much more the enforcement of the laws and the unorthodox practices of those involved in the judicial system that create and pose problems. The same cannot be said of remand in custody.

¹⁸² James Mouangue Kobila points out that, given the complexity of counter-terrorism investigations, “*the Cameroon anti-terrorism law in question provides for longer than usual, but reasonable, periods of police custody: 15 days, renewable upon authorisation of the State Commissioner, according to Section 11. In comparative law, the duration of police custody in anti-terrorist cases ranges from one day (Canada) to 28 days (United Kingdom)*”. See from this specialist, “*Vérités et mensonges sur la loi camerounaise contre le terrorisme*”, in *Cameroon Tribune* of 17 December 2014, pp. 6 et seq.

b. Remand in custody

A large part of the provisions of Cameroon's Criminal Procedure Code is devoted to remand in custody. Cameroon has also acceded to UDHR, incorporated into the Constitution, and ratified relevant international laws. Article 9 of the UDHR states that “[n]o one shall be subjected to arbitrary arrest, detention or exile”. Article 9 of the International Covenant on Civil and Political Rights, to which Cameroon is a member, states that “[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law;”

However, it is important to distinguish, on the one hand, between cases of pre-trial detention during preliminary inquiries and, on the other hand, those which continue after the ruling closing this phase of the criminal proceedings.

The Criminal Procedure Code gives the Examining Magistrate full powers to issue a remand warrant at any time after a charge has been brought, provided that the offence is punishable with loss of liberty. However, the law makes this measure exceptional, since it can only be used for the maintenance of public order, the protection of life and property, or the preservation of evidence and legal representation of the accused (Section 218 CPC). The maximum period of remand in custody, including any extensions, is twelve (12) months in the case of a misdemeanour, and eighteen (18) months in the case of a felony. Once these time limits have elapsed, the warrant must be automatically lifted by the Examining Magistrate who issued it, and the accused immediately released (Sec. 221 CPC).

Remand in custody during an inquiry is therefore clearly regulated by the legislator, who prescribed precise and imperative time limits that leave no room for abuse.

However, the law is silent on the situation of the accused or defendant held in remand custody following referral to the trial court, following a referral order from the Examining Magistrate or a remand warrant from the State Counsel in the case of flagrante delicto. Indeed, *the legislator has not prescribed any time limit within which a court duly seized of the case shall render its judgment*. This results in numerous cases of judicial delays, with their equally numerous consequences, which shall be discussed in section 4 of this chapter.

Mindful of the fact that no law without penalties can be effectively enforced, the Cameroonian legislator made provision for measures to be taken against anyone who contravenes the provisions concerning arrest, police custody and remand in custody.

c. Penalties for abusive arrest, police custody and remand in custody

Abuses committed during arrest, police custody or remand in custody are subject to sanctions that affect both the procedures and the authorities involved.

In its Book VI on special procedures, CPC law provides for the *habeas corpus* or immediate release procedure. According to Section 584 of the Code, the President of the High Court shall have jurisdiction to hear applications for immediate release based on grounds of illegality of arrest or detention or failure to observe the formalities as provided by law. In addition, *Section 221 of the same Code provides for disciplinary action against an Examining Judge who refuses to order the immediate release of a defendant whose remand warrant has expired.*

- i) A study carried out by CHRC in 2021 at the registry of the Mfoundi High Court revealed that very few defendants make use of the *habeas corpus* procedure, certainly because it is little known or understood, and because the *habeas corpus* proceedings actually initiated are usually dismissed for mistrial, or because the judicial authority, initially at fault, simply regularised the situation of the plaintiff detainee during the course of the proceedings.

Sections 236 and 237 of the Criminal Procedure Code (CPC) provide for the possibility of obtaining compensation in the event of abusive police custody or remand custody, when the proceedings result in an irrevocable decision of discontinuance, dismissal or acquittal. Victims may then refer the matter to the Compensation Commission set up by the Supreme Court of Cameroon.

Paragraph 2.- CHRC actions to protect against abusive arrest, police custody and detention

In 2021, CHRC carried out a study on the operation of the Compensation Commission, set up by the Supreme Court of Cameroon, for victims of abusive police custody or remand in custody.

It emerged that this structure is not sufficiently operational. There are a number of reasons for this, including excessive staffing levels, and the fact that its members come from various backgrounds and are often unavailable for meetings. In addition, the majority of these members have either been posted to locations far from the city of Yaoundé, making it difficult for them to travel to hearings, or they have retired and are therefore no longer qualified to sit, creating an urgent need to appoint new members. In addition, as the Commission only sits in Yaoundé, it is difficult for people in the hinterland, whose rights have been abused, to get there. As a consequence, there is a great disproportion between multiple abuses reported, a significant number of which are brought to the attention of CHRC, and the low number of cases registered at the registry of the aforementioned Commission since its creation in 2018.

By way of illustration, a visit carried out by a CHRC team at the Compensation Commission's registry yielded the following information:

- sixteen (16) cases were filed by victims of abuse in 2021;

- three (3) hearings were held by the Commission during the reference year;
- eleven (11) decisions were delivered.

The Commission's Chief Registrar emphasised that all the decisions handed down were inadmissible, essentially due to the late filing of petitions or submissions, i.e. because defendants were unaware of the procedures. Furthermore, of the eleven decisions handed down in 2021, only four (4) were appealed by victims to the Judicial Bench of the Supreme Court of Cameroon. Since the Commission has national jurisdiction, the majority of cases received in 2021 came from the Centre, Far North and North Regions.

During an interview that he had given to the Chairperson of CHRC and some of his staff on 30 November 2021, the Minister of State, Minister of Justice, Keeper of the Seals, while acknowledging the relevance of the investigations carried out by CHRC for this study, as well as its conclusions and the Recommendations that were made, promised to do everything possible to enable this Commission, guarantor of a very important aspect of human rights — the right to freedom of movement — to be effectively operational.

In 2021, CHRC dealt with numerous cases of arrests, police custody and abusive or arbitrary detentions in the context of the processing of requests or self-referrals, and took a number of actions, some of which led to effective solutions.

During 2021, as part of its mission to protect human rights, CHRC saw, as in previous years, an upsurge of arrest and detention practices that repeatedly deviate from legal requirements and procedural standards, leading to the State's failure to respect its commitments, through its agents. The case described below, taken from requests examined by CHRC during the year under review, illustrates some of the facets of these failings.

Case no. 10 - *Abusive arrest and detention of nine (9) minors by officers of the Mayo-Lope gendarmerie brigade*

On 12 March 2021, Lesi, aged seven; Sayessou, aged eight; Wanba Dan, aged 8; Alain Kadam Ndossi, aged 9; Jacques Tchik Ndobbo, aged 9; Mathias Djondans, aged 9; Taobai, aged 16; Papa, aged 17; all of whom live in the village of Mandidjimi through Bibemi, Benoue Division, North Region, were arrested by members of the Mayo-Lope Gendarmerie Brigade for unknown reasons.

The children's parents, who contacted CHRC Regional Office for the North, alleged that their release was conditional on payment of the sum of CFAF one hundred thousand (100,000) per child.

The intervention of CHRC, including discussions with the family members of the arrested children and the Commander of the brigade in question, led to the release of these children on 15 March 2021.

A number of other similar and, in some cases, even more serious cases have been reported in a number of police custody and detention units, but for various reasons they remain unreported. Some officials, trampling on procedural rules (in this case, minors, whose detention must be exceptional), sometimes demand unjustified large sums of money in return for the release of suspects.

For justice to be credible in a State governed by the rule of law, it must guarantee every citizen the right to access to justice and a fair trial. Justice must therefore be dispensed in a calm, unhurried manner, but above all within a reasonable time-limits (*justice delayed is justice denied*), and decisions rendered must be effectively enforced.

SECTION III.- The right to speedy legal proceedings and enforcement of judgments

The Cameroonian legislator provided for an appropriate normative framework, favourable to speedy legal proceedings; but there are many flaws in this framework (Paragraph 1). As for the enforcement of legal decisions, it is plagued by a number of obstacles (Paragraph 2).

Paragraph 1.- The normative framework relating to the right to speedy judicial proceedings and its shortcomings

The right to a fair trial requires respect for the *right to speedy judicial proceedings* and, of course, for the *right to enforcement of legal decisions*. Credible justice must be delivered within reasonable time-limits, whether or not these have been laid down in legislation (a). However, several cases of judicial delays and even denials of justice were recorded in 2021 (b).

a. Procedural delays

A distinction must be made here between civil and criminal proceedings, and between the inquiry phase (preliminary inquiries) and the trial phase.

In civil matters, Cameroon's legislator only laid down mandatory time limits for bringing a case before a court. Thus, a person who intends to avail of a right must bring it before a civil court within a maximum period of thirty (30) years from the date of the alleged violation. This is known as the thirty-year prescription for civil actions (Section 2262 of the French Civil Code).

The legislator also provided for certain exceptional procedures in cases of emergency, to prevent the occurrence of an imminent risk or peril. These include summary proceedings.

Regrettably, however, *no time limit has been set for either the civil judge hearing the case or the summary proceedings judge to reach a decision*. As a result, civil proceedings on the merits last an abnormally long time, sometimes several years as long as summary

proceedings which, as a result, lose their urgency, to the detriment of the interests and rights of defendants who tend to lose confidence in the justice system and sometimes prefer to handle things themselves, including by using private justice or witchcraft. The legislator should try to give a precise content to the concept of rendering a decision “*within a reasonable time*”. The jurisprudence of the African Court of Human and Peoples’ Rights established criteria for determining whether or not a judgment time limit is reasonable. These criteria include the complexity of the case, the conduct of the parties, the conduct of the judicial authorities and the importance of the interests at stake. The Court also considers the specific circumstances of each case to assess whether the delay is beyond what is reasonable. In *Cheusi v. Tanzania*, for example,¹⁸³ the Court found that the delay was not due to the complexity of the case, but to the malfunctioning of the defendant State’s system. As the defendant State provided no evidence to indicate that such a long period was necessary to dispose of an appeal, the Court held that ten years four months and twenty-three days was an excessive delay and could not be considered reasonable time..

The situation is completely different in criminal matters. The police investigation phase, the preliminary inquiries phase and even the rendering of certain decisions are governed by precise time limits, prescribed by the legislator and, in some cases, accompanied by penalties for non-compliance. Thus, during the police investigation phase, police custody lasts for forty-eight (48) hours, renewable once by the OPJ and a second time, at the demand of the State Counsel, when he deems it necessary (Section 119(2) of the aforementioned CPC). Past this time limit, police custody is deemed to have been abused, and the judicial authority responsible is liable to disciplinary and criminal sanctions.

Similarly, in the case of preliminary inquiries, the period of detention may not exceed six (6) months; but it may be extended by reasoned order of the Examining Magistrate, for a period not exceeding twelve (12) months for felonies and six (6) months for misdemeanours (paragraph 1 of article 221 of the CPC).

Here, the interpretation of the law, which is, moreover, restrictive given that it is a special (penal) law, is unequivocal, and the Examining Magistrate is given no opportunity to abuse it, with sanctions in place. On expiry of the above-mentioned time limits, he must immediately order the release of the accused, even if the investigation has not yet been completed.

¹⁸³ See *Cheusi v. Tanzania*, an action for compensation for the damage suffered as a result of the lack of due process in the proceedings, the application of a more stringent criminal law at the time of his conviction, the violation of his right to challenge the evidence, the violation of his right to equality before the law and his right to equal protection of the law, and the inhuman, cruel and degrading treatment inflicted, the absence of legal representation throughout the trial and proceedings, the excessively long time taken to reach trial, in violation of articles 13 (1), 13 (6)(c), 26 (1) and (2) of the 1977 Constitution of the United Republic of Tanzania and articles 3, 5, 7 (1)(c) and 7 (1) (d) of the African Charter on Human and Peoples' Rights, judgment of 26 June 2020,

In *habeas corpus* cases, the President of the Court of Appeal must rule within ten (10) days of receipt of the request for appeal (paragraph 2 of Section 587 of CPC).

On the other hand, in criminal matters, once the preliminary inquiry has been closed and the accused referred to the trial court, no time limit has been set by the legislator for rendering a decision. This has led to numerous judicial delays and even cases of denial of justice, which have been denounced and brought to the attention of the CHRC in 2021.

b. Judicial delays

The preamble to the Cameroonian Constitution of 18 January 1996 states that “[e]very accused person is presumed innocent until found guilty during a hearing conducted in strict compliance with the rights of defence”. Article 11(1) of the Universal Declaration of Human Rights of 10 December 1948, ratified by Cameroon, states that “[E]veryone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence”.

Since it guarantees respect for the rights of the defence and, consequently, the right to a fair trial, the presumption of innocence is therefore a principle of human rights. However, this principle is violated by judicial delays, which sometimes resemble the denial of justice and constitute a veritable plague undermining our judicial administration.

Paragraph 2.- The widespread problem of judicial delays and obstacles to the enforcement of legal decisions

Judicial delays are a scourge that discredits justice and undermines the values of the rule of law. In the course of 2021, CHRC observed that these delays affect all phases of the legal process, and have many different causes and factors:

- With regard to the criminal trial, at the police investigation stage, these delays are caused by the multiple procedural back and forth between Legal Departments of courts and judicial police officers, for additional inquiries following incomplete investigations, the remoteness of police and gendarmerie units, prosecution service, etc.
- As far as preliminary inquiries are concerned, delays are due to insufficient material and human resources. The computerisation of many of our jurisdictions remains elusive.
- The trial phase is slowed down by court staff (magistrates, registrars), lawyers and, very surprisingly, parties to the proceedings themselves.

Frankly speaking, due to the workload of magistrates, particularly in large urban areas, they are unable to deliver decisions within reasonable time limits. Case lists are full enough, and a single correctional, criminal or civil hearing can have 150, 200 or even more

cases. Due to this situation, some magistrates are obliged to postpone proceedings indefinitely, or to hand down decisions that they are slow to draft.

In some cases, the registrar plays a negative role in aggravating this situation, which tarnishes the image of justice and affects the rule of law in Cameroon. For example, some cases disappear from the list, only to reappear at another hearing unknown to the parties. The parties are never informed again, and find themselves surprised by the decision. Others completely disappear forever, to the great dismay of the parties and especially the defendants, some of whom have been convicted while the case is pending and who have exercised their right to appeal. Victims of such dysfunctions populate our prisons, no longer knowing which way to turn, as their cases can no longer be registered or appealed, as the *Sakine et al.* case shows.

Case no. 11 - *Sakine Zakaria et al. v. State of Cameroon (MINJUSTICE)*

The President of Chad's National Human Rights Commission (CNDH) submitted a petition to the President of CHRC denouncing the violation of the right to a fair trial of Mr Sakine Zakaria, his fellow citizen detained since 1987 in Yoko main prison.

From an examination of the aforementioned petition, it appears that Sakine Zakaria, accompanied by several other Cameroonian suspects, were arrested on Cameroonian territory and placed under arrest warrant by the Garoua military court on 2 October 1987. They were charged with the crimes of murder, harbouring criminals, illegal immigration, illegal possession of arms and ammunition, and attempted aggravated robbery.

Sakine Zakaria and Ndjida Abakar were sentenced to death by public shooting by the Garoua Military Tribunal. On their appeal to the Adamawa Court of Appeal, which had jurisdiction at the time, the said court declined jurisdiction and instructed the parties to take proceedings in the proper court.

The case was referred to the Supreme Court of Cameroon, which, by Ruling No. 326/P of 10 August 2006, quashed and annulled Ruling No. 03/CRIM of 16 December 1992 of the Adamawa Court of Appeal and referred the parties back to the same Court of Appeal, with a different composition. Subsequently, the case was never again brought before the Adamawa Court of Appeal in Ngaoundere, where it was referred back for re-examination of the merits. Of the six people arrested, only the two above-mentioned remained in detention, some of their co-accused died while in custody.

As a result of the default and in the absence of a court ruling from the Adamawa Court of Appeal, they have not been granted any of the multiple sentence remissions

that took place in the meantime, despite requests from the governor of the main Yoko prison where they were held.

CHRC, through its sub-commission for the Protection of Human Rights, considered that these facts constituted a violation of the defendants' right to a fair trial. The following actions were therefore taken.

- A visit was carried out at the Supreme Court registry with a copy of Supreme Court ruling no. 326/P of 10 August 2006, which quashed and annulled ruling no. 03/CRIM of 16 December 1992 of the Adamawa Court of Appeal, in order to obtain references for the transmission of this file to the referring Court of Appeal. Despite searches carried out by the relevant registry departments of the Supreme Court under the impulsion of CHRC, no track of this file has been found.
- The State Counsel of the Adamawa Court of Appeal was subsequently approached by CHRC through its Adamawa Regional Office. This high-ranking magistrate sent a written reply to the national human rights institution, stating that searches carried out in his Legal Department concerning this case were unsuccessful.
- On the instructions of the Minister of State, Minister of Justice, Keeper of the Seals, a team from CHRC was granted an interview on two occasions by the General Secretary of the aforementioned Ministry. They were assured that the matter would be dealt with the requisite urgency and expediency.

The case was resolved in 2022 as follows: the Minister of State, Minister of Justice, Keeper of the Seals, took urgent measures (reconstituting the files of those concerned, providing the Ngaoundere prison with vehicles and other means of escort to enable the Court of Appeal to deliver its ruling in just five days, in view, as the prosecutor acknowledged, *to correct the malfunctioning of the public service of justice which had caused harm to those concerned for over 15 years*, from the time of the Supreme Court ruling in 2006.

As a result, the case concerning the two detainees was brought before the criminal hearing of the Adamawa Court of Appeal on 3 August 2022. Upon conclusion of its referral on the same day after the debates, the Court, ruling in military chamber, assumed jurisdiction, confirmed the judgment undertaken (Judgment no. 202/89 pronounced by the Garoua Military Tribunal on 28 November 1989) on the guilt of Sakine Zakaria and Ndjida Abakar, but overturned it on the sentences pronounced against them. After granting them mitigating circumstances in their capacity as first offenders of their status as first-time offenders and their good behaviour during the trial, the Court sentenced them to 25

years' imprisonment each and exempted them imprisonment in default of payment, due to their advanced age.

In a letter dated 11 August 2022 addressed to the Chairperson of CHRC, the Minister of State, Minister of Justice, informed CHRC that the persons concerned had been released, as the sentences imposed on them were less than the time spent in detention. At the request of the State Counsel at the Adamawa Court of Appeal, *Sakine Zakaria*, the Chadian defendant, was entrusted to the Chadian Consul in Cameroon, who travelled to Ngaoundere for this purpose on 5 August 2022.

The case of *Sakine Zakaria and Ndjida Abakar, both 60 years old and in detention since October 2, 1987*, will certainly go down in the history of CHRC success stories.

This case clearly illustrates the serious judicial delays and blameable negligence of certain justice departments, which irreparably infringe the fundamental rights of citizens, in particular their right to a fair trial and to freedom of movement.

The Amadou Vamoulke case, among many others, is illustrative of the delays caused by the parties to the proceedings and their counsel.

Case no. 12-Public Prosecutor's Office, Ministry of Finance and CRTV v. Amadou Vamoulke, Essomba Menyeng Meyoa Antoinette and Abah Abah Polycarpe

The defendants in this case are being prosecuted before the Special Criminal Court (SCC) for misappropriation, to the detriment of the Public Treasury, of the sum of CFAF3,908,147,385 (three billion, nine hundred and eight million, one hundred and forty-seven thousand, three hundred and eighty-five). As of 25 November 2021, this case had already been referred 52 times. Investigations carried out by CHRC revealed that, *of all these referrals, 30, which is the overwhelming majority, were made at the request of the defendants: Amadou Vamoulke, Essomba Menyeng Meyoa Antoinette and Abah Abah Polycarpe and their various counsels*, only 11 were at the request of the court, either to prepare the case for trial or for the proper administration of justice, as the case may be, and 11 others were at the request of the Public Prosecutor's Office or the civil party.

By the time this Report was finalised, a verdict had finally been pronounced against Mr Amadou Vamoulke, sentenced on 20 December 2022 to 12 years' imprisonment and a fine of CFAF47 million for "*misappropriation of public funds*".

His lawyers immediately lodged an appeal with the Supreme Court on 21 December 2022.

After completing all these steps and succeeded in obtaining a decision, the defendant now faces another front: the battle to enforce his decision and actually receive compensation.

With regard to *obstacles to the enforcement of judicial decisions*, it is clear that the enforcement of judicial decisions contributes to legal certainty. It is one of the pillars of the right of access to justice. Rights only have value when they are put into practice, recognizing the legal prerogatives of their holders. Justice will be meaningless if the beneficiaries of decisions do not feel the benefits of those decisions. However, the right to enforcement of court decisions, which is a human right enshrined in the preamble to our country's Constitution and in African and universal human rights instruments, is fraught with obstacles, both in law and in practice.

As a general rule, in civil matters, a judgment can only be enforced when it has become final, or when it was otherwise granted the authority of the *res judicata*. Enforcement of a court decision may therefore be delayed or suspended when a legal remedy such as opposition or appeal is exercised. A judgment handed down by a court of first instance, but subject to provisional execution, may also have said execution suspended by the defence procedure to enforcement.

An appeal, on the other hand, does not suspend enforcement, so a ruling pronounced by a court of appeal or a judgment handed down at first and last instance by a court of first instance shall be enforced, unless the party who lodged the appeal has subsequently sent a petition to the President of the Supreme Court to suspend enforcement.

As far as criminal law is concerned, only public action sentences (sentence of imprisonment without remission accompanied by an arrest warrant or expired) or those relating to pecuniary award made to the State (fines, costs, accompanied by an imprisonment warrant) are immediately enforceable. At this point, the difficult problem of *imprisonment in default of payment* also arises.

The Criminal Procedure Code lays down the conditions for the recovery of fines and court costs. These pecuniary awards made to the State are paid either voluntarily or by coercion, in other words, by the process of imprisonment in default of payment. Sections 564, 565 and 566 of the Criminal Procedure Code govern the duration and terms of execution of this penalty.

The legislator's aim here is to replenish the State's coffers by making defendants pay legal fees in return for their freedom. But these forecasts do not seem to take sufficient account of the financial situation of Cameroonian citizens and the prevailing poverty. *A large number of prisoners, already convicted and having served their sentences, continue to*

recorded by CHRC in the South Region and presented in the table below.

The serious consequence of this situation is the much-criticised prison overcrowding, with its share of drawbacks (promiscuity, disease, homosexuality, additional state expenditure on inmate upkeep, etc.). Visits carried out by CHRC in the only main prison in the town of Ambam, in the Ntem Valley Division, South Region, enabled it to assess the extent of this situation.

Table 19.- Situation of some people imprisoned in default of payment in Ambam main prison

NO.	Full names	Reason	MDP	Time served	Release date without CPC	Release date with CPC	Amount of fines and costs (CFAF)
1	Eye'e Mengue Achille	Embezzlement of property seized	18/3/2021	3 months	18/3/2021	18/6/2021	150,000.
2	Mohamed Kone	Attempted theft	3/5/2021	3 months	3/5/2022	3/8/2021	135,790.
3	Obama Nchama Manuel Ndong	Conspiracy to kidnap with aggravated fraud or violence	21/1/2020	20 months	21/6/2022	21/9/2021	192,690.
4	Saad Hissen	Illegal immigration	4/2/2021	06 months	4/11/2022	4/8/2021	35,990.
5	Mimbimi Samuel	Disturbing possession	3/6/2021	04 months	3/4/2022	3/10/2021	79,340.
6	Bell Hubert Landry	Complicity in attempted theft	24/12/2019	18 months	24/3/2022	24/6/2021	117,890.
7	Djongoue Tchouamou Cédric	Vagrancy, theft and lack of identity card	23/6/2020	12 months	23/12/2021	23/6/2021	87,590.

Source: CHRC Regional Office for the South, 2021.

The implementation of Section 6 of the Penal Code devoted to alternative penalties, notably Section 26, will, in CHRC view, considerably mitigate the effects of imprisonment in default of payment by allowing the convicted offender to regain his or her freedom while rendering a service to the State through the performance of community service and reparation penalties.

CHRC also observed that *illegal acts, constituting real assaults that hinder the enforcement of legal decisions, are unfortunately also committed by certain judicial and procedural stakeholders, namely: magistrates, court registrars, lawyers, bailiffs, notaries and, even more so, the parties to the proceedings themselves*. In 2021, CHRC was referred to several cases of non-enforcement or refusal to enforce judicial decisions that had become final or had been granted the authority of *res judicata*, due to the aforementioned stakeholders.

The case of Mr Etogo Mbassi below provides a striking example of how certain judicial authorities (State Counsel and court registrar) persist in refusing to enforce a court decision that has become final.

Case No. 13-Etogo Mbassi v. State Counsel Mfoundi High Court and Governor of the Yaoundé Central Prison

By judgment no. 25/CRIM/TCS pronounced on 9 September 2021, Mr Etogo Mbassi Etienne Vicky was found guilty by the SCC for misappropriation of public funds, forgery of public and authentic documents. However, in the operative provision of the declaration to convict him, no conviction to a loss of liberty was imposed. It was therefore logical to release him. When authorities responsible for enforcing this decision (the State Counsel and the Governor of the Yaoundé Central Prison) failed to take any steps in this direction, despite the prisoner's complaints, he referred the matter to CHRC on 12 and 15 July 2021.

CHRC intervened as *amicus curiae* in the proceedings brought by the prisoner before the *habeas corpus* judge of the Mfoundi High Court on 14 February 2022. These proceedings resulted in a decision ordering his immediate release. Faced with the continued refusal of the aforementioned judicial authorities to comply, Cameroon's National Human Rights Institution referred the matter to the Minister of State, Minister of Justice, Keeper of the Seals for intervention on 24 February 2022 and 23 January 2023. The outcome is still awaited.

This case, dealt with by CHRC since July 2021, is a striking example of one of the deplorable situations in our judicial system, in which some of its stakeholders, for reasons that have nothing to do with either law or procedure, and abusing their authority and position, decide not to enforce a court decision. As a result, the defendant, the weakest link in the chain, bears the brunt.

The positive development of the operation of the Cameroonian judicial system in 2021, compared with previous years, nevertheless deserves to be highlighted and positively appreciated. However, much remains to be done to remedy its main grievances, and that is why CHRC made observations and recommendations to decision-makers.

SECTION IV.- CHRC observations and recommendations

In this section, we shall present CHRC observations on the right to an effective remedy and the right to a fair trial, before making our recommendations.

Observations

During the year under review, CHRC observed that:

- Cameroonian legislation guarantees the right to access to justice, as well as the right to a fair trial;
- that this legal framework is supplemented by the international sources contained in the treaties and conventions ratified by Cameroon or to which it has otherwise acceded;
- that this legal framework does not provide for any discrimination, as each citizen is free to bring a case before any competent jurisdiction, in compliance with the regulations in force;
- that despite the high number of standards, their application remains to be improved;
- the cost of justice is high, especially in civil matters;
- justice is slow, with numerous cases of denial, dysfunction and obstruction.
- that these serious shortcomings bring justice into disrepute, leading to an upsurge of “*mob justice*” and revenge;
- certain bodies, such as the Compensation Commission for victims of abusive police custody or remand custody, and certain procedures, such as those applicable before the aforementioned Commission, *habeas corpus* and many others, are unknown and even ignored by the general public;
- certain proceedings are protracted, and multiple cases of denial of justice have been reported, with the serious consequences of public distrust of justice and use of mob justice and revenge.

It's also worth noting the abusive, outdated and perverse use by some stakeholders of the terms “political prisoners or detainees” to designate any activist or politician in prison in

Cameroon, as if all political stakeholders enjoyed an immunity that would protect them from common law prosecutions or other legitimate proceedings in any State governed by the rule of law. In which case, we would have to consider that Dominique Strauss Kahn, a French politician and then Director of the International Monetary Fund (IMF), who was arrested and imprisoned in the United States on 14 May 2011, while he was announced as a candidate in the presidential election that was to take place a few months later, was also a political prisoner and should never have been arrested for the rape that he had been accused of.

We should also ask ourselves this question: aren't there any mayors, governors or senators in prison in major democracies? Is Ryan Kelley, the Republican candidate for governor of Michigan, arrested on 9 June 2022 for his role in the Capitol assault, also a "political prisoner"? Is Rod Blagojevich, the Democratic Governor of Illinois arrested for corruption in December 2008 and sentenced to 14 years in prison on 7 December 2011, a "political prisoner"? Are all former French Ministers, Prime Ministers and Presidents prosecuted and convicted victims of political persecution?

It is surprising that people arrested for organising or participating in insurgent marches aimed at overthrowing the constitutional order, the rule of law and democracy are described as "*political prisoners*". In so doing, certain circles are appropriating the mystifying terminology of the Cameroonian opposition, at the expense of truth. In this perspective, people like Guy Reffitt, the first person convicted in the United States for taking part in the Capitol assault, who considered that "[t]he election did not have the result he hoped for, so he decided to act [...] for one purpose, to overthrow Congress", prosecuted and/or convicted in the USA for attacking the police or *disrupting police work, unauthorised entry to a federal site or building, obstruction of official procedure, contempt of Congress, obstruction of Congress, theft or destruction of government property, obstacle to the functioning of the state* (an offence punishable with up to 20 years in prison), etc., should also qualify as "*political prisoners*". In this *criminal case*, similar in all respects to the assaults on the Cameroon embassies in Paris and Berlin and their attempted extension with the insurgent marches of 22 September, 725 people have been charged, more than 70 were already convicted in January 2022, while 325 others, not yet identified, are being actively sought¹⁸⁴.

CHRC has also observed that some people in Cameroon seem to denounce the sentencing of Mr Bonda and his companions by a court on 17 June 2021, who used insulting and rudely abusive language against the Head of State. *These violent remarks* were reclassified as "*critical language*". However, in a video that circulated widely on social media, the main speaker declared: "*You and Paul Biya, your mothers' fat asses! I take my word for it,*" before adding: "*[w]e are here, we work from 6 a. m. to 6 p. m., we are paid CFAF32,000; you are in YaoundéYaoundé, you are stealing 180 billion,*" referring to the funds released by IMF to fight against Covid-19 pandemic in Cameroon.

¹⁸⁴ See https://www.francetvinfo.fr/monde/usa/attaque-du-capitole-par-des-militants-pro-trump/assaut-du-capitole-trois-chiffres-qui-resument-la-plus-grande-enquete-criminelle-de-l-histoire-americaine-menee-par-le-fbi_4905453.html, accessed on 17/8/22.

These remarks are conspicuously defamatory, insofar as the “*opacity in the awarding of contracts, the overspending of allocated budgets [and] the flagrant over-invoicing*” cited in the *Report* of the Cameroon Chamber of Accounts cannot relate to all the money received from IMF, since measures to combat the Covid-19 pandemic have indeed been taken and visible investments made. To euphemise Mr Bonda’s *rude and violent remarks*, certain stakeholders are clearly seeking to further criminalise Cameroonian justice by trying to show that, in Cameroon, people are sentenced to prison terms over dimes.

Recommendations

To substantially improve respect for the right to access to justice and the right to a fair trial, CHRC recommends:

- harmonising provisions of the Criminal Procedure Code relating to preliminary inquiries and the abolition of the mandatory preliminary inquiries stage for minors in the case of misdemeanours;
- operationalising the Compensation Commission for victims of abusive police custody or remand custody;
- Revising legislation on civil court filing fees, to bring them down to the level of the average citizen and thus enable as many people as possible to bring their claims before the established courts;
- making the procedure and conditions for granting legal assistance more flexible;
- providing the units in charge of police investigations, especially those located in remote areas, with the personnel and rolling stock to enable them to complete investigations on time and proceed with referrals within the time limits prescribed by law;
- disseminating the *habeas corpus* procedure, as well as the one applicable before the Compensation Commission for victims of abusive police custody or remand custody, by all available means, including the multiplication of training seminars for the judiciary stakeholders;
- revising the provisions of the Criminal Procedure Code concerning the composition, referral procedures and operation of the Compensation Commission for victims of abusive police custody or remand custody, with a view to making this Commission more operational, in particular by creating regional commissions with the same powers, thus decentralising its jurisdiction to the regional level and bringing it a little closer to those subject to the law;
- the effective computerisation of all court registries and the training of their staff in the use of IT tools;
- providing courts and tribunals with sufficient, high-quality human resources, both in terms of competence and ethics, while ensuring that their working conditions are improved;

- the effective application of legal provisions on alternative penalties (community service and reparation), with significant reduction of the number of cases of imprisonment due to imprisonment in default of payment and, consequently, reduction of prison overcrowd.

CHAPTER IV-CIVIL RIGHTS

Freedom evokes the first generation of human rights. According to *The Robert dictionary*, in the broad sense, “*freedom is the state of being free from constraint, i.e. the possibility, the power to act without constraint in complete freedom*”. In the narrow sense, “*freedom is the state, the situation of a person who is not under the absolute dependence of someone, which contrasts with slavery or servitude*”. Finally, in the political and social sense, it is “*the power to act, within an organised society, according to one’s own determination, within the limits of defined rules*”. In this respect, the pairing of freedom and law is indissociable insofar as, while freedom is a space for action for the individual, law is a tool for framing and organising the exercise of a freedom or rights.

In formal terms, civil rights refer to rights enshrined in texts such as the Constitution, or in legal instruments of regional or international scope to which the State is a party. Thus, the preamble to the Constitution of 18 January 1996 affirms the Cameroonian people’s attachment to “*the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and Peoples’ Rights and all duly ratified international conventions relating thereto*”. It also stipulates that: “[f]reedom and security shall be guaranteed to each individual, subject to respect for the rights of others and the higher interests of the State”.

An analysis of the state of civil rights in Cameroon in 2021 raises a number of preliminary questions that will help us to better understand the added value of this issue in the section devoted to the examination of civil and political rights in *CHRC 2021 Report* on the state of human rights in Cameroon. What is freedom about? What could be the nature and content of individual self-determination? How far can it go? Under what conditions must and can it be exercised, and against whom? What is the status, legal regime and content of these freedoms? Why is their application often a source of conflict and tension? What is the state of fundamental rights in Cameroon in 2021?

The reassertion of human rights, by enshrining their sacred, innate and inalienable nature in the 1948 Universal Declaration of Human Rights (UDHR), has also made the duties and obligations of the State sacred, by progressively linking the individual to international law and strengthening his powers of self-determination through the multiplication of categorical spheres of individual power. The obligations thus defined and attached to fundamental rights will have a stronger general scope (*erga omnes*), a mandatory nature for some of them (*jus cogens*), underpinned by a presumption of good faith (*pacta sunt servanda*) that States must respect, through acts of consent to be bound by international human rights legal instruments.

These questions explain why, in law courses, there was some confusion about what was meant by *freedoms* or *civil rights*, before settling from the early 1960s onwards, on the

and Political Rights, Collective Rights, and so on.

This chapter shall examine the legal and institutional framework (Section 1), then explore the situation of the exercise of civil rights in Cameroon in 2021 (Section 2), before looking at recommendations for improving the exercise of these rights (Section 3).

SECTION I.- Legal and institutional framework of civil rights

The basic legal and institutional framework (Paragraph 1) was supplemented by developments during the base year (Paragraph 2).

Paragraph 1.- The basic normative and institutional framework

The preamble to the Constitution of 18 January 1996 affirms the Cameroonian people's attachment to "*the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and Peoples' Rights and all duly ratified international conventions relating thereto*". It also stipulates that: "*[f]reedom and security shall be guaranteed to each individual, subject to respect for the rights of others and the higher interests of the State*".

The same preamble stipulates that

[n]o person shall be harassed on grounds of his origin, religious, philosophical or political opinions or beliefs, subject to respect for public policy; the State shall be secular. The neutrality and independence of the State in respect of all religions shall be guaranteed; freedom of religion and worship shall be guaranteed; the freedom of communication, of expression, of the press, of assembly, of association, and of trade unionism, as well as the right to strike shall be guaranteed under the conditions fixed by law;

Thus, among the civil rights enshrined in the preamble to the Cameroon Constitution include freedom of movement, freedom of establishment, freedom of opinion, freedom of political affiliation, freedom of religion and worship, of communication, of expression, of the press, of assembly, of association, and of trade unionism.

In any case, the Universal Declaration of Human Rights and all Human Rights Treaties ratified by Cameroon or to which it has otherwise acceded form part of the Constitution, in accordance with Article 65.

The freedoms of public meetings and processions are governed in Cameroon by Law No. 90/055 of 19 December 1990 to lay down regulations governing public meetings and processions. There is also Law No. 90/054 of 19 December 1990 relating to the maintenance of law and order, which governs the conduct of law and order operations, including the prohibition on the use of firearms in such operations. Specific provisions of the Criminal Code, namely Articles 231 et seq., punish breaches of public peace, in particular the organisation of a public meeting that has not been declared, statements likely to mislead the

authorities as to the conditions or purpose of the meeting, the distribution of invitations to take part in an undeclared or prohibited meeting, incomplete or inaccurate declarations likely to mislead as to the conditions of the planned procession, the organisation of public processions without a declaration, gatherings, seditious shouting, looting by gangs, etc. The same applies to Law No. 2014/028 of 23 December 2014, on the suppression of acts of terrorism, which provides for penalties for acts likely to create widespread insurrection in the country.

The freedom of expression, of the press and of communication enshrined in the 1996 Constitution are exercised within the framework of the provisions of Law No. 90/52 of 19 December 1990 on freedom of mass communication, amended by Law No. 96/04 of 4 January 1996 and by Law No. 2010/013 of 21 December 2010, amended and supplemented by Law No. 2015/006 of 20 April 2015 governing electronic communications in Cameroon.

In Africa, civil rights are protected by:

- the African Charter on Human and Peoples' Rights (Articles 2, 8, 9 and 10)¹⁸⁵ ;
- the Declaration of Principles on Freedom of Expression in Africa;
- the Guidelines on Access to Information and Elections in Africa;
- the Declaration of Principles on Freedom of Expression and Access to Information in Africa;
- the African Model Law on Access to Information.

At the universal level, the regime of freedom of public meeting and procession is set out in Article 20(1) of UDHR, which stipulates that “[e]veryone has the right to freedom of peaceful assembly and association” and in Article 21 of ICCPR which stipulates that

[t]he right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

¹⁸⁵ Articles 2, 8, 9 and 10 of ACHPR are worded as follows.

- Article 2: “Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status”.

- Article 8: “Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms”.

- Article 9: “Every individual shall have the right to receive information. Every individual shall have the right to express and disseminate his opinions within the law”.

- Article 10: “Every individual shall have the right to free association provided that he abides by the law”.

The right to freedom of thought, conscience and religion shall be universally guaranteed by Article 18 of the Universal Declaration of Human Rights¹⁸⁶. Article 19 of the same Declaration enshrines freedom of opinion and expression in the following terms: “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

At the institutional level, several national and international bodies shall guarantee or monitor respect for fundamental rights in Cameroon. These include:

- the courts and tribunals;
- the Cameroon Human Rights Commission;
- the National Communication Council (NCC);
- the Human Rights Committee;
- the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- the Special Rapporteur on the right to freedom of peaceful assembly and association.

Paragraph 2.- Legal and institutional innovations

In the course of 2021, a number of legal innovations were introduced to strengthen this system. These include:

- Law No. 2021/002 of 16 April 2021 to authorise the President of the Republic to ratify the agreement between the Republic of Cameroon and the Federative Republic of Brazil, on the transfer of persons sentenced to deprivation of liberty, signed on 3 September 2019 in Brasilia;
- Law No. 2021/003 of 16 April 2021 to authorise the President of the Republic to ratify the extradition agreement between the Republic of Cameroon and the Federative Republic of Brazil, signed on 3 September 2019 in Brasilia;
- Law No. 2021/022 of 16 December 2021 to amend some provisions of Law No. 90/53 of 19 December 1990 relating to freedom of association;
- Law No. 2021/023 of 16 December 2021 bill governing inter-branch organisations in Cameroon;
- Decree No. 2021/001 of 4 January 2021 to convene the electoral college of the Menoua constituency for the election of representatives of traditional rulers of Menoua Division in the West Regional Council;

¹⁸⁶ Article 18 of UDHR stipulates that, “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

- Decree No. 2021/243 of 27 April 2021 to ratify the extradition agreement between the Republic of Cameroon and the Federative Republic of Brazil, signed on 3 September 2019 in Brasilia;
- Decree No. 2021/244 of 27 April 2021 to ratify the agreement between the Republic of Cameroon and the Federative Republic of Brazil, on the transfer of persons sentenced to deprivation of liberty, signed on 3 September 2019 in Brasilia.

SECTION II.- The exercise of civil rights in Cameroon in 2021

The issue of freedom of expression, of the press and of communication (Paragraph 1), freedom of movement, association and worship (Paragraph 2) and freedom of assembly and right to strike (Paragraph 3) shall be presented in turns.

Paragraph 1.- Freedom of expression, of the press and of communication

Media pluralism and diversity are a reality in Cameroon. According to the Ministry of Communication, in 2021 there were around 650 print media companies, 250 radio stations, 160 of which were duly authorised, around 50 television stations and 165 cable television companies in the country¹⁸⁷.

These print, radio and television media outlets, in both the public and private sectors, organise and broadcast adversarial debates, and offer criticism in their columns and on their aerials. The free tone often leaves room for unfounded assertions and accusations, defamation, and abuse of public morality and decency.

It is for these reasons that the National Communication Council (NCC), the media regulatory body, regularly issues sanctions against journalists and media outlets. During the year under review, NCC examined 22 regulatory cases, eight of which were initiated by ordinary citizens, five by public authorities, five by various institutions and four by self-referral¹⁸⁸. These cases resulted in 21 decisions by the regulatory body, including 15 temporary suspensions of less than six months, one six-month suspension, two warnings and one decision to dismiss the case¹⁸⁹.

Some report that some journalists “reported self-censorship in order to avoid consequences, including extortion, for their criticism”, and that “journalists and media outlets reported self-censorship, especially if the National Communication Council had previously suspended their activities”. It should be noted that self-censorship by journalists is only a bad indicator of freedom of press if it impairs legitimate freedom of expression.

¹⁸⁷ See Contribution of the Ministry of Communication to CHRC 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁸⁸ See Contribution of the National Communication Council to CHRC 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁸⁹ *Ibid.*

Consequently, anyone who limits his own freedom of expression to protect himself from the sanctions of *the independent regulatory body for the suppression of inappropriate publications in the press-which sanctions the press indiscriminately, whether pro-governmental or anti-governmental*-is not the victim of an infringement of his freedom of expression, let alone freedom of press.

It is worth pointing out that individual or collective self-censorship is an integral part of the journalistic profession, inasmuch as each journalist is obliged to avoid infringing the editorial line of the media outlet that employs him.

On their part, professional media organisations contest the legitimacy of NCC on the grounds that all its members are unilaterally appointed by the executive power.

However, *access to sources of information remains the major obstacle to the right to inform*. Government data is not regularly updated to provide journalists and citizens with the information they need, and civil servants are under *no legal obligation to provide information to the press on request*.

The deployment of journalists in security risk zones was relatively difficult during 2021. Journalists working in the North West and South West Regions were regularly targeted by separatist groups. On 8 March 2021, Fame Bunyui Fakeh, a journalist with Cameroon Radio and Television (CRTV), was kidnapped from her residence in Buea by people who were not formally identified, but claimed to be part of the secessionist movement. The journalist was finally released following appeals from the public and denunciations by media associations and unions.

Armed separatist groups in the South West and North West Regions have openly restricted freedom of expression. These armed groups thus impose on the population living in these two Regions never to say or do anything against their action or in favour of the State or those who support the State. As offenders are often the victims of barbaric reprisals, it should be considered that these armed groups permanently restrict freedom of expression through a series of violent acts illustrated below in an indicative and non-exhaustive manner.

The Commission's staff noted that on 18 June 2021, in an amateur video, *No Pity* announced his presence in the vicinity of Bambili (home of the University of Bamenda), in the Tubah Sub-Division. He said his raid was aimed at cleansing Bambili of all "traitors" collaborating with the defence and security forces. CHRC learned of the abduction of Fame Bunyui Fakeh, a CRTV journalist who was kidnapped from her residence on 13 March 2021; she was released the following day. NHRI of Cameroon also noticed that on Wednesday 29 September 2021, a video posted on social media showed *No Pity* and his acolytes parading around on motorbikes in Bamessing village, in Ndop, Ngoketunjia Division. It was nothing more or less than a show of strength among the local population to maintain and reinforce terror. It is obvious that these acts are clearly aimed at curbing any

opinion.

Yet the public has a right to information. The information in question must be of good quality. There are still several obstacles to making quality information available to the public in Cameroon. The gloomy socio-economic environment, political divisions and precariousness push journalists and the media to impose self-censorship and to be influenced by certain lobbies. Such a press therefore does not always objectively serve the interests of the people. To force the press to respect professional rules and to best assume its social responsibility, the National Communication Council was set up. However, *there is no self-regulatory body or peer court in Cameroon.*

Several topical issues dealt with in media debates and interactive interventions are fuelled by hate speech and defamatory remarks. These excesses jeopardise national unity and social cohesion. Professional press organisations, media workers and even civil society organisations are calling for the establishment of a self-regulatory body, without prejudice to the sovereign actions of NCC, set up by the Government.

Hate speech and defamatory remarks are also proliferating on the Internet, whose penetration rate is 80% in Cameroon according to the Ministry of Posts and Telecommunications (MINPOSTEL)¹⁹⁰, especially through social media, which have certainly improved access for journalists and ordinary citizens to sources of information available online; but this great freedom also leaves room for disinformation and cybercrime. In this respect, the National Agency for Information and Communication Technologies (ANTIC), which was set up as part of the government's efforts to regulate the sector, reported 3,105 complaints and 11,128 requisitions processed in 2021. All related to cyber security. Similarly, 3,750 fake accounts (Facebook and Twitter) were closed on social media. The same agency reports that cyberattacks have caused financial losses estimated at CFAF2.5 billion for system intrusions, and CFAF6 billion for *phishing* et le *scamming*¹⁹¹, which are cyber scam practices. These figures are a warning of the need for responsible use of the freedom of communication offered by the Internet and ICTs.

Despite these excesses, some actors criticise Cameroon for the “*existence of laws punishing defamation*”. On this precise point, it should be noted that defamation is even more severely punished in some developed countries, such as the United States, where “*[t]he prominent far-right conspiracy theorist Alex Jones was ordered on Friday in Texas, to pay a fine of \$45.2 million to the parents of a boy killed in the worst school massacre in American history, which he had denied happened*” on 6 August 2022¹⁹². The day before, he

¹⁹⁰ See Contribution of MINPOSTEL to CHRC 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁹¹ *Ibid.*

¹⁹² Source : <https://www.lefigaro.fr/international/etats-unis-le-complotiste-alex-jones-condamne-a-verser-45-millions-de-dollars-pour-avoir-nie-une-tuerie-20220806> (accessed on 17/8/22).

had already been “fined [...] more than \$4 million for repeatedly denying the massacre at Sandy Hook”¹⁹³.

Defamation laws also exist in many other major democracies, such as the United Kingdom, which is considered by experts to be the defamation capital of the world for lawsuits against NGOs and activists, because lawsuits there are well-founded on:

- i) the presumption of bad faith of the alleged defamer;
- ii) the damages decided on by the civil court in millions of euros (whereas in France, for example, penalties are generally in the range of €5,000 to €10,000); and
- iii) the fact that the judge uses his power of injunction to prohibit the defendant from speaking about the trial; a virtually identical system prevails in Canada and Australia.

However, some actors seem to criticise Cameroon for having laws against defamation, as if they did not exist in other countries which are often considered models of democracy, and as if their abolition were a universal standard or standard of democracy.

Others go even further by suggesting that journalists enjoy immunity which would protect them against common law prosecutions or other legitimate prosecutions in any State governed by the rule of law, as illustrated by the case of the “independent journalist” Kingsley Fumunyuy Njoka, whom some NGOs such as *Reporters Without Borders* denounced his arrest and temporary detention, stating that *the charges against him were still unfounded*. However, according to CHRC investigations, Kingsley Fumunyuy Njoka was arrested on 15 May 2020 in Douala. He is being prosecuted not for acts related to the exercise of any freedom of press, but for *secession and complicity with armed gangs*. He first appeared in court on 7 March 2022 and his trial is ongoing. When you consider that the International Criminal Court, which has few defendants and colossal resources, took more than five years to bring Laurent Gbagbo to trial for the first time, and eight years to reach a verdict in the case of Jean-Claude Bemba (arrested in 2008, the first verdict was pronounced in his case in 2016), and terrorists are locked up in Guantanamo Bay without trial for more than 20 years. Can an underdeveloped country be criticised for not having completed the trial of a terrorist less than a year after his arrest, as implied in the Report under review? Can an emerging country be criticised for not having completed the trial of a terrorist less than a year after his arrest, as implied in the *Report* under review? All the more so as the useful referrals in this case are motivated by the need to ensure that the accused receives a fair trial.

¹⁹³ Source : <https://fr.euronews.com/2022/08/05/un-conspirationniste-alex-jones-condamne-pour-avoir-nie-la-realite-du-massacre-de-sandy-ho> (accessed on 17/8/22).

Paragraph 2.- Freedom of movement of persons and goods, of association and of worship

The freedom of movement of persons and goods remained a subject of concern for both public authorities and the population in 2021. This freedom is guaranteed by the State, which has invested significant resources in the construction of road infrastructure as well as the deployment of road safety services, although these remain insufficient. Actually, many localities, particularly major agricultural production areas, remain isolated due to the absence of roads or the poor condition of existing ones. Users, particularly interurban transporters and truck drivers, denounce the harassment and racketeering orchestrated by the police and gendarmerie through the proliferation of checkpoints. This harassment has led to a number of upheavals. The most prominent of which has been strikes or occasional cessations of activity by road transporters, such as the strike announced for October 2021, of which the call was finally withdrawn following a consultation meeting at the Ministry of Transport between the parties concerned on 7 October¹⁹⁴.

The security situation in the Far North Region, marked by incursions by terrorists from the Islamist sect *Boko Haram*, and in the North West and South West by the activities of secessionist terrorists, seriously hampers the freedom of movement of citizens.

The blockade of towns through “*Ghost Town*” operations, the blocking of roads and the planting of improvised explosive devices in the North West and South West Regions are serious violations of freedom of movement of citizens, as well as the harassment of passengers by secessionist terrorists on the roads in the latter two Regions.

With regard to freedom of religion and worship, all citizens who wish to do so have the right to freely express their religious ideas and opinions in public. Cameroon practices positive secularism. Despite the lack of legal authorisation, *no religious association has been banned since 1990*. In addition to a tolerant regime, animists, Muslims and Christians from both conventional and “living” churches coexist peacefully. 2021 was no exception to this peaceful coexistence.

Of the total number of associations, NGOs and political parties operating and/or legalised in Cameroon under Law No. 93/053 of 19 December 1990 on freedom of association, there are three types of association: registered associations, foreign associations and religious associations.

As at 31 December 2021, there were more than 50,000 registered associations, about 550 foreign associations and some 600 *religious associations, of which only 48 were legally authorised*. Law No. 99/014 of 22 December 1999 to govern NGOs distinguishes between

¹⁹⁴ See Ministry of Transport, <https://mintransports.net/en/les-syndicats-des-transporteurs-routiers-levent-le-mot-dordre-de-greve/>, accessed on 11/3/23.

two categories: ordinary NGOs and one-person NGOs. There are currently 148 registered NGOs in Cameroon¹⁹⁵.

As at 31 December 2021, 329 political parties have authorised in Cameroon¹⁹⁶.

Paragraph 3.- Restrictions on the free exercise of the freedom of assembly and public manifestation

Despite all the constitutional and legal guarantees, the situation of freedom of assembly and the right to strike in Cameroon presents pitfalls. In 2021, obstacles were placed in the way of full enjoyment of the right to freedom of strike in violation of the legal framework that promotes it. The restrictions observed are mainly linked to non-compliance with Law No. 90/055 of 19 December 1990 governing public meetings and processions, both by the administration and users. Subsections 1 and 2 of Section 3 of the aforementioned law stipulate that “[p]ersons shall be free to hold public meetings, no matter their purpose, are free”, and that “[h]owever, such meetings shall be subject to a prior declaration”. Even when a meeting has been declared, the authorities do not immediately issue a receipt, as stipulated in subsection 3 of Section 4 of the law: “[t]he authority receiving the declaration shall immediately issue a receipt therefore”.

It should be noted, however, that the main reason for banning processions, gatherings and other public meetings in 2021 was the health context still marked by the Covid-19 pandemic, despite the decline observed towards the end of the year. Thus, the restriction limiting the number of people authorised to physically attend a meeting to 50, imposed by the Prime Minister as soon as the presence of the virus was declared on Cameroonian territory, had not yet been officially lifted in 2021. However, it has been observed that this restriction on meetings is generally no longer respected without being called to order by the authorities, hence the controversy that arises whenever this reason is given for banning a meeting or procession declared by an opposition political group.

Too often, some people make gratuitous or false assertions, devoid of the slightest reference or the slightest shred of evidence, in particular allegations of “*arbitrary arrests and detentions*” as well as references to the “*absence of investigations or prosecutions by the government regarding attacks on human rights defenders and peaceful demonstrators, which would lead to de facto restrictions on the freedoms of assembly and association*”.

Instead of challenging the alleged violations before the competent authorities, members of certain opposition political parties and civil society organisations ignore regulatory formalities and organise illegal processions. As a result, some of these illegal processions violate the right of non-processing citizens to freedom of movement.

¹⁹⁵ Contribution of the Department of Political Affairs of the Ministry of Territorial Administration to the CHRC’s 2021 Annual Report on the State of Human Rights in Cameroon.

¹⁹⁶ *Ibid.*

SECTION II.- CHRC recommendations regarding public freedoms

Full enjoyment of the freedom of assembly and right to strike is made difficult by the need to maintain public order and security and by the existence of several overlapping texts, open to divergent interpretations.

This observation made by CHRC also applies to the difficulties associated with the exercise of freedom of expression, of the press and of communication.

CHRC recommends:

- considering the opening of sectoral consultations with a view to preparing and drafting a single Code governing the freedoms of assembly and right to strike;
- considering the drafting of a single Press Code to be submitted to Parliament for review and possible vote;
- adopting a law accessing sources of information;
- setting up a media self-regulatory body (peer regulation);
- accelerating and completing the processes of preparing and adopting the preliminary draft law on the protection of personal data and the draft national charter for the protection of children online;
- accelerating the process of legal authorisation for religious associations.

PART III.- THE RIGHTS OF SPECIFIC CATEGORIES

The expression “*specific categories*” refers to persons or groups of persons who shall benefit from specific protection because of their vulnerability. This may result from the sex of the person (women and girls), age (children and the elderly), the failure of a sense or organ (people living with a disability), instability following a situation (refugees and internally displaced persons), membership of a group (minorities and indigenous people) or deprivation of liberty.

These so-called vulnerable people are very often exposed to risks of abuse of power, stigmatisation, exclusion, discrimination, exploitation or marginalisation.

In any case, it is when the system struggles to provide effective legal protection or to meet the specific needs of a group that vulnerability becomes a problem. While factors of vulnerability are not the deliberate choice of the individuals concerned, States nonetheless have an obligation to ensure that all citizens enjoy the full range of fundamental rights and freedoms, based on the principles of substantive-and not merely formal or abstract-equality or non-discrimination.

These principles are enshrined in the preamble to the Constitution of Cameroon, which stipulates that: “[A]ll persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development”. It is understood that discrimination occurs when the difference in treatment is based on an illegitimate ground, falling within the scope of a provision of positive law. When the reason for the differentiation is legitimate, as in all the cases referred to in this chapter, the situation is one of differentiation.

The rights of specific categories during the base year shall be examined under the prism of the rights of internally displaced persons and refugees (Chapter 1), the rights of women and children (Chapter 2), the rights of minorities and indigenous people, and the rights of people living with disabilities (Chapter 3).

CHAPTER I.- THE RIGHTS OF INTERNALLY DISPLACED PERSONS AND REFUGEES

Circumstances beyond their control may lead people to leave their country or place of residence to escape imminent or real danger. These people who are subject to forced migration become vulnerable because of the loss of their bearings and the sudden change in their living environment. Due to this vulnerability, these people who, depending on the case, may be asylum seekers, refugees, stateless persons, internally displaced persons, etc., are exposed to risks of exploitation, insecurity, discrimination, attack on life, physical and moral integrity. Likewise, in foreign territory, these migrants run the risk of losing the benefit of several economic, social and cultural rights, such as the right to food, the right to work, the right to education, the right to health, the right to housing or to decent habitat, as well as the right of access to land ownership. Faced with these risks, States have signed, ratified and adopted several instruments that enshrine specific rights for these migrants and guarantee them protection against various abuses by setting up national mechanisms for the care and management of these vulnerable people.

In the Cameroonian context, over the last few decades and due to conflict situations in several neighbouring countries, terrorism and transnational crime in the countries of the Lake Chad Basin, as well as the security situation in the North West and South West Regions, the country is facing an influx of asylum seekers, refugees and internally displaced persons.

2009, 2014 and 2016 are three crucial dates in the recent history of human rights in Cameroon. Apparently discontinuous, they shed light on the analysis in 2021 of the state of human rights applicable to the rights of internally displaced persons and refugees in the three regions of the Far North, North West and South West. Indeed, these three Regions crystallise, more and better than anywhere else in the country, complex security challenges which have an impact on the human rights, particularly the rights of internally displaced persons (IDPs) and refugees, which represent security, legal, diplomatic, economic and cultural issues the State of Cameroon faces.

In order to examine the situation of these vulnerable groups in 2021, we shall review the existing legal and institutional framework (Section 1), as well as presenting the difficulties and challenges encountered (Section 2), and make recommendations regarding these groups (Section 3).

The legal and institutional framework relating to internally displaced persons (Paragraph 1) and refugees (Paragraph 2) shall be assessed separately.

Paragraph 1.- Legal and institutional framework for IDPs

Certain circumstances beyond their control may force people to leave their usual place of residence and settle in other parts of the country. Such circumstances may include natural disasters, calamities, conflicts, etc. In such situations, internally displaced persons become vulnerable and the State has an obligation to ensure their protection. In this regard, Article 1(l) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)¹⁹⁷ of 22 October 2009, to which Cameroon acceded on 31 December 2014, defines *internal displacement* as “*the involuntary or forced movement, evacuation or relocation of persons or groups of persons within the internationally recognised State borders*”.

The Kampala Convention focuses on protection and assistance, sustainable solutions and the right to reparation, for the benefit of people affected by displacement due to human rights violations to which they are exposed, in this case the rights to housing, food, health protection, education, employment and an adequate standard of living. Internally displaced persons benefit from all the rights granted to Cameroonian citizens or persons residing in Cameroon.

With regard to the institutional framework, it should be noted that the United Nations has mandated UNHCR to include internally displaced persons in its interventions, with the aim of protecting them and providing them with humanitarian assistance according to their specific needs. As a result, since 2018, UNHCR has been supporting the efforts of the State in this regard by strengthening basic social services for IDPs.

At the national level, MINAT is responsible, through its civil protection missions, for providing relief and assistance to victims of conflicts and disasters. As a result, the administrative authorities are called upon more and more when internally displaced persons due to conflict or disaster arrive in their areas of jurisdiction in large numbers. The administrative authorities are increasingly supported by regional and local authorities, and traditional local authorities.

¹⁹⁷ Internally displaced persons are considered, in accordance with the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) to which Cameroon acceded on 24 May, as *persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border*;

Similarly, MINAS is responsible for implementing the social policy of the State. However, its portfolio does not explicitly include internally displaced persons. The same applies to the Interministerial Technical Committee for Monitoring the National Social Protection Policy, adopted in December 2019, which is led by MINEPAT. Its mandate is to monitor the care of vulnerable people. There is no specific profile for internally displaced persons in the said policy, as is the case for other vulnerable categories: children, young people, women, the elderly, etc. Consequently, this Committee does not deal with these groups of people.

Paragraph 2.- Normative and institutional framework relating to refugees

The rights of refugees are enshrined in the provisions of African and universal human rights texts, in this case the African Charter on Human and Peoples' Rights of 27 June 1981, ratified by Cameroon on 20 June 1989, which specifically stipulates that in Article 12 that *“Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions”*. Article 14 of the 1948 Universal Declaration of Human Rights stipulates that *“Everyone has the right to seek and to enjoy in other countries asylum from persecution”*. In addition to these, there are specific instruments, in particular the United Nations Convention of 28 July 1951, which Cameroon acceded on 23 October 1961, amended by the Protocol of 31 January 1967 and ratified by the country on 19 September 1967. Article 1 of this instrument defines a refugee as a person who,

[...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Article 1(2) of the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, ratified by Cameroon on 7 September 1985, extends the definition of refugee to

[e]very person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

The national normative and institutional framework relating to the Rights of Refugees is rich in Law No. 2005/006 of 27 July 2005 relating to the status of refugees in Cameroon and its implementing Decree No. 2011/389 of 28 November 2011 on the organisation and functioning of bodies managing the status of refugees in Cameroon. These bodies are the Eligibility and Appeals Commission.

The Eligibility Commission is made up of eight members and as many alternates. These members represent the following administrations:

- the Ministry of External Relations;
- the Ministry of Territorial Administration;
- the Ministry of Social Affairs;
- the General Delegation for National Security;
- the National Gendarmerie;
- the Directorate-General for External Research;
- the National Human Rights Institution.

After examining the applications submitted to it, the Eligibility Commission is responsible for granting refugee status to asylum seekers, including a *prima facie* examination in the event of a mass arrival of people seeking asylum. It is also empowered to rule on the conditions for exclusion or loss of refugee status.

The Appeals Commission is made up of five members and their alternates, representing the Presidency of the Republic, the Prime Minister's Office, the Ministry of Justice, the Ministry of External Relations and the Ministry of Territorial Administration. These members are appointed by their administrations for a term of three (3) years, renewable once. They are responsible for ruling, as a last resort, on decisions made by the Eligibility Commission, in the event of a dispute.

In 2019, the members appointed to these bodies by the aforementioned competent administrations were sworn in before the Mfoundi Court of First Instance (CFI). However, *the Eligibility and Appeals Commissions have never met* due to lack of financial resources.

In 2023, letters were sent by the Ministry of External Relations to the other administrations concerned by the decree for the appointment of new members to the Committee and with the prospect that a budget allocation would be earmarked for the operation of these Commissions, which should gradually replace the United Nations High Commissioner for Refugees (UNHCR).

SECTION II.- The rights of refugees and internally displaced persons

At the humanitarian level, 2021 saw the emergence of a new crisis, due to the emergence of an intercommunity conflict between the ethnic groups in the Logone-Birni Sub-Division, Far North Region. This conflict has resulted in many refugees and internally displaced persons (Paragraph 1). This new situation is in addition to those persisting since 2014 and 2016, due respectively to, attacks by the Islamist sect *Boko Haram* in the Far North and secessionist terrorists in the North West and South West Regions, attacks that continue to force large numbers of people to flee either to neighbouring Nigeria, or other peaceful communities or regions of the country (Paragraph 2).

Paragraph 1.- Refugees and internally displaced persons as a result of conflict between the Mousgoums and Choa Arabs

The Mousgoum and Choa Arab communities have coexisted for many generations around Lake Chad. As for those settled in Cameroon, they live in the Logone-Birni Sub-Division, of the Logone and Chari Division, Far North Region. They live there alongside other ethnic groups such as the Kotokos and Kanuris. While the Mousgoums are mainly farmers, the main economic activities of the Choa Arabs are livestock breeding and trade. The other ethnic groups live either from fishing or a combination of these activities.

Scarcity of water resources in the Lake Chad Basin, which has lost 90% of its volume due to overexploitation and climate change, according to the United Nations¹⁹⁸, is at the root of frequent conflicts between herders, farmers and fishermen, bound to share existing resources for their activities. Concretely, local farmers and fishermen, following in the footsteps of major investors who had obtained permission from the authorities, have increasingly created water retention points (ponds or reservoirs for irrigation purposes), encroaching on the traditional transhumance corridors of livestock owners. The latter are accused of destroying these systems and plantations with impunity as they move about. The herders complained of their animals being often trapped in these improvised water reservoirs, making it easier for the former to loot their herds.

However, episodes of confrontation as bloody as those recorded first between 9-15 August, and then from 5 December 2021 onwards, had not been reported in the region's recent history. These clashes, which broke out in the village of Ouloumsa, Logone-Birni Sub-Division of the Logone and Chari Division, spread to neighbouring villages and as far as Kousseri, capital of this division, on 8 December.

This escalation of long-standing tensions, we later learned¹⁹⁹, was mainly caused by *the inertia, if not incompetence, and corruption of local authorities as well as the forces of law and order, who took bribes, disregarding conflict situations and incidents that were brought to their attention to obtain justice or for arbitration*. This prompted these communities to take up arms against each other.

In view of this particularly worrying situation in December 2021, the General Assembly of Commissioners of CHRC resolved, at its 2nd ordinary session on 22 December 2021, to dispatch a peacebuilding mission to the region before the end of the first quarter of 2022.

¹⁹⁸ See “Silencing the guns: from drought to crisis in the Lake Chad Basin”, *Afrique Renouveau* (United Nations magazine), December 2019-March 2020 issue, <https://www.un.org/africarenewal/fr/magazine/d%C3%A9cembre-2019-mars-2020/de-la-s%C3%A9cheresse-aux-crisis-dans-le-bassin-du-lac-tchad>, accessed on 16/3/23.

¹⁹⁹ Explanation from community leaders met in the Logone and Chari Division, as well as from the Mayor of Kousseri to CHRC team on a peacebuilding mission there, from 10-12 March 2022.

In prelude to this mission, which was to be led by the institution's Chairperson, an investigative raid was conducted in Logone-Birni, by the Far North Regional Office, and the report that was drawn up provided first-hand data establishing the toll of these clashes: 53 dead, 68 wounded, 20,000 internally displaced and about 82,637 Cameroonian refugees in the Republic of Chad. Meanwhile, material loss reported was about 100 stores and more than 500 counters or stalls looted, ransacked or set ablaze, and more than 20 villages of 300 households completely razed and burnt²⁰⁰.

Thus, deprived of their homes and their economic activity, these tens of thousands of victims of this conflict have found themselves in a humanitarian emergency, adding to the already high number of Cameroonian refugees in a neighbouring State and internally displaced persons within the country. This new situation led to the reaction of the authorities who deployed large numbers of defence and security forces, whose intervention calmed the situation. The Minister of Territorial Administration subsequently visited the site on 15 December, carrying a message of appeasement and assistance from the Head of State to the victims. Humanitarian organisations already active in the region also mobilised to provide emergency assistance to the tens of thousands of internally displaced persons and refugees in Chad. The United Nations sounded the alarm, notably in a communiqué dated 10 December 2021.

Thus, the already worrying situation in the Far North Region, with the management of refugees from Nigeria and the many internally displaced people caused by Boko Haram attacks, has become even more complex. by this new conflict, which it was hoped, as the year 2021 drew to a close that lasting solutions would be found so that the many displaced persons return to their places of origin, to rebuild their livelihoods, and return to a peaceful life.

If challenges such as access to education for local children were already existing in the region as a whole, which has the lowest school enrolment rates at all levels of education- as well as the challenge of civil registration, these will undoubtedly increase if special measures are not taken to reconstitute destroyed identification documents and establish those that do not exist, as well as encourage displaced pupils to return to school, encourage parents to enrol children who were not yet.

Paragraph 2.- The case of refugees and internally displaced persons due to persistent incursions by *Boko Haram* and attacks by secessionist terrorists

Since 2014, the Far North Region is directly suffering from the horrors of sporadic, bloody attacks by the terrorist sect *Boko Haram*. But the impact of this sect's terrorist

²⁰⁰ See Report of CHRC fact-finding mission from 15-19 December 2021 in the Logone and Chari Division.

activities on the Region dates back to 2009, when the first refugees from Nigeria, where the terrorist group had already begun its activities, arrived in the Region.

As at 20 December 2021, UNHCR humanitarian assessment of the Region²⁰¹, is as follows:

- **116,564** refugees from Nigeria;
- **57,631** internally displaced persons (IDPs);
- **135,257** returnees (former IDPs);
- **794** Nigerians returned to their country as part of a peaceful, voluntary repatriation process that took place in two waves (425 returned in February 2021 and another 369 in March 2021).

In the North West and South West Regions, insecurity caused by clashes between armed secessionist terrorists and the army since October 2016, which subsequently gained momentum with the terrorist attacks which these groups and other opportunistic criminal gangs began to engage in, has persisted in some parts of these Regions. Hence the persistence of a high number of Cameroonian refugees in Nigeria (69 400²⁰²) and internally displaced persons (575 507²⁰³) due to this situation. However, the return to calm in some communities namely in urban areas, has encouraged the return of a significant number of ex-refugees (18 279²⁰⁴) and ex-IDPs (251,647 returned to the North West and 131,949 to the South West²⁰⁵).

Some of the IDPs who left these Regions have settled in other communities in the same Regions. Others have done same outside these two regions. According to UNHCR data, as of December 2021²⁰⁶, IDPs are as follows:

- 226,708 in the North West Region;
- 120,834 in the South West Region;
- 81,298 in the Littoral Region, the same figure in the West Region;
- 60,068 in the Centre Region and
- 5,301 in the Adamawa Region.

In all, there were some 933,138 IDPs and 518,853 returnees (ex-IDPs) in Cameroon at the end of the reference year.

²⁰¹ See United Nations High Commissioner for Refugees (UNHCR), *Cameroon: statistics of persons of concern to UNHCR*, <https://data.unhcr.org/fr/documents/download/90330>, accessed on 15/3/23.

²⁰² See CHRC, *The State of Human Rights in Cameroon in 10 figures*, 2021.

²⁰³ HCR, *op. cit.*

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*

The main challenge for most of these IDPs is to reconstitute their lost identity papers (see Title 2, Chapter 1 (Rights to identity, nationality and citizenship), Section 2, Paragraph 2 of this Report).

Thus, many children (under 18), who make up the majority of IDPs (51%), are at risk of statelessness, as they have no birth certificate or have lost it while fleeing insecurity with their families.

Yet this right to identity conditions the enjoyment of several others, such as the right to education, the freedom of movement, access to some structures to benefit from some rights such as access to medical care, the right to a decent job and, consequently, to an adequate standard of living, and so on.

But Cameroon has remained a host country for many refugees and asylum seekers, totalling 474,637 people, including 345,471 Central Africans, 119,552 Nigerians, 2,462 of other nationalities and 7,152 asylum seekers²⁰⁷.

This global humanitarian situation poses a real challenge to the State, which is already struggling to guarantee an adequate standard of living for its citizens, but which, by virtue of its international commitments, must also ensure and preserve the fundamental rights of these vulnerable persons. Hence the need for assistance from international and national humanitarian organisations, whose efforts, combined with those of the State, hopefully, will increasingly contribute in improving respect for the human rights of this category of vulnerable persons.

As for the causes of this humanitarian situation, the fruits of some measures taken by the State to promote a return to peace, such as the setting up of Disarmament, Demobilisation and Reintegration Centres (DDRC) in the three regions of the country hit by insecurity, offer a glimmer of hope for a return to normalcy in the near future.

Indeed, an increasing number of ex-fighters from Boko Haram and secessionist groups are surrendering to these centres, which had 1,471 ex-fighters by 31 December 2021, including 640 men, 296 women and 535 children²⁰⁸.

SECTION III.- CHRC Recommendations

On the legal status of minorities, indigenous people, women and children, sub-groups of people, including the internally displaced, the Fundamental Law of 18 January 1996 prescribes two major principles: on one hand, equal rights for all citizens, equality of all before the law, and on the other hand, respect for international human rights conventions.

²⁰⁷ See CHRC, The State of Human Rights in Cameroon in 10 figures, *op. cit.*

²⁰⁸ See Contribution of NCDDR to the CHRC's 2021 Annual Report on the State of Human Rights in Cameroon.

The State of Cameroon, by adopting a special status for the North West and South West Regions, a development plan specific to these Regions, an emergency humanitarian action plan, by creating a National Disarmament, Demobilisation and Reintegration Committee, a National Commission for the Promotion of Bilingualism and Multiculturalism, institutional “bridge” of mechanisms for the protection of internally displaced persons and refugees, has demonstrated its willingness and ability to assume its sovereign obligations in matters concerning the care of internally displaced persons and refugees. However, CHRC issued a statement on 20 June 2021, World Refugee Day, to draw the attention of public authorities and partners to the risks faced by these vulnerable persons with regard to respect for their Rights, including:

- inadequate health facilities in refugee camps such as Minawao, with two hospital facilities since 2017 for about 60,000 refugees, a figure that falls short of UNHCR standards in this area, which recommend one health centre for every 20,000 refugees;
- attacks on some refugee and IDP camps, particularly those perpetrated in the Far North Region by Boko Haram terrorists, resulting in a flow of people seeking security, health services and education;
- the need for greater State support in managing refugees and internally displaced persons.

Faced with the many challenges facing refugees and internally displaced persons, CHRC makes the following 10 recommendations for improving their care.

To the Government, the Commission recommends:

- making operational the Refugee Status Eligibility Committee and the Refugee Appeals Board, so that refugees can benefit from a recognised status and enjoy the associated privileges, particularly in the fields of education, health and sports;
- permanently facilitating access to training institutions by simplifying some procedures for the admission of refugees, internally displaced persons and asylum seekers;
- making it easier for displaced persons to obtain identification documents, so as to access public services such as health and education;
- implementing the resolutions of the Kampala Convention Internalisation Workshop, organised on 10 and 11 October 2017 at MINREX by UNHCR, one of the objectives of which was to *initiate reflection on a national law or policy on internal displacement* and to consider the specific needs of *some groups that suffer double vulnerability when in situations of forced displacement, namely the elderly, single women, unaccompanied children, minorities and indigenous people*;

- establishing mechanisms for the equal treatment of refugees and internally displaced persons;
- strengthening the inclusion of host communities in the strategy for managing refugees and internally displaced persons;
- introducing a teaching module on humanitarian action and assistance in the training centres for the soldiers, gendarmes and police.
- reinforcing pro-activity and equity in the management of intercommunity conflicts by the administration.

To technical and financial partners, the Commission recommends:

- significantly increasing humanitarian aid for refugees in Cameroon;
- adopting an inclusive approach to humanitarian assistance to refugees, by taking greater account of the needs of host communities.

CHAPTER II.- WOMEN'S AND CHILDREN'S RIGHTS

Recent international benchmark monitoring reports, such as the *2021 Global Gender Gap Report and the 2021 Insight Report*, indicate that women and children are the most vulnerable social group in the world and that *no nation could claim absolute gender parity in 2021*. This state of affairs is a true reflection of the state and vulnerability of women and children in Cameroon and elsewhere. This is why, in addition to the Universal Declaration of Human Rights, a series of national, regional and international legal instruments specifically address the rights of women (including girls) and children.

Hence, Women's and children's rights are thus an integral part of the corpus of Human Rights. The fight against discrimination, prejudice and inequality of which women and children are victims in all domains is not only a question of their citizenship rights, but also of national development.

The predominant place of Cameroonian women in the socio-cultural, economic and political development of the nation remained visible in 2021 and is consistent with strategic national policy documents, the most recent of which is the National Development Strategy 2020-2030 (NDS30).

This chapter is divided into three sections: Section 1, which presents the Rights of Women and Girls; Section 2, which deals with the Rights of the Child in 2021; and Section 3, which deals with Recommendations.

SECTION I.- Women's rights

Before assessing the efforts made by public authorities and the challenges to achieving women's rights (Paragraph 2), we should first present the legal instruments on which these rights are based (Paragraph 1).

Paragraph 1.- The Normative and Institutional Framework of Women's Rights

The preamble to the Constitution of Cameroon of 18 January 1996 stipulates that “[t]he nation shall protect and promote the family, which is the natural foundation of human society. It shall protect women, the young, [...] shall guarantee the child's right to education”. The same preamble proclaims that “the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights”. It also stipulates that “all persons shall have equal rights and obligations [and that] the State shall provide its citizens with the conditions necessary for their development”. To guarantee the effectiveness of the principle of equality in rights and obligations, Article 1 of the Constitution stipulates that “[t]he Republic of Cameroon [...] shall ensure the equality of all citizens before the law, as well as equal access to the courts”.

In addition to the Constitution, women's rights are enshrined and protected at the national level by general and specific texts, namely:

- the Cameroon Penal Code, which states that criminal law applies to all without distinction as to sex and contains several provisions protecting women and girls, in particular against:
 - genital mutilation (Section 277-1);
 - prevention of growth of an organ (Section 277-2);
 - immoral earnings (Section 294);
 - private indecency (Section 295);
 - sexual offences such as rape or incest (Section 296);
 - sexual harassment (Section 302-1);
 - abortion (Section 337);
 - assault on woman with child (Section 338);
 - immoral earnings (Section 343);
 - corruption of youth (Section 344);
 - indecency to child under sixteen and indecency to minor between sixteen and twenty-one (Sections 346 and 347);
 - forced marriage (Section 356);
 - interference with the right to education or training (Section 355-2);
 - abuse in respect of Bride-price (Section 357);
 - desertion (Section 358);
 - eviction from the matrimonial home (Section 358-1);
- several other texts such as:
 - the Civil Code;
 - Ordinance No 81/02 of 29 June 1981 on the organisation of civil status and various provisions related to the status of natural persons;
 - the Labour Code;
 - Ordinance No. 85/02 of 31 August 1985 relating to the Operation of Credit Institutions or Loan Houses, amended by Law No. 90/019 of 10 August 1990;
 - Decree No. 94/199 of 7 October 1994 to lay down the General Rules and Regulations of the Public Service.

These texts recognise, guarantee and protect the specific rights of women, reflecting the will of the Cameroonian State to promote an inclusive society that offers everyone (men and women) the same opportunities and rights.

At the African regional level, Cameroon is bound by general and specific conventions that protect women's rights, such as the African Charter on Human and

Peoples' Rights ratified on 22 October 1986) and its Protocol on Women's Rights, also known as the Maputo Protocol (ratified on 28 May 2009).

At the universal level, in addition to the 1966 International Covenant on Civil and Political Rights, and Economic, Social and Cultural Rights, Cameroon has ratified specific instruments such as:

- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000);
- the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) and its Optional Protocol to the referral of cases to the Committee on the Elimination of All Forms of Discrimination against Women;
- the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the General Assembly of the United Nations on 7 November 1962, which invites States to take measures to abolish customs, ancient laws and practices contrary to the Universal Declaration of Human Rights and the Charter of the United Nations, while ensuring the free choice of spouses through the abolition of betrothal and marriages involving children, particularly young girls under marriageable age;
- the Discrimination (Employment and Occupation) Convention, adopted by the ILO General Conference on 25 June 1958;
- the United Nations Convention on the Political Rights of Women (1952), which guarantees, among other things, the right of women to stand for election in all elections without discrimination;
- ILO Equal Remuneration Convention (1951);
- the International Labour Organisation (ILO) Convention concerning Night Work of Women (1948), etc.

In this vein, we will also cite United Nations Security Council Resolution 1325 on women, peace and security, of 10 October 2005, which recommends that Member States increase the number of women at all decision-making levels in national institutions and mechanisms and in field representations for the prevention, management and settlement of disputes between States. In the same vein, we might mention resolution 2493 (2019) of 29 October 2019, the last document annexed to the above-mentioned resolution 1325 (2005), in which the Security Council urges Member States to commit themselves to implementing the *Programme for Women, Peace and Security* and to adopting the priorities set out therein by ensuring and facilitating the full and effective participation of women, on an equal footing, in all stages of peace processes, including through gender mainstreaming, and to continue to work towards increasing the number of female civilian and uniformed personnel in peacekeeping missions at all levels and in leadership positions.

In addition to these instruments, most of which are binding in nature, Cameroon has supported a number of declarations that are part of the Global Agenda for Gender Equality, namely:

- the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015;
- the Addis Ababa Declaration on Accelerating the Implementation of the Beijing Platform for Action of 19 November 2014;
- the Solemn Declaration of Heads of States and Governments of Member States of the African Union on Gender Equality in Africa of 8 July 2004;
- the Beijing Declaration and Platform for Action of 15 September 1995;
- the Nairobi Forward-Looking Strategies for the Advancement of Women of 26 July 1985.

Paragraph 2.- The efforts of public authorities and the challenges to achieving women's rights

During the year under review, there was a firm commitment by public authorities to take greater account of women's rights and gender equality in public policies, backed by the support of development partners (A). However, much remains to be done to effectively implement these measures and ensure that these rights are respected by all citizens (B).

A-The State's efforts to promote women's rights

The predominant place of Cameroonian women in the socio-cultural, economic and political development of the nation remained visible in 2021 and is consistent with *strategic national policy documents*, the most recent of which is the National Development Strategy 2020-2030 (NDS30). Amongst these strategic documents are:

- the *National Development Strategy 2020-2030. For structural transformation and inclusive development* (MINEPAT, 2020),
- the annual reports of ministries, organisations and bilateral partners (MINPROFF, 2015) and
- the initiative of the United Nations Economic Commission for Africa (UNECA) for the integration of Agenda 2063 and SDGs, which are being implemented in Cameroon through ideas for a prosperous Africa²⁰⁹.

The Government, in partnership with all stakeholders, is striving to create a gender-sensitive environment that respects the Rights of women and the girl child, not just those of men/boys. The State also wants to level the playing field in order to promote gender equality and women's empowerment. In this light, many synergies are being created to:

²⁰⁹ Held in Yaoundé on 23 February 2018.

- permanently instil awareness in the people of why women matter;
- advocate and campaign for women and girls to have a voice;
- investment to ensure that the rights of women and girls are respected;
- bring to justice those who violate women's rights (including their lives and dignity);
- implement the policy of promoting gender equality and empowering women in all sectors.

The Global Gender Gap Report: *2021 Insight Report*²¹⁰ presents relevant statistics on the ranking of the gender gap in Cameroon, at African and global level, on four primary indicators presented in Table 1 below. Cameroon is in a slightly better-than-average position, having reduced the gender gap by 69.2%; it still needs to reduce the gap by 30.8% to achieve gender parity. In Africa, Namibia and Rwanda are the two most exemplary countries, having reduced their gender gaps by at least 80%.

There is evidence of the will and commitment of the Cameroonian government to the principle of inclusiveness and the objective of “*leaving no one behind*”. Among other measures indicated in this Report, the effective definition and implementation of the National Gender Policy since 2014 testifies to the Government’s determination to achieve gender equality and women's empowerment, respecting the Rights of Women and the Girl Child, while involving women in the promotion of peace and development; in particular by accelerating the implementation of the NDS30, the 2030 Agenda of SDGs and the African Union’s 2063 Agenda for gender-responsive sustainable growth and development. The constant improvement in implementing legal texts (national, regional and universal) relating to women's rights has also contributed to this success.

Table 1.0-Cameroon's position in the 2021 *Global Gender Gap Report*

Cameroon	Rank	Index (0-1)
Country performance at global level/156 countries	96	0,692
Country performance at regional level (Sub-Saharan Africa)/35 countries	17	0.692
Country performance by indicator	Rank	Index (0-1)
- Level of education	137	0.885
- Health and survival	67	0.973
- Economic participation and opportunity	61	0.706
- Political empowerment	74	0.202

Source: *2021 Global Gender Gap Report, Insight Report* (World Economic Forum, 2021).

In concrete terms, the State’s efforts to promote and protect women’s rights have resulted, among others, in the following selected initiatives and results:

²¹⁰ See World Economic Forum, 2021.

- the adoption and implementation of the NDS30 (MINEPAT 2020), the Government’s compass for the country’s development up to 2030, which incorporates the achievements of the National Gender Policy 2011-2020 (MINPROFF 2011), requires all public and private institutions/organisations to use gender as a unit of analysis, as well as the framework and tools of the gender mainstreaming strategy to evaluate their policies, programmes, projects and action plans; gender budgeting to ensure that sectoral budgets take into account the practical and strategic needs of women and men; compliance with these policies and frameworks is a catalyst for achieving gender equality and respecting the rights of women and girls;
- the widespread introduction of “*gender focal points*” in all ministries and independent government institutions (CHRC, CONAC, ELECAM, etc.);
- building gender capacity (human resources and structural arrangements) in many public institutions by organising workshops and seminars in 2021; in fact, with financial support from UN Women, 12,500 police officers have been trained in the use of gender as a unit of analysis and 1,610 of them have benefited from additional gender training programmes; other gender capacity-building workshops have been organised, in particular in Buea from 27 to 28 October 2021, on the theme *Strengthening/Creating “Gender Desks”²¹¹ within units of Defence and Security Forces (police and gendarmerie)*, monitoring the effective strengthening of gender desks within units of defence and security forces (FDS), particularly police stations (police) and brigades (gendarmerie) in the South West Region, in order to equip the FDS to provide better care for GBV victims; training security officers from five of Cameroon’s ten regions: South West (Buea and Nguti councils), North West (Santa and Bamenda 1 councils), Littoral (Loum, Mbanga and Nkongsamba councils), and West (Babadjou and Fongo-Tongo) in order to better ensure respect for human rights and the protection of vulnerable people, in particular women, young people and children in the municipalities.
- the continued establishment of “*Gender Desks*” as specialised units to deal with and better manage gender-based violence; DGSN data for 2021 indicate the establishment of 20 “*Gender Desks*” in different Regions of Cameroon, namely: two in the East, one in Adamawa, three in the North West, seven in the South West and seven in the Far North²¹².

With regard to initiatives aimed at empowering women economically, MINPROFF reports that 11,000 girls and women have been trained in income-generating activities

²¹¹ See Solomon Ateh, “South West Regional Delegation of Women Empowerment to Set Up Gender Desks with Paramilitary”, 19 November 2021, <https://www.bantuvoices.org/south-west-regional-delegation-of-women-empowerment-to-set-up-gender-desks-with-paramilitary/> (accessed on 6 March 2022).

²¹² See Solomon ATEH, *ibid.*

(IGAs), that financial support has been granted to 350 women groups and that start-up kits have been given to 1,267 refugee and internally displaced girls.

In the fight against Covid-19, MINPROFF carried out awareness-raising campaigns for women and distributed prevention kits through women empowerment centres.

As regards *the representation of women in governance/decision-making positions*, the situation in 2021 reflects the *status quo*, as no major changes have been recorded. Statistics from MINJUSTICE (2020: 272-275), *CHRC Report on the State of Human Rights in Cameroon in 2020* and its declarations published in 2021 on the occasion of the specific Women's Rights Commemorative Days, the following data has been extracted, relating to their representation:

- 39 mayors/360 (10.83%);
- 0 regional governors/10 (00%);
- 0 regional council presidents/10 (00%);
- 2 regional secretaries-general/10 (20%);
- 0 city mayors/14 (00%);
- 61 Members of Parliament/180 (33.88%);
- 26 women senators/100 (26%);
- 210 women regional councillors/900 (23.33 %);
- 2 Vice Chancellors/11 state universities (about 18%);
- 2 Senior Divisional Officers/58 (3.44 %);
- 15 Divisional Officers/360 (4.16 %);
- women hold around 15% of chief executive positions;
- women account for 47% of the workforce in public administrations;
- women hold 21% of ministerial positions;
- women in some strategic positions in the judiciary. 13/55 at the Supreme Court; 2/2 at the Special Criminal Court (president and public prosecutor); 3/7 presidents of Appeal Courts; 0/10 public prosecutors at Appeal Courts; 3/10 presidents of Administrative Courts; 3/12 presidents of High Courts; 6/45 presidents of Courts of First Instance.

These figures on the representation of women in senior positions show that there are still much more worrying challenges to the situation of women.

B-Some challenges to achieving women's rights

Notwithstanding the efforts mentioned above, the state of women's and girls' rights in 2021 is still just as alarming because of:

- continuous activities of secessionist terrorists in the North West and South West regions;

- the atrocities committed by the terrorist sect Boko Haram in parts of the Far North²¹³, Chad and Nigeria²¹⁴;
- the fact that 39% of Cameroon's population lives below the poverty line, which increases the risk of violence against women²¹⁵;
- the persistence of gender disparities, with women and girls who continue to suffer more discrimination, oppression, gender behaviour and gender stereotypes than their male counterparts in too many sectors in Cameroon²¹⁶;
- the difficulties women have in ensuring their legal, social, political and economic equality in society with men, due in particular to the persistence and endemic nature of discrimination and violence²¹⁷;
- the advent of the Covid-19 pandemic and the barriers put in place to halt its spread²¹⁸
 - which has exposed many women around the world-and in Cameroon in particular-to unemployment, poverty and economic hardship;
 - which has disrupted family lifestyles, putting women at the forefront of the family arena in the fight against the pandemic, in that they take on tasks related to health and family care in addition to serving as community actors;
- the resurgence of gender-based violence with serious consequences on the physical and moral integrity, as well as the psychology of women and girls; these implications are reported in the *2018 Demographic and Health Survey (EDSC-V)*; they are aggravated among internally displaced women (IDWs) and the disabled;
- the persistence of cases of female genital mutilation, which is “*a violation of the physical integrity and mental health of women and girls and therefore constitutes a serious violation of human rights, since it reflects a flagrant inequality between the sexes*”²¹⁹;
- the increase in illicit drug use among young people;
- poor internalisation (conforming to applicable laws and regulations), inadequate appropriation and application of ACHPR Protocol on women’s rights by various actors, including in the courts;

²¹³ See NDS30, *ibid.*, pp. 4-117.

²¹⁴ See UNICEF Cameroon, *Situation Report*, no.9 - January-December 2021, 12 pp., <https://reliefweb.int/report/cameroon/unicef-cameroon-humanitarian-situation-report-no-9-january-december-2021> (accessed on 9/6/2022).

²¹⁵ See Statement by CHRC to mark the celebration of the International Day for the Elimination of Violence Against Women, published on 25 November 2021, 7 pp, spec. p. 4.

²¹⁶ See Statement by the CHRC to mark the celebration of International Women's Day, published on 8 March 2021, 4 pp, spec. pp. 2-3

²¹⁷ See Statement by CHRC to mark the International Day for the Elimination of Violence Against Women, published on 25 November 2021, *op. cit.* p. 2.

²¹⁸ See Statement by the CHRC to mark the International Women's Day, published on 8 March 2021, *op. cit.* p. 3. Also see Statement published by the UNCHR to mark the International Day for the Elimination of Violence Against Women published on 25 November 2021, 7 pp, spec. p. 2.

²¹⁹ See Statement by the CHRC to mark the International Day of Zero Tolerance for Female Genital Mutilation (FGM), published on 6 February, 2021, 3 pp., spec. p. 2. The Commission also noted that “*there is a general rate of 1.4% to 20% of female genital mutilation practised in Cameroon, in areas of high prevalence, particularly in some localities in the North West, South West, Adamawa, North and Far North Regions*”.

- the persistence of stereotypes and cultural practices that discriminate against or demean women;
- insufficient awareness of women's rights among the population (men, women and children), traditional authorities, political and religious leaders, journalists and other opinion leaders;
- Poor dissemination of laws protecting women's rights;
- the low level of reporting of violence against women and various forms of discrimination by victims and those responsible for defending their rights;
- impunity in many cases of rape, incest, early marriage, repudiation, female genital mutilation, refusal to send children to school, domestic violence, with the complicity of families or because of the silence of the victims themselves.

In Cameroon, women make up nearly 51% of the population. However, gender equality and the empowerment of women are among the major challenges facing the country in terms of achieving the objectives set out in its vision of emergence by 2035 and achieving the Sustainable Development Goals, in particular SDG 5, which is to achieve gender equality and the empowerment of all women and girls by 2030. The above-mentioned figures for women's political representation are below the national and African standards of 30% and 50% respectively, but their steady progress means that we can expect better results in the short to medium term with greater awareness, literacy and education among women. Nonetheless, equality between men and women remains a real challenge for the State. People's mentalities, based on harmful traditions and/or backward socio-cultural prejudices, are still largely dominated by a patriarchal approach to managing society. As a result, women remain vulnerable and are victims of various forms of injustice, violence and discrimination, exacerbated in times of crisis.

The feminisation of adverse outcomes resulting from armed conflicts like insecurity, displacement, violation of Rights, along with other challenges linked to climate change, health, the economy, and youth employment, impact the rights of women and girls in various ways²²⁰.

One of the main consequences of this situation is the rise in cases of gender-based violence (GBV) experienced by women from their partners²²¹ (22% of women aged between 15 to 49 years) In a statement issued on the occasion of the celebration of the International Day for the Elimination of Violence Against Women on 25 November 2021, CHRC stated that

Violence against women is one of the most widespread and devastating Human Rights violations in the world. Nevertheless, this form of violation continues to be one of the least reported, owing to the prevailing impunity, silence, stigma, and feelings of shame associated with it.

²²⁰ See NDS30: National Development Strategy 2020-2030, *for structural and inclusive development, MINEPAT, 2020 (pp. 4 and 117).*

²²¹ See [Country Fact Sheet | UN Women Data Hub \(accessed on 2 June 2022\)](#).

Cameroon is grappling with the issue of femicide²²² as a result of the ongoing rise in the number of women and girls being murdered by their partners. These crimes have garnered significant attention from national newspapers, social media platforms and television channels. However, whether these murders should be classified as acts of femicide, homicide, or both, still necessitates further research. As highlighted in CHRC 2021 *Activity Report*:

- 3,403 cases of gender-based violence on women and girls were brought to court in the Far North and North Regions;
- 4,300 cases of sexual and gender-based violence were recorded in the North West and South West Regions;
- 500 cases of rape and sexual abuse were recorded in the North West and South West Regions between January and March 2021,

As per the United Nations Office for the Coordination of Humanitarian Affairs (OCHA),

in October, partners in the fight against GBV (organisations dedicated to addressing GBV) registered over 1,250 instances of GBV with the appropriate service agencies in the North West and South West Regions. 88% of the victims affected were women. The reported incidents encompass a wide range of violations, such as psychological abuse, resource or opportunity deprivation, physical assault, sexual abuse, forced marriages, and rape. Of the victims, 56% belong to the host community, 36% are internally displaced persons (IDPs), and 8% are returnees” (Cameroon: *Humanitarian bulletin* No. 27 (2021)).

Table 2 below shows an illustrative case of gender-based violence recorded in the Centre Region.

²²² According to Consuelo Corradi, “*Femicide is a relatively new concept [...] and is the dominant term in official documents [...] It refers to the specific crime of intentionally murdering a female person, whether a woman or a girl, because of her sex. ... Differentiating women and men murder, which until now has been masked by the neutral term “homicide”; [...] Femicide is very often the final act in an abusive relationship and constitutes [...] a category of violence against women and girls. The classification of femicide differs according to context, but broadly includes: murder by a partner or family member; honour-related, dowry-related and witch-hunting deaths; femicide-suicide; pre- and post-natal excess female mortality; infanticide and deliberate neglect, rooted in a preference for sons over daughters*” (see this specialist's Briefing, “*Femicide, its causes and recent trends: what do we know?*” Policy Department for External Relations Directorate, General for External Policies of the European Union, 2021, 35 pp, pp. 2 and seq.

Table 20.- Rape of a young hearing-impaired girl, a student at a school for the deaf and dumb in Obala, in the Lekie Division, Centre Region, by a man in his fifties on 20 January 2021.

Summary of CHRC facts and actions
<p>Right(s) concerned. -right to physical and moral integrity; right to dignity.</p> <p>Actions of CHRC. -Investigation carried out in Obala on Saturday, 23 January 2021 by Mr Atangana Marcellin, Chairperson of the Cameroon Organisation for the Development of the Deaf (OCDS), a CSO affiliated to CHRC and member of the Regional Coordination of the Cameroon Public Liberties Observatory for the Centre Region (OLPC-Centre); hearing of the respondent.</p> <p>Continuation of the case. -The case was referred to the Monatele public prosecutor’s department. The Monatele Court of First Instance and the High Court passed judgement on 14 April 2022, in which the perpetrator of the rape was sentenced to five years’ imprisonment and ordered to pay the sum of CFAF35,150.</p>

Source-OIA report, CHRC 2021.

Confronted with these challenges, CHRC contributes to the fight against violations of women’s rights through its protection mission, which primarily consists of processing requests addressed to them and those cases referred to the ex officio as the case above attests to this. CHRC also acts through its promotion mission, by raising awareness among people and communities about the respect of women’s rights, as it was the case during the 16 days of activism campaign against GBV, which the institution marked with awareness-raising activities in various localities, particularly in Kumba, in the South West Region and in Mfou, in the Centre Region.

This awareness-raising mission is also conducted through the statements issued by the Commission on the occasion of commemorative days devoted to women’s rights, such as the International Women’s Day on 8 March, the International Day of Zero Tolerance for Female Genital Mutilation on 6 February and the Day against GBV on 25 November. This last day also marked the start of the aforementioned 16 Days of Activism campaign.

These statements are also forwarded to competent authorities so that the Institution’s recommendations for improving the situation of women and girls in Cameroon can be brought to their attention. Some of the recommendations that are slow to be considered are replicated in section 3 of this chapter.

SECTION II.- Children’s Rights

The state of children’s rights in Cameroon (Paragraph 2) depends on the normative and institutional framework that enables to identify progress and setbacks (Paragraph 1).

Paragraph 1.- Normative and institutional Framework for Children’s Rights

The national legal and institutional framework for the protection of children's Rights includes the following constitutional, legislative and regulatory texts:

- The preamble to the Constitution of 18 January 1996, which stipulates that the State *“shall guarantee the child's right to education. Primary education shall be compulsory. The organisation and supervision of education at all levels shall be the bounden duty of the State”*
- Law No. 2016-07 of 12 July 2016 on the Penal Code, which punishes harmful cultural practices such as female genital mutilation in Section 277, early and forced marriages in Section 356, and child trafficking and abuse of minors in Sections 242, 349, 350 and 352;
- Law No. 2011/024 of 14 December 2011 relating to the fight against trafficking in persons and slavery;
- Law No. 2005/007 of 27 July 2005 on the Penal Procedure Code, which governs the treatment of minors in conflict with the law in articles 71 and seq.;
- Law No. 98/004 of 4 April 1998 to lay down guidelines for education in Cameroon, which states in Section 36 that: *“the physical and moral integrity of pupils shall be guaranteed in the education system. The following shall therefore prohibit: physical abuse and all other forms of violence, discrimination of any kind, distribution and consumption of alcoholic beverages, tobacco and drugs”*;
- Law No. 97/019 of 7 August 1997 relating to the control of narcotic drugs, psychotropic substances and precursors and to extradition and mutual legal assistance in matters of illicit traffic in narcotic drugs, psychotropic substances and precursors;
- Law No. 92/007 of 14 August 1992 on Labour Code, Sections 89, 90, 93 and 94 of which regulate child labour;
- Decree No. 90/524 of 23 March 1990 creating a National Commission for juvenile delinquents, abandoned children or those in moral danger;
- Ordinance No. 81/02 of 29 June 1981 on the organisation of civil status and various provisions related to the status of natural persons;
- Order No. 062/CAB/PM of 23 June 2020 on the creation of the National Committee to combat Child Labour;

- Decree No. 2018/6233/PM of 26 July 2018 fixing the procedures for the application of Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities;
- Order No. 068/MINTSS of 28 November 2005 setting up a National Committee to implement the International Programme on the Elimination of Child Labour;
- Decree No. 2001/109/PM of 20 March 2001 on the organisation and functioning of public institutions for the care of infants;
- Decree No. 2001/110/PM of 20 March 2001 on the organisation and functioning of public institutions for the care of children and the rehabilitation of socially maladjusted minors; as well as
- all texts creating and organising ministerial departments whose remit includes one or more aspects of children's Rights, in particular MINPROFF, MINAS, MINEDUB, MINESEC, MINEFOP, MINJEC, MINSEP, MINTSS, etc.

At the African and international levels, we can mention:

- the African Charter on the Rights and Welfare of the Child (ACRWC), which was adopted in July 1990 and implemented on 29 November 1999, having been ratified by 15 States, including Cameroon on 5 September 1997. The charter established the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);
- the United Nations Convention on the Rights of the Child (CRC), adopted on 20 November 1989 and ratified by Cameroon on 11 January 1993, which defines a child as “*every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier*” and establishes the Committee on the Rights of the Child;
- the Convention No. 138 on the minimum age for admission to employment, which was adopted on 26 June 1973 and was implemented on 19 June 1976, and which Cameroon ratified on 13 August 2001; it was drafted to regulate child labour by setting the minimum working age at 15 years, which member States are required to adopt (13 years for light duty);
- the Optional Protocol to the CRC on the involvement of children in armed conflict, adopted on 25 May 2000 and ratified by Cameroon on 4 February 2013; this is an additional text to the CRC that was drawn up to make up for the lack of detail in Article 38 on the recruitment of children in armed conflict; through this text, member States have the obligation and responsibility to prohibit the recruitment of a person under the age of 18 in an armed conflict;
- ILO Convention No. 182 on the worst forms of Child Labour, adopted on 17 June 1999 and ratified by Cameroon on 5 June 2002; it defines the five worst forms of labour to be eliminated in order to step up the fight against child labour. These are:

- slavery and similar practices, such as the sale and trafficking of children, debt bondage and serfdom;
- forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering to procure a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering to procure a child for illicit activities, in particular for the production and trafficking of drugs, as defined in specific international conventions;
- work which, by its nature or the conditions in which it is carried out, is likely to harm the health, safety or morals of the child.

In addition, because children's rights are cross-cutting issues, many state and non-state institutions are involved in promoting and protecting their rights. State institutions include:

- the Ministry of Basic Education;
- the Ministry of Secondary Education;
- the Ministry of Social Affairs
- the Ministry of Women's Empowerment and the Family;
- the Ministry of Labour and Social Security;
- the Ministry of Youth Affairs and Civic Education;
- the National Civil Status Office (BUNEC);
- the National Commission for juvenile delinquents, abandoned children or those in moral danger, established under Decree No. 90/524 of 23/03/1990, only met for the first time on 9 May 2018.

The legal and institutional framework for the promotion and protection of children's rights is particularly rich and covers a variety of areas. CHRC calls on both public and private actors to implement it to better protect children

Paragraph 2.- The State of Children's Rights

To give an account of the state of children's rights in 2021, the main actions of the authorities and development partners (A) shall be presented, before highlighting the serious challenges (B) which call on the State and its partners to take a greater interest to develop this risky category, representing the future of Cameroon.

A-Main actions by public authorities and development partners

The main actions of State structures responsible for the various aspects of children's rights in 2021, of which CHRC has become aware in monitoring the implementation of its recommendations during its field activities including partners of civil society organisations,

or through contributions received from ministerial departments concerned, are listed below²²³:

- the use of new information and communication technologies in education, notably through the introduction of time slots on national television to cover school programmes during COVID-19;
- Five billion CFAF given by the Head of State as part of the Humanitarian Response Plan to be used in constructing of classrooms, toilets, purchasing tables, benches and school supplies for children in the North and Far North Regions facing the *Boko Haram* terrorist threat;
- cooperation activities resulting from the implementation of the Convention signed on 26 January 2010 between the Republic of Cameroon and the Kingdom of Spain, aimed at sharing information and resources relating to drug trafficking;
- the destruction of a five-hectare cannabis plantation in the locality of Bamelu, in Baleghang village, in the Batcham Sub-Division (West Region), by the members of the Mobile Intervention Group (GMI No. 3) of Bafoussam on 22 June 2021;
- the celebration of the 31st edition of the Day of the African Child in Cameroon by the Ministry of Social Affairs on the theme, “*Protecting every child from violence, exploitation, neglect and abuse: a priority for the Cameroon government*” was marked by a special plenary session at the National Assembly on 16 June 2021; the aim of this session was to raise awareness among members of parliament of the need to strengthen the legal and institutional framework for the protection of children.
- the launch of the “Let’s ring the bell” campaign by the Ministry of Social Affairs on 22 April 2021, to promote inclusive education on the theme; “Leaving no child with a disability without an education”; this campaign was organised in collaboration with the Ministry of Basic Education, the Ministry of Secondary Education and the health services of the Cameroon Baptist Convention. The aim is to stimulate the implementation of innovative strategies to facilitate and promote access to education for children living with a disability to accelerate the achievement of Sustainable Development Goal 4 in Cameroon²²⁴;
- the organisation of a workshop by the Ministry of Social Affairs to consolidate an *Intervention Guide for assessors and probation officers on the protection of children in conflict with the law in Cameroon*, from 28 to 30 July 2021 at *Hotel Les Destinees*, Ebolowa;
- advocacy on violence against children, especially girls, by 180 junior parliamentarians as part of the coordination mission of the Ministry of Social Affairs

²²³ Some have received support from development partners in the field of children’s rights (UNICEF, UNHCR, etc.).

²²⁴ SDG 4 aims at “*ensuring equal access to quality education for all and promote opportunities for lifelong learning*” In this way, education promotes socio-economic mobility and is a means of escaping poverty. See <http://www.minas.cm/fr/cooperation/cooperation-nationale.html>, accessed on 28/7/2022.

during the 22nd session of the Children’s Parliament held at the National Assembly on Saturday 26 June 2021²²⁵.

In addition, child protection awareness campaigns reached 81,716 people through educational discussions and other means, and birth certificates were issued to girls and boys, with a majority born in Cameroon: 7,552 of the 13,058 (57.83%) people without birth certificates were identified by UNHCR as part of its missions. Considering the principle of the *best interests of the child* made it possible to solve the problems of 1,475 boys and 957 girls in either way²²⁶.

B-The grim picture of the challenges to achieving children’s rights

Notwithstanding the existing texts and the devoted institutions, the vulnerability of children in Cameroon is real and remains a concern in 2021 as in previous years. Girls and boys under the age of 18 suffer numerous violations of their rights. The vulnerability of children in Cameroon is multifaceted, cross-cutting and complex in nature, with significant disparities according to gender, ethnicity, religion, social class and location.

The most frequent violations of children’s rights as highlighted by various reports²²⁷, include:

- non-registration of births, which violates children's rights to identity, nationality and citizenship;
- inequalities in access to education increased during the year under review and the previous one with the introduction of information and communication technologies (ICTs) and distance learning as part of the response to Covid-19;
- harmful cultural practices such as female genital mutilation and early and forced marriages, child trafficking and child abuse;
- exposure of minors to drugs and psychotropic substances;
- the absence of protection to children with disabilities (their inclusion, involvement and safety, particularly in schools).

In addition, the year 2021 continued to be affected by phenomena that have persisted over the years and continued to hamper the realisation of the Rights of the Child in Cameroon. These include security problems in the North West, South West and Far North Regions, the onset of the Covid-19 pandemic which has disrupted family lifestyles and school curricula and the increase in drug use among young people leading to violence between pupils and against teachers in some schools.

²²⁵ See <https://www.crtv.cm/2021/06/session-de-juin-plaidoyer-contre-les-violences-juveniles/>, accessed on 29/7/2022.

²²⁶ See UNHCR, Child Protection Analysis Dashboard, January-December 2021.

²²⁷ See Cameroon Demographic and Health Survey 2018 by the National Institute of Statistics (2018); NDS30; Cameroon: UNHCR-Dashboard analysing the child protection situation from January to December 2021, https://archive.crin.org/sites/default/files/cameroon_access_to_justice.pdf. (Accessed on 7 June 2022).

Some particularly worrying figures, gathered from various sources, illustrate the scale of the challenge posed by the above-mentioned issues to the realisation of children's rights:

- about 1,000,000 Cameroonian children need protection from violence due to conflict and *more than 855,000 children are deprived of schooling due to instability in the North West and South West*²²⁸
- at least 150,000 children have been displaced due to conflicts²²⁹;
- more than 3,000,000 girls are poorly educated and are out of school in Cameroon, mainly in the three northern regions of the country²³⁰;
- 90% of sexual abuse against children of both sexes occurs within the family or circle of friends²³¹;
- with regard to drug use, statistics from the National Anti-Drugs Committee (CNLD) show that 21% of Cameroon's school-age population have taken drugs²³², with young people aged 15 and above being the most affected, with a 15% higher prevalence rate in schools²³³;
- in terms of health²³⁴ and children's rights to life and to a dignified life, basic immunisation coverage is still inadequate (52% on average), and even more for children living in rural areas (45%); children are still among the most vulnerable to malaria; the infant mortality rate is admittedly falling, but remains high (48.3 deaths per 1,000 live births); minors are part of the statistical group (15-49 year-old) who suffer physical violence (around 40%) and sexual violence (13%)²³⁵; in terms of acute/severe malnutrition (SAM), an estimated 95,000 children need treatment for acute/severe malnutrition-since January 2021, UNICEF has admitted 66,363 children aged between 6 and 59 months (50% girls) for SAM treatment, including 18,347 refugee children; recurrent epidemics, including measles, neonatal tetanus, cholera and polio were reported in 2021-these figures do not include the COVID-19

²²⁸ See United Nations, *Cameroon: more than 855,000 children deprived of school due to instability in the English-speaking regions (UNICEF)*, <https://www.unicef.org/fr/communiqu%C3%A9s-de-presse/les-attaques-et-les-enlevements-visant-des-enfants-dans-certaines-zones-de-lAfrique-de-lOuest-et-du-Centre-suscitent-des-inquiétudes>, accessed on 27 September 2021.

²²⁹ See *Ibid.*

²³⁰ See <https://www.humanium.org/fr/la-sous-scolarisation-des-jeunes-filles-au-cameroun/>, accessed on 27 September 2021.

²³¹ See <https://www.voaafrique.com/a/cameroun-la-justice-pour-les-enfants-victimes-de-violences-sexuelles>, accessed on 27 September 2021.

²³² See Elisabeth Assen, "Au Cameroun, la drogue malgré la sensibilisation", article of 2 June 2021, published at <https://www.dw.com/fr/au-cameroun-la-drogue-malgr%C3%A9-la-sensibilisation/a-57757046#:~:text=Les%20statistiques%20du%20Comit%C3%A9%20national.contre%20ce%20ph%C3%A9nom%C3%A8ne%20au%20Cameroun>, accessed on 3 September 2022.

²³³ See *Ibid.*

²³⁴ See *Cameroon: Summary report of the 2018 demographic and health survey (EDS-V)*, National Institute of Statistics (Cameroon) and ICF, Rockville, Maryland, United States, 2020.

²³⁵ *Ibid.*

- pandemic-while scepticism about immunisation posed a threat to children's rights to life, health and security;
- 8,312 children at risk were identified in 2021, the majority of whom (56%) were girls and 44% boys; 79.17% (6,581) were children separated from their parents, followed by unguided children, married children (323), child-headed households (176), children with disabilities (169), child parents (168) ; children engaged in other forms of child labour (108); not forgetting children placed with foster families and institutions, those subjected to the worst forms of child labour, children in conflict with the law and those involved in armed groups²³⁶;
 - the range of children at risk and child protection cases by region is as follows: 6,613 in the East Region, on the border with the Central African Republic, 1,360 in the Centre Region, 478 in the Far North Region and the rest were spread across other areas, especially the South West and North West Regions²³⁷;
 - 372 minors including 15 infants were identified in various places of deprivation of liberty visited by CHRC, while in many prison environments, juvenile offenders are not separated from adults²³⁸.

With regard to the right to identity, the circular letter from the Governor of the Far North Region, No. 000171/LC/K/IGSR/IRSAP of 8 March 2021, announced that 400,976 pupils in the Region were without birth certificates. Given this situation, the Governor requested the urgent intervention of the competent authorities and services of the region, notably, the Head of the Regional Council, the six Senior Divisional Officers of the Far North Region, the 47 Divisional Officers of the Region, the Head of the Regional Agency of BUNEC, the Regional Delegate of Basic Education, the Regional Delegate of Public Health, the Regional Delegate of Social Affairs, the Regional Delegate for Decentralisation and Local Development, the Mayor of the City of Maroua and all the Mayors of the Councils in the Far North Region to solve this problem through joint actions.

The role of each stakeholder in this special operation has been defined by the Governor. These included the mayors of the councils who were to provide the Basic Education district inspectors with identification forms for the pupils benefiting from the operation to draw up birth certificates, and contribute to the mobilisation of the necessary financial resources, such as the sum of CFAF2,500 required per child, as well as the related legal fees. Other stakeholders such as BUNEC, humanitarian actors including NGOs and the civil society organisations were invited to provide technical, financial, logistical and material support to ensure the success of the operation.

From the start of the operation in April 2021, CHRC Regional Office for the Far North Region was involved in its follow-up. They also took part in regional coordination

²³⁶ *Ibid.*

²³⁷ EDS-V, *op. cit.*

²³⁸ See Data taken from the reports on visits to places of deprivation of liberty by CHRC in 2021.

and evaluation meetings at the request of the Chairman, although not invited. Also, acknowledging that the lack of birth certificates is observed throughout the Regions of Cameroon, CHRC sent a letter on the issue in May 2021 to the Director General of BUNEC with the aim of facilitating the issuing of birth certificates to the children concerned.

The humanitarian situation linked to the influx of refugees from CAR, the increase of internally displaced persons (IDPs) and returnees also affect children who make up the majority of these populations (55% of refugees and 51% of IDPs, according to UNHCR²³⁹).

In the South West and North West Regions, children have been involved in shootings, resulting in loss of life or serious injury. In addition to the failure to respect the right to life, children's rights to education and security have also been violated, as one out of three of the 4,185 schools in the two regions was not operational in December 2021, depriving many children of an education (See *CHRC 2021 Activity Report*). In the Far North Region, children were victims of Unexpected Explosive Devices (IEDs). In the three Regions plagued by insecurity, many children, particularly girls, have also been victims of gender-based violence or have been exposed to it.

Although it is difficult to identify the number of children recruited by the armed groups of Boko Haram and the secessionists, data from the National Committee for Disarmament, Demobilisation and Reintegration (CNDDR) provides information on the reality of their recruitment by these terrorist groups. On 31 December 2021, CNDDR had a cumulative total of 535 children in its regional centres out of a total of 1,471 ex-fighters: 36.36% of the centre's residents²⁴⁰.

The difficulties encountered by children and the institutions responsible for their protection are reflected in Cameroon's ranking among African countries in terms of the treatment given to children. Ranked 49 out of 52 countries assessed by the *African Child Policy Forum* (ACPF)²⁴¹ on the basis of the child-friendliness index, the country scored low (0.3420) compared to the highest score (0.8424) achieved by (Mauritius) and ranks among the least child-friendly countries according to the *African Report on Child Wellbeing* published in 2018²⁴². Similarly, as part of the evaluation of countries according to the girl-

²³⁹ See *Cameroon: Statistics on persons of concern to UNHCR, December 2021*.

²⁴⁰ See Contribution of CNDDR to *UNHCR 2021 Annual Report on the State of Human Rights in Cameroon*.

²⁴¹ The African Child Policy Forum (ACPF), based in Addis Ababa, is an independent, not-for-profit Pan-African institute for research and policy dialogue on the African child. Its work is guided by the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and other African and universal human rights institutions. Its specific aims are to contribute to the improvement of knowledge about children in Africa, to establish a platform for dialogue, to collaborate with governments, intergovernmental organisations and civil society in the development and implementation of effective policies and programs for children and, finally, to promote a common voice for children in Africa and elsewhere.

²⁴² See ACPF, *The African Report on Child Wellbeing 2018-Progress in the child friendliness of African governments*, Addis Ababa, November 2018, <https://ovcsupport.org/wp-content/uploads/2018/12/The-African->

friendliness index, Cameroon was ranked 44 out of the 52 countries evaluated, with a score of 0.3708, making it one of the least girl-friendly countries in Africa²⁴³, very far from the score of 0.8109 achieved by Mauritius, considered to be the most girl-friendly country, according to the *2020 African Report on Child Wellbeing – Are African Governments Girl-Friendly?* Published by ACPF²⁴⁴.

These scores raise serious questions and require greater attention from the Government, partners and CSOs to change the status of children with particular attention paid to girls.

On a different note, however, some have described as arbitrary the arrest of “a 17-year-old boy for consensual sexual relations between persons of the same sex”. Cameroon's Penal Code provides three legal bases for such prosecutions:

- i) Section 356 of the Cameroon Penal Code which, repealing all previous provisions to the contrary, punishes early marriage by setting the minimum age of marriage at 18 implicitly indicates that, generally speaking, there is no valid consent to the sexual act before the age of 18;
- ii) Section 344 (new) of the Penal Code, entitled “[c]orruption of youth”, states in subsection 1 that “[s]hall be punished with imprisonment for from one to five years and with fine of from CFAF20,000 to CFAF1,000,000”; same-sex sexual relations with a 17-year-old undoubtedly fall into this category of the legal context of Cameroon;
- iii) In Section 347(1) (new) of the Penal Code, entitled “[a]buse against a minor aged between sixteen and twenty-one years”, provides that “[w]here the offences referred to in Sections 295, 296 and 347 bis [the first two Sections refer to private indecency, while Section 347 bis refers to homosexuality] have been committed against a minor aged between sixteen and twenty-one years, the penalties provided for in the said Sections shall be doubled”. The relevance of this Section to undisputed facts is clear. By combining Sections 344 and 347 of the Penal Code, which set the age of consent at 21, it can be concluded that Cameroon is wrongly criticised for not having legislation setting the “*minimum age of consent*” to sexual activity with a person of the same sex.

Based on the above, CHRC, which has constantly raised awareness about respecting the rights of children and brought attention to relevant recommendations for competent entities, particularly through the four declarations published in 2021 on commemorative

[Report-on-Child-Wellbeing-2018-Progress-in-the-child-friendliness-of-African-governments.pdf](#) (accessed on 6/11/2021).

²⁴³ See ACPF, *The African Report on Child Wellbeing 2020-Are African governments good to girls?* 220 pp., p. xxvii.

²⁴⁴ *Ibid.*

days related to children's rights (International Day of Education-24 January 2021; Day of the African Child-16 June 2021; International Day to Protect Education from Attack-9 September 2021; and World Children's Day-20 November 2021), reiterates and confirms its recommendations for greater priority to be given by the public authorities to the respect of children's rights in Cameroon.

SECTION III.- CHRC recommendations on Women's and Children's Rights

It is appropriate to address recommendations on the state of women (Paragraph 1) and then those specific to children (Paragraph 2).

Paragraph 1.- CHRC recommendations on the state of women

In general, the State is urged to continue the full and effective implementation of its gender integration policy and to promote dialogue between the public and private sectors in order to address gender inequalities and related issues. This strategy requires full respect for the rights of women and girls, who are often neglected despite being essential to achieving gender equality and gender-responsive development.

In this regard, CHRC recommends that Government and development partners should:

- adopt or contribute to the adoption of laws that promote women's access to more functions and positions of responsibility, both in elective and appointive positions, and to scrupulously respect such laws that are already in force,
- encourage women to assume leadership roles and be more involved in decision-making processes,
- invest more in addressing issues affecting women that hinder their participation in development and their access to functions and positions of responsibility, including:
 - eliminating cultural barriers that prevent young girls, especially in the regions of Adamawa, East, North, and Far North, from accessing formal education,
 - reducing maternal mortality, which remains high in Cameroon at 529 deaths per 100,000 live births, according to the *2020 Index Mundi Report*,

- eliminating gender-based violence that causes physical and psychological trauma to women and girls,
- combating forced and early marriages, domestic violence, and all forms of gender-based discrimination;
- encourage the enactment of laws that ensure better enforcement of national, regional, and international legal frameworks, as well as better utilisation of institutional frameworks to which Cameroon is committed, which favour women's increased access to positions of responsibility, whether elective or appointive,
- invest more in the production and availability of detailed gender and sex-disaggregated data, which are essential for better promotion and protection of the rights of women and girls, as well as other citizens of Cameroon. Such data enables decision-makers and rights advocates to be informed about gender inequalities and to take measures to establish effective policies, instruments, and practices that promote changes to ensure the consideration of women's and girls' rights by all actors at all levels,
- provide adequate support to strengthen existing social structures such as helplines, spaces of social solidarity for women, and gender offices that address victims, and to create an inter-institutional centre (one-stop shop) with hotline services to provide information, support, and advice to victims/survivors of violence,
- intensify efforts to combat the practice of female genital mutilation by creating more local committees to discourage mutilators and offering them alternative income-generating activities,
- work towards the abolition of odious or harmful traditional practices resulting from discrimination that prevent women from realising their potential in the fields of education and participation in decision-making processes at all levels.

CHRC recommends that traditional rulers as well as regional and local administrative authorities should:

- enforce state legal provisions to combat and modify customary practices that approve or justify violence against women and girls,
- contribute more to the fight against female genital mutilation in order to achieve the desired results.

Paragraph 2.- CHRC Recommendations on the state of children

As vulnerable beings, children should be encouraged to express themselves and understand their rights. Parents and communities have a duty to act in this regard in *the best interests of the child*.

The State, as well as all advocates for children’s rights, are invited, each in their respective capacities, including, to:

- harmonise domestic legal provisions relating to minority so that they are compatible with ratified instruments and to eliminate any ambiguity regarding the terms “*minors*” and “*children*”;
- ensure strict enforcement of the law on child abuse to promote the eradication of harmful practices;
- implement all programmes, action plans, and activities aimed at closing gender gaps, particularly in measures to end the violation of children’s rights, both for girls and boys;
- intensify initiatives to educate and raise awareness among populations about the harmful effects of practices such as rape, incest, sexual and gender-based violence, early and forced marriage on children, and to inform them about their rights so that they become empowered to report any violations;
- to mobilise influential players at different levels of the community, in order to stimulate collective efforts to galvanise social action to combat the violation of children’s rights at the local level;
- to strengthen civic responsibility, to better protect children by providing more information on abuses and encouraging families and communities to do more to protect them;
- to implement exceptional measures to facilitate access to education for children displaced by violence in their regions of origin;

- to invite the Ministry of Basic Education to systematise the effective completion of primary education, in order to eradicate illiteracy in Cameroon;
- to invite the Ministry of Social Affairs to raise awareness among parents about the consequences of abandoning children on the streets, the impact of drugs and their vulnerability in our society;
- invite the secessionist groups active in the North West and South West Regions to lay down their arms, so as to allow children to enjoy their rights to education, health, leisure, family and development;
- to establish an appropriate framework for the ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

CHAPTER III.- THE RIGHTS OF MINORITIES, INDIGENOUS PEOPLES AND PERSONS LIVING WITH DISABILITIES

Persons living with disabilities, indigenous peoples and minorities are among the most vulnerable groups in the field of human rights, because of their specific needs, some resulting from their physical or mental condition and others from the impact of migratory flows or development initiatives on their way of life.

According to the World Health Organisation, “a person is disabled if his or her physical or mental integrity is temporarily or permanently impaired, either congenitally or as a result of age or accident, so that his or her autonomy, ability to attend a school or hold a job is compromised”²⁴⁵. Referring to the provisions of Section 2 of Law No. 2010/002 of 13 April 2010 on the promotion and protection of persons with disabilities in Cameroon, disability can be defined as “a limitation of the possibilities of full participation of a person with an impairment in an activity in a given environment”.

Defining the term “*indigenous population*” is not easy, and there is no universally recognised definition of indigenous population.²⁴⁶ According to *Le Petit Robert* dictionary, an indigenous person is one who “*comes from the very soil where he or she lives, who is not supposed to come from immigration or to be just passing through*”. The Public International Law Dictionary (*Dictionnaire de Droit International Public*) defines an indigenous population as one that is “*native to the territory in which it resides, as opposed to an immigrant population; a population established in a territory long before invasion by different population*”.²⁴⁷

However, there is no universally recognised definition of indigenous population²⁴⁸, given the complexity of the issue of indigenesness, which results from the heterogeneity of claims and rights to be attributed to different groups, and from the fluidity resulting from the perpetual changes in social reality, a corollary of the tolerance linked to pluralism. *CHRC is therefore of the opinion that a restrictive interpretation cannot be legitimised which would lead to the status of indigenous peoples being limited to the Mbororo, the Bagyeli or Bakola, the Baka and the Bedzang*. This is because, unlike many countries around the world, Cameroon has opted, along with a number of others, not to draw up a formal list of specific groups of individuals who are subject to the constitutional protection of minorities or

²⁴⁵ See National Coordinating Committee on Disability. *The different types of disability*, published on the website www.ccah.fr/CAAH/Articles/Les-differents-types-de-handicap, accessed on 12/3/22.

²⁴⁶ See Legal Opinion of the African Commission on Human and Peoples’ Rights on the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the ACHPR at its 41st Ordinary Session held in May 2017 in Accra, Ghana, p. 3.

²⁴⁷ See Jean Salmon (ed.), *Dictionnaire de Droit international public*, preface by Gibert Guillaume, Brussels, Bruylant/AAUF, coll. “Universités francophones”, 2001, p. 849.

²⁴⁸ Legal opinion of the African Commission on Human and Peoples’ Rights on the United Nations Declaration on the Rights of Indigenous Peoples, *op. cit.*

indigenous peoples. This cautious approach is all the more relevant given that, in the Cameroonian context, *indigenous peoples are all the peoples making up the demos of the country, each people being indigenous to its own territory*, if we refer to paragraph 3 of Article 57 of the Constitution of 18 January 1996. Seen from this angle, rather than crystallising irredentism, the State of Cameroon aims, through this broad approach, at ensuring that national communities live together harmoniously in a plural society.

The main criteria used by the United Nations to identify indigenous population are set out in the International Labour Organisation's Convention 169 on Indigenous and Tribal Peoples. They are as follows:

- occupation of, or attachment to, a specific territory;
- the voluntary conservation of cultural characteristics, which may include aspects relating to language, social organisation, religious and spiritual values, modes of production, and laws and institutions;
- *self-identification* and recognition by other groups as a distinct authority;
- an experience of subjugation, marginalisation, expropriation, exclusion or discrimination.

People who meet at least three of these criteria, including the one relating to self-identification, must benefit from specific protection against the discrimination or marginalisation to which they are subjected by other communities settled on their lands-which in some cases are in the majority-or by measures adopted at state level or by decentralised territorial authorities.

In Cameroon, all peoples who meet some of the four internationally recognised criteria are thus entitled to national, regional and international protection specific to indigenous peoples. Although their exact numbers are not known, they can be found almost everywhere in the country.

The lands and resources on which they depend are intrinsically linked to their identity, culture and economic subsistence, as well as to their material and spiritual well-being. These populations preserve their ancestral cultural practices, languages and traditions. They must therefore benefit from specific protection against any discrimination or marginalisation they may suffer at the hands of other communities settled on their land - the latter being, in some cases, in the majority-or within the framework of measures adopted at State level and by Regional and Local Authorities.

The Constitution of the Republic of Cameroon uses the terms "*indigenous populations*" and "*minorities*" in its preamble, without referring to any specific population. However, developments in international law have led to increased use of the term "*indigenous*" by civil society, indigenous population and the government to designate certain ethnic groups. As such, of Cameroon's 26 million inhabitants, some communities identify themselves as indigenous. These groups include hunter-gatherers (Pygmies) and

population. They can be divided into three (3) sub-groups, namely the Bagyeli or Bakola, estimated at some 4,000 people, the Baka at 40,000²⁴⁹ and the Bedzang at nearly 300. The Baka live mainly in the eastern and southern regions of Cameroon. The Bakola and Bagyeli occupy an area of almost 12,000 km in the south of Cameroon, notably in the districts of Akom II, Bipindi, Kribi and Lolodorf. Finally, the Bedzang live in the Centre Region, in the north-west of Mbam-et-Kim in the Ngambe-Tikar municipality.

The Mbororo people are estimated to be over one (1) million, or around 4% of Cameroon's population. They live mainly along the borders with Nigeria, Chad and the Central African Republic. There are three main groups of Mbororo in Cameroon: the *Wodaabe* in the North Region; the *Jafun*, mainly in the North West, West, Adamawa and East Regions; and the *Galegi*, commonly known as *Aku*, in the East, Adamawa, West, North West and North Regions.

The following developments will focus on the state of minority rights (Section 1), the rights of indigenous peoples (Section 2) and the rights of people living with disabilities (Section 3).

SECTION I.- Rights of Minorities

The assessment of the state of rights of minorities in Cameroon in 2021 (Paragraph 2) suggests that the normative and institutional framework relating thereto should first be considered (Paragraph 1) before considering the recommendations (Paragraph 3).

Paragraph 1.- The normative and institutional framework of rights of minorities

The preamble to the Constitution of 18 January 1996 states that “*the State shall ensure the protection of [...] in accordance with the law*”. Since its independence, Cameroon has always opposed all forms of ethnic and racial marginalisation, and apartheid in South Africa. It is in this vein that, from the outset, the preamble to the aforementioned Constitution expressly prohibits all discrimination, stating that “*[a]ll persons shall have equal rights and obligations. The State shall provide all its citizens with the conditions necessary for their development*”.

The people of Cameroon also proclaim in the preamble to the Constitution that “*the human person, without distinction of race, religion, sex or belief, possesses inalienable and sacred rights*”. It should be emphasised that equality in law also implies the protection of particularism, through the recognition of *differential equality*, which is the only way to protect minorities. The tone was set in paragraph 2 of Article 57 of the Constitution, which

²⁴⁹ See Belmond Tchoumba, “*Peuples indigènes et tribaux et stratégie de réduction de la pauvreté au Cameroun*, Centre for the Environment and Development (CED), Yaoundé, 2005.”

states that “[t]he Regional Council shall reflect the different sociological components of the region”. This constitutional requirement protects minorities so that they have the right to participate in the management of public affairs, preserve their cultural identity and be treated without discrimination.

It should also be noted that under the terms of Sections 151(3), 171(3), 218(3) and 246 of the Electoral Code²⁵⁰, the constitution of each list of candidates for the elections of MPs, municipal councillors, senators and regional councillors must reflect the different sociological components²⁵¹ Council or Region concerned. What’s more, Section 246 of Law No. 2019/024 of 24 December 2019 Bill to institute General Code of Regional and Local Authorities, promulgated on 24 December 2019, provides that the posts of city mayor are reserved for indigenous municipal councillors from the Region. This is a major innovation that strengthens the protection of minorities in Cameroon, where indigenous people are often in the minority in large cities.

The main salutary measure introduced by this General Code of Regional and Local Authorities is the political will to take greater account, within the framework of decentralisation, of the specific linguistic and cultural characteristics of the English-speaking minority, with the adoption of a *special status* for the North West and South West Regions, in accordance with the Constitution in force, which gave this latitude to the legislator²⁵². Thus, Section 3, paragraph 3 of this Code provides: “[t]he special status shall also entail respect for the peculiarity of the Anglophone education system and consideration of the specificities of the Anglo-Saxon legal system based on common law”.

A- The normative framework

Standards and procedures govern minority rights at national, regional and international level.

- **At national level**, it can be said that Cameroon is committed to supporting and respecting minority rights. This can be seen in the general formula by which the rights of minorities and indigenous peoples were introduced into the preamble to the revised Constitution of Cameroon of 1996 in the following terms: “*The State shall ensure the protection of minorities [...] in accordance with the law*”. The option of special protection for certain groups within the national community dates back in principle to 1991, when tripartite meetings were held between the public authorities, political parties and civil society. However, the definition of a minority or a

²⁵⁰ See Law No. 2012/001 of 19 April 2012 on the Electoral Code in Cameroon.

²⁵¹ This notion of “*sociological components*” essentially refers to the “*different ethnic components of the population*”. However, there is still some uncertainty as to how these sociological dosages can be respected in the absence of reliable statistical data on these populations.

²⁵² See Article 62 of the Constitution of 18 January 1996, op. cit.

minority group and the way in which these categories of people are protected by national law vary from one country to another.

- **In Africa**, the African Charter on Human and Peoples’ Rights (also known as the Banjul Charter) is a regional human rights instrument that aims at promoting and protecting human rights and fundamental freedoms. Minority rights are mentioned in the Charter through the promotion of the right to equality (Articles 2 and 3), the right to dignity (Article 5), the right to protection of all peoples against domination (Article 19), the right to cultural development and identity (Article 22) and the right to self-determination (Article 20).
- **At the universal level**, we note:
 - the 1966 International Covenant on Civil and Political Rights (ICCPR) (the most widely accepted legally binding stipulation concerning minorities), Article 27 of which reads as follows: “[i]n 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”;
 - the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,²⁵³ which recognises, promotes and protects the rights of persons belonging to national, ethnic, religious and linguistic minorities, thereby contributing to the political and social stability of the States in which they live.

B- The institutional framework

The institutional framework of minority rights has national, African and universal roots.

At the national level,

- The Cameroon Human Rights Commission is the national reference body with a mandate to promote and protect human and peoples’ rights in Cameroon. Among other tasks, the Commission receives reports of violation of human and people’s rights, conducts investigations, inspects prisons, publicises human

²⁵³ Article 1(1) of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stipulates that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”. Paragraph 2 of the same Article 1 stipulates that “[s]tates shall adopt appropriate legislative and other measures to achieve those ends”. Under Article 4(1) of the same Declaration, “[s]tates shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”. Article 5 of the same text states that “[n]ational policies and programmes shall be planned and implemented with due regard to the legitimate interests of persons belonging to minorities”.

- rights instruments, liaises with NGOs and recommends human rights measures to the authorities.
- The Ministry of Social Affairs should be the structure for implementing the Government's options concerning minorities, in particular through its National Solidarity and Anti-Marginalisation Department, which is responsible for implementing measures in favour of vulnerable groups and indigenous peoples. This ministry works through programmes and policies such as the Intersectoral Committee for the Monitoring of Projects and Programmes Involving Indigenous Peoples (CISPAV)²⁵⁴ and the National Development Plan for Indigenous Peoples (NDPIP).
 - The "Service des Cultes", which is part of the Public Liberties Department of the Ministry of Territorial Administration, is responsible for monitoring the application of laws and regulations relating to religious freedom. This department is also responsible for examining applications for authorisation from religious associations and for drawing up and updating the legal denominational register.

At the African level

- The African Commission on Human and Peoples' Rights (ACHPR), established by the African Charter on Human and Peoples' Rights (Art. 30), ensures the protection of human and peoples' rights through its communication procedures, amicable settlement of disputes, State reports, urgent appeals and other activities of special rapporteurs, working groups and missions. It carries out its missions through special mechanisms such as the Working Group on Indigenous Populations and Minorities in Africa (WGIPM) and minorities;
- **The Working Group on Indigenous Populations and Minorities in Africa (WGIPM)** was set up by ACHPR at its 28th ordinary session in Benin in 2000²⁵⁵. The group is made up of Commissioners from the African Commission and external expert members²⁵⁶. WGIPM works through awareness-raising, advocacy, country visits, investigations into violations of minority rights within countries, and through urgent appeals to States, studies and research. In 2020, at the 66th ordinary session, WGIPM mandate was also renewed and expanded to include the rights of minorities, with the following amended title: "Working Group on Indigenous Populations/Communities and Minorities in Africa" (GTPAMA).

²⁵⁴ See Decree No. 2005/160 of 25 May 2005 to organise the Ministry

²⁵⁵ See Resolution achpr/res.51(XXXVII)00

²⁵⁶ See <https://www.iwgia.org>

At the universal level

- **The Forum on Minority Issues** was established by Human Rights Council resolution 6/15 of 28 September 2007 and renewed by resolution 19/23 of 23 March 2012 to serve as a platform for promoting dialogue and cooperation on ethnic, religious and linguistic minorities, as well as providing thematic input and expertise to the work of the Special Rapporteur on minority issues. The Forum meets every year for two days. It identifies and analyses best practices, challenges, opportunities and initiatives in the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Paragraph 2.- The state of rights of minorities

An overview of the state of minorities in Cameroon in 2021 shall be presented below, starting from the linguistic point of view (A), then religious (B), ethnic and other (C).

A-Linguistic minority: the case of the North West and South West Regions

In linguistic terms, it is important to remember that Cameroon, as a bilingual nation in terms of official languages, is made up of eight predominantly French-speaking Regions and two predominantly English-speaking Regions (North West and South West). The latter two regions have been the scene of security unrest since 2016. Armed secessionist groups and the defence and security forces are clashing. It all started with corporatist demands initially expressed by teachers and lawyers.

It is admittedly difficult to estimate the total number of direct victims of this conflict in 2021. ACLED NGO (*Armed Conflict Location and Event Data project*), which collects and analyses data on armed conflicts, published in its annual report that 506 violent incidents were recorded in the two regions in 2021, 219 of which were acts of violence against civilians. The main incidents and violations that attracted public attention included:

- the death of four pupils at the Ekondo Titi Bilingual High School on 1 November, and the serious injury of a teacher at the school on the same day;
- the murder of three traditional chiefs and the abduction of thirty (30) civilians in February;
- the murder of nine civilians by soldiers, including one (1) woman and one (1) 18-month-old child in Mautu village, South West Region, on 10 January;
- the abduction of six Divisional Delegates, resulting in the loss of one human life, in June.

As part of the search for lasting solutions to the security situation in the North West and South West Regions, a series of measures have been taken and institutions created.

The Major National Dialogue (MND) held in 2019 led to the granting of special status to the two aforementioned Regions. This special status is enshrined and framed in the General Code of Regional and Local Authorities, adopted in the wake of MND. This law aims at guaranteeing a degree of autonomy in the local management of Cameroon's Regional and Local Authorities (regions and councils). It enshrines the cultural and linguistic specificity of the North West and South West Regions.

The year 2021 was marked by continued efforts to put in place and effectively apply this legislation, mechanisms and tools that reinforce not only this special status, but also decentralisation at national level, with a view to genuine local autonomy for the Regions and councils. The idea of autonomy is combined with linguistic inclusion, as Article 57(2) of the Constitution, which states that: “[t]he *Regional Council shall reflect the various sociological components of the Region*”, reveals the government's desire to ensure that all social groups, including minorities, are represented within the local government of the Regions in which they live.

However, the most significant development during the year under review concerning the implementation of this legislation on the special status granted to these two Regions was undoubtedly the appointment of a Public Independent Conciliator for each of them by decree of the President of the Republic on 10 June 2021.

The National Commission for the Promotion of Bilingualism and Multiculturalism is also responsible, as part of its mandate, for ensuring the effective and official use of English and French in all national administrations. The Commission is also committed to combating hate speech and xenophobia.

Finally, the reconstruction efforts underway in these two Regions, under the aegis of the Steering Committee of the Presidential Plan for the Reconstruction and Development of these Regions, are part of the State's desire to ensure that these Regions are integrated into the development dynamic despite the prevailing situation, while the creation of DDR centres in Bamenda and Buea aims to encourage the surrender of combatants involved in secessionist terrorist groups and thus promote the return of peace.

B-Religious minorities

As far as religion is concerned, the last census in 2005 revealed that 69.2% of the Cameroonian population is Christian, 20.9% Muslim, 5.6% Animist, 1% belongs to other religions and 3.2% declare no religious affiliation. However, it is important to point out that in Cameroon, as in many countries, religion, ethnicity and political ideology are closely linked, which sometimes makes it difficult to determine whether the incidents recorded, particularly in the North West and South West Regions, are solely motivated by religion or not.

Some of the incidents resulting from clashes between secessionist terrorists and the defence and security forces recorded in 2021 in these Regions could thus be perceived by observers as having affected populations whose religious practice is in the minority in certain localities. These incidents included one in which the regular army, accompanied by Mbororo Muslim herdsmen, killed at least seven inhabitants and set fire to houses in the town of Wum, in an area with a high Christian population, in the North West Region in October 2021. In February 2021, in the town of Nwa, North West Region, Mbororo Muslim herdsmen killed thirteen members of the settled population, which is heavily Christian, and set fire to three churches and the house of a local pastor, believed to be in retaliation for Christian attacks in the Region against members of the Mbororo community²⁵⁷.

Other incidents were recorded during the year in the Far North Region, where the terrorist organisation Boko Haram launched violent attacks against local communities, disrupted church activities and abducted civilians, particularly Christian women and girls, who were often raped and forced to marry Muslims. According to the 2021 *Annual Report* of the international Christian defence organisation *Open Doors*, Boko Haram has threatened Christians with assault or kidnapping as they farmed their fields in the Far North. This non-governmental organisation also said that Boko Haram had attacked villages during the year, killing people and setting churches on fire.

With regard to administrative tolerance of religions, the 2021 *World Religious Freedom Report* published by the US Department of State states that, in Cameroon, the government has approved only one new religious group in the past 18 years, and none since 2010²⁵⁸. The same report indicates that in June of the same year, around fifty Pentecostal churches operating in YaoundéYaoundé submitted their registration documents to the YaoundéYaoundé I Sub-Divisional Office, expressing their desire to be officially recognised. By the end of the year, the churches in question had still not been registered²⁵⁹. However, the same report states that as part of its policy of “*administrative tolerance*”, the very many unauthorised religious groups carry out their activities without hindrance, as long as they do not constitute a threat to public order. The report also acknowledges that state-subsidised media have continued to broadcast Christian and Islamic religious ceremonies and services on national holidays and events, and that the state has provided annual subsidies to all private primary and secondary schools, including religious schools, with the amount of the subsidy being proportional to the number of pupils attending the school.²⁶⁰

In other words, the closure of places of worship in Cameroon are exceptional occurrences that generally take place for reasons other than religious, as in the case of the

²⁵⁷ See <https://acleddata.com>, accessed on 23/6/22.

²⁵⁸ See *World Religious Freedom Report 2021 - Cameroon*, U.S. Department of State (*Office of International Religious Freedom*), p. 7.

²⁵⁹ *Ibid.*, p. 8.

²⁶⁰ *Ibid.*

Union of Evangelical Churches located in the Nylon district of YaoundéYaoundé, which was closed in 2021 due to internal conflicts and fights between worshippers that led to public disorder.

Ethnic minorities and others

There are other groups in society that do not necessarily meet the criteria of minority groups as defined by international instruments; these are groups considered to be in a minority when it comes to controlling political and economic power in a State. This is the case, for example, of women as a group that can be considered a minority in relation to men. According to Jose Woehrling's first approach, women as a group could be considered a majority, because in Cameroon they outnumber men. However, they are considered a minority if their economic and decision-making power is considered. This is based on Woehrling's second approach, which sees a minority as *"a group in which all share a common characteristic that does not change easily or quickly and that is generally the source of a certain vulnerability of the group in relation to the rest of society"*.

The political scene, for example, is heavily dominated by men, who hold the majority of decision-making positions at local, regional and national level, and the same is true of economic power. The slight progress made towards establishing a certain balance remains weak if we consider that there are more women than men in the country (see Part 3, Chapter 2, Section 1 on *Women's Rights*).

Paragraph 3.- CHRC Recommendations concerning minorities

The term *"minority"* is certainly mentioned in the Constitution. However, we have already indicated that at national level, the definition of a minority or minority group and the national mechanisms for protecting them remain open to debate. Nevertheless, following the linguistic, religious and ethnic categorisation applied in this report, it can be said that the State has set up institutions and programmes to deal with issues relating to each category of minority.

In order to be more effective, the State should harmonise actions in favour of the protection of Minority Rights in Cameroon:

- by defining who is considered a minority or who can claim such status in the country in accordance with the 1996 Constitution;
- by taking concrete measures such as legislation, policies and programmes for minorities;
- by creating a platform bringing together all the actors involved in the promotion and protection of Minority Rights, in order to consider all the actions of stakeholders when it comes to promoting and protecting Minority Rights in Cameroon.

SECTION II.- The Rights of Indigenous Peoples

Before discussing the interventions and challenges relating to the Rights of Indigenous Peoples (Paragraph 2), it is necessary to examine the normative and institutional framework (Paragraph 1).

Paragraph 1.- The normative and institutional framework of the Rights of Indigenous Peoples

The preamble to the Constitution of Cameroon proclaims that “[t]he State [...] shall preserve the rights of indigenous populations in accordance with the law”. Furthermore, Article 22 of the African Charter on Human and Peoples’ Rights, to which Cameroon is a party, states that “[a]ll peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity”.

Article 57 of the Constitution also states that “the Regional Council shall be chaired by an indigenous person from the region elected from among its members for the duration of the Council’s term of office”.

At the African regional level, a working group on indigenous populations in Africa has been set up by the ACHPR. This working group has carried out a study on the situation of indigenous peoples in Africa.

At the international level, on 13 September 2007, the UN adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), to which Cameroon has subscribed. Article 1 of the Declaration states that “Indigenous peoples have the right to full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law”. Article 23 states that “[i]ndigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development [...] have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them”.

This text proclaims Political, Economic, Social and Cultural Rights for which indigenous peoples’ organisations are raising awareness and lobbying. In September 2014, the UN organised the first Indigenous Peoples’ Conference in New York, USA, to initiate discussions around the adoption of a binding instrument.

Follow-up mechanisms such as the Special Rapporteur on the Rights of Indigenous Peoples, the Expert Group on the Rights of Indigenous Peoples, as well as the UN Permanent Forum on Indigenous Peoples have been set up, not only to promote the popularisation of the 2007 Declaration, but also to conduct thematic studies, provide advice and report on the situation of Indigenous Peoples’ Rights around the world.

At a domestic level, to pursue their commitment to the rights of indigenous peoples, the public authorities have adopted a series of legislative, regulatory and institutional measures to protect these rights, including participation in the management of public affairs, the right to preservation of their cultural heritage, the right to identity, etc.

These measures include:

- the establishment of an Inter-sectoral Monitoring Committee for programmes and projects involving *vulnerable indigenous populations* by Ministerial Order No. 0022/A/MINAS/SG/DSN of 6 August 2013. This platform brings together representatives of public administrations, technical and financial partners, and representatives of indigenous populations, with the aim of mobilising resources for assistance to vulnerable indigenous populations;
- the firm option of reserving city mayor posts for indigenous municipal councillors from the Region concerned, through Law No. 2019/024 of 24 December 2019 on the General Code of Regional and Local Authorities, promulgated by the President of the Republic on 24 December 2019. This measure was applied for the first time on the occasion of the election of city mayors in March 2020;
- the application for the first time of the provisions of paragraph 3 of Article 57 of the Constitution of Cameroon, which reserve the posts of presidents of regional executives for indigenous personalities, following the election of regional councillors held on 6 December 2020;
- the drafting, in December 2020, under the impetus of MINAS and with the participation of the former CNDHL, of a National Plan for the Development of Indigenous Peoples, the general aim of which is to promote better coordination of interventions by state actors, technical and financial partners, and civil society organisations in terms of prevention, assistance and protection of the Rights of Indigenous Peoples. Specifically, this plan will help to
 - (1) develop a shared vision of the main areas of intervention for the promotion and socio-economic inclusion of indigenous peoples;
 - (2) identify the main orientations of the sectoral policies in favour of indigenous peoples by area of intervention;
 - (3) identify the principles and frameworks for intervention by development partners in favour of indigenous peoples;
 - (4) outline the contours of a consensual strategic document intended for potential players and donors, with a view to guaranteeing greater effectiveness and efficiency in the actions undertaken for the benefit of the development of indigenous peoples;
 - (5) propose strategies and actions contributing to the socio-economic inclusion of indigenous peoples;

- consider the concerns for the protection and promotion of the rights of vulnerable groups, including indigenous peoples, in the National Development Strategy 2030 (NDS 30).

On an institutional level, the 2005 and 2018 decrees reorganising the government gave the Ministry of Social Affairs responsibility for developing and implementing government policy on prevention, assistance and protection for socially vulnerable people. In accordance with these decrees, indigenous peoples are among the protected groups. Within the Ministry of Social Affairs, the Department of National Solidarity and Social Development is responsible for the promotion and protection of indigenous peoples. This ministry carries out its missions by means of policies and programmes developed and validated by its partners, including indigenous peoples. These include the *Intersectoral Committee for the Monitoring of Projects and Programmes involving Vulnerable Indigenous Peoples* (CISPAV)ⁱ and the National Development Plan for Indigenous Peoples (NDPIP).

Other organisations are involved in the protection of indigenous peoples, both in Africa and worldwide. These include:

- **the African Commission on Human and Peoples' Rights**, whose mandate is to protect and promote human and peoples' rights, in accordance with Article 30 of the African Charter on Human and Peoples' Rights; in this capacity, it has published a study to determine whether or not there are indigenous peoples in Africa; the study entitled *Report of the Working Group of Experts of the African Commission on Indigenous Populations/Communities in Africa* was adopted at the 28th Ordinary Session of the ACHPR in Banjul in 2003;
- **the Working Group on Indigenous Populations and Minorities in Africa (WGIPM)**, which was set up by the ACHPR at its 28th ordinary session in Benin in 2000; this group is made up of Commissioners from the African Commission and external expert members; the WGIP works through awareness-raising, advocacy, country visits, investigations into human rights violations within countries and through urgent appeals to States, studies and research; in 2020, at the 66th ordinary session, the mandate of the WGIP was also renewed and expanded to take into account the rights of minorities, with the following amended title: "Working Group on Indigenous Populations/Communities and Minorities in Africa" (WGIPM);
- **the African Court on Human and Peoples' Rights (ACHPR)** set up by the Member States of the African Union (AU) to apply the provisions of the African Charter on Human and Peoples' Rights; the Court was established under the Protocol to the Banjul Charter adopted in 1998 in Burkina Faso; the Protocol entered into force on 25 January 2004; the mandate of the African Court is to strengthen and complement the functions of the African Commission on Human and Peoples' Rights; in 2017, the Court set a major precedent for Indigenous Peoples' Land Rights

by ruling in favour of the Ogiek community in Kenya (*Judgement Application No. 006/2012-African Commission on Human and Peoples' Rights v. Tanzania*), ending an eight (8) year legal battle when it found a violation of the Rights to land and natural resources on which the community depends for its livelihood;

- **the UN Permanent Forum on Indigenous Issues (UNPFII)**, which is a high-level consultative agency of the Economic and Social Council; it was established on 28 July 2000 in New York and holds an annual session in March or April; its mandate is to address indigenous issues relating to economic and social development, culture, the environment, education, health and human rights; The UNPFII also promotes the full implementation of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and monitors the effectiveness of the Declaration. During its sessions, a variety of themes are discussed, including health, water, generational transmission, and traditional knowledge and its protection;
- **the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)**, a new United Nations mechanism established in 2006 by the Human Rights Council, following an informal meeting on the most appropriate mechanism to continue the work of the Working Group on Indigenous Peoples; it is an expert mechanism subsidiary to the Human Rights Council, with a specific mandate; it is composed of five expert members; the mechanism provides thematic expertise on the rights of indigenous peoples to the Human Rights Council; the expertise is provided in the manner and form requested by the Council; the thematic expertise focuses on research-based studies and advice; the mechanism may make proposals to the Council for its consideration and approval, within the framework of its work as defined by the Council;
- **the Special Rapporteur on the Rights of Indigenous Peoples**, who is an independent human rights expert with a mandate to produce reports and provide advice on human rights from a thematic or country-specific perspective; the Human Rights Council entrusts him with the task of presenting an annual report at one of its regular sessions in Geneva ; the Special Rapporteur examines the human rights situation of indigenous peoples; the functions of UN Special Rapporteurs include responding to individual complaints, conducting studies, providing advice on technical cooperation and conducting country visits to assess specific human rights situations; Mary Law, appointed on 1 May 2020, is the current Special Rapporteur on the Rights of Indigenous Peoples.

Paragraph 2.- Interventions in favour of indigenous peoples and the challenges to the attainment of their rights

In Cameroon, in 2021, as in previous years, all the peoples considered to be indigenous - based on the application of the relevant provisions of the electoral law, as

reflected in the first elections for town mayors and presidents of regional councils, pending greater clarity in the domestic legal framework on the meaning of the concept of indigenes in the context of the country-are not yet receiving the same attention, even as regards the consideration of their representation in local elections.

According to current practice, it is mainly those who are considered particularly vulnerable because of their way of life, which has remained fairly “primitive” (on the one hand, hunting and gathering for the indigenous forest peoples known as the “3B” or by the term “pygmies”, which is considered pejorative, These include the Bagyelis or Bakolas, the Bakas and the Bedzang, on the one hand, and nomadic pastoralism for the Mbororos, on the other) who receive special attention from the Ministry of Social Affairs in terms of respect for their civil and political as well as social, economic and cultural rights.

The data available in this *Report* and consolidated in this section therefore specifically present, on the one hand, some of the actions taken by the State and its partners to help these particularly vulnerable indigenous populations, reflecting its efforts to respect its commitments in this area (A) and, on the other hand, the difficulties these populations continue to face as a result of the violations of their rights to which they are subjected, as well as the impact of the Covid-19 pandemic on their communities (B).

A.- Some measures taken by the State and its partners to help vulnerable indigenous peoples

As part of its mandate to support vulnerable indigenous peoples, the Ministry of Social Affairs, which chairs the Intersectoral Committee for the Monitoring of Projects and Programmes involving Vulnerable Indigenous People (CISPAV), organised the 9th session of this committee on 3 August 2021, as a prelude to the celebration of the 27th International Day of the World’s Indigenous People on 9 August each year. This meeting focused on two main topics: *ensuring that the National Development Plan for Indigenous People in Cameroon is truly owned by the concerned individuals. This approach aims at streamlining all actions, programmes, projects involving indigenous people at the national level, and evaluating the measures implemented by various stakeholders.*

The measures implemented in 2021, which were subject to evaluation, included agriculture, livestock farming, education, income-generating activities, health services, COVID-19 awareness campaigns, access to clean drinking water and the facilitation for the acquisition of civil status documents like birth certificates.

On the occasion of the celebration of the 27th edition of the International Day of the World’s Indigenous People on August 9, 2021 with the theme *A call for the revitalisation, preservation and promotion of indigenous languages in the world*, a training programme of young indigenous individuals as peace ambassadors formed a significant part of the official commemoration in Yaoundé. Festivities organised by indigenous peoples’

associations, such as Mboscuda for the Mbororo communities, carried on in the Adamawa, East, Far North, Centre, West and South West Regions. The forest peoples also celebrated the day in their respective localities. The celebration of the International Day of the World's Indigenous People is a long-standing tradition in Cameroon, and indigenous people – take advantage of the occasion to showcase their traditions and customs.

In 2021, a memorandum of understanding was signed between the Ministry of Forestry and Wildlife and the Baka organisation known as the Sanguia Baka Buma'a Kpode Association (Asbabuk). The agreement will enable Baka communities living around Lobeke National Park to gain access to the park and carry out traditional subsistence activities. The special access granted to these communities is an exceptional concession granted by the Ministry of Forestry and Wildlife in accordance with international law. It comes at a time when more restrictions might have been expected due to the increase in wildlife poaching for example with the slaughter of eight elephants on 9 December 2021 in this park.

In recent years, the World Wide Fund for Nature (WWF), the world's largest conservation organisation, has collaborated with CHRC to make conservation activities, more inclusive and respectful of human rights. These activities have faced criticism from human rights organisations for potentially leading to the displacement of indigenous people and local communities from their traditional livelihoods.

Civil Society Organisations (CSOs), often in partnership with CHRC as part of its work to promote and protect human rights, have also taken initiatives to help improve the situation of vulnerable indigenous people. These initiatives include

- The discussion and assessment workshop on the effects of the Covid-19 pandemic on the indigenous people of Cameroon, organised by CSO AIWO-CAN on August 13, 2021 at Mvolye, Yaoundé, in partnership with CHRC. This workshop, which was attended by 12 CSOs including indigenous peoples' organisations enabled the diagnosis presented in section B of this paragraph.
- From 6 to 9 September 2021, CSO AIWO-CAN, in partnership with CHRC, conducted informative and awareness-raising campaigns in Abong-Mbang (East Region), for the population of the East Region about the rights of indigenous women and girls, as well as gender-based violence. These campaigns were conducted as part of the project entitled *Economic empowerment of girls/women and advocacy for increased enrolment of girls in schools to combat gender-based violence in indigenous communities in the East and Adamawa Regions of Cameroon*. On this day, men, young people, traditional, religious and local authorities were made aware of the rights of women and girls and the need to put an end to gender-based violence in these indigenous communities. Since June

The delegation of the regional branch once more spelt out the purpose of its visit which was to verify the veracity of the fact alleged by petitioning CSO and those of Mr. Suleiman Abba, from the victim himself and the chief medical officer of the accused hospital.

After thanking the Colonel chief medical officer for the immediate and efficient healthcare of the patient who was visibly recovering, the branch team briefly outlined the mandate of the Cameroon Human Rights Commission and underscored the issues of concern observed during its visit which did not in any case whatsoever aim to incriminate the medical staff.

At the end of the discussion, Mr. Suleiman Abba, the patient's brother, was formally advised to address a petition with assistance from the regional branch of the CHRC for the Centre to the Minister delegate at the Presidency of the Republic in charge of Defence requesting the regularisation of the medical expenses incurred during hospitalisation and health care of Mr. Akoura Abba, attributable to the gendarmerie, as well as compensation for the damage suffered by the victim.

The health specialists in attendance during the meeting pointed out with regret that it will be virtually impossible for the victim to stand on his two feet or satisfactorily carry out activities linked to the movement of the vertebral column, given the impact caused by the bullets.

The facts alleged in this case not having been proven after verification, the regional branch while acknowledging receipt of the complaint of MIDDLEF, called this CSO to order.

As part of the follow-up of this case, the competent services of the regional CHRC branch contacted Mr. Akoura Abba on 27 August 2021. It is worth noting that he spent four (4) months and twelve (12) days of hospitalisation because of his accident which occurred a month before his wedding and that he was healed. He returned to Garoua since he was discharged from hospital. The lower part of his body having lost its motor skills, he is henceforth paralysed. He was undergoing massage sessions at a physiotherapist where he was in rehabilitation and could move using a wheelchair.

The victim pointed out that the officials of the Military Hospital have borne the expenses related to all his surgical interventions and medical care, whereas his family paid his medical prescriptions and feeding.

The petition for the compensation of the damage sustained which the family forwarded to the Minister delegate at the Presidency in charge of Defence had not yet been scrutinised during our last discussion with the victim. At the time of finalising this report, the regional branch of CHRC for the Centre interviewed Mr. Suleiman Abba, the brother of the victim who is resident at Ngaoundéré. He declared that the victim is now at a village in the Bogo Sub-Division, Far-North Region and *that no answer was given to the compensation request addressed to MINDEF*. Given the

letter of reminder dated 7 September 2023, a letter in which he was requesting for “adequate, effective and rapid damages for the injury suffered by the victim”.

Paragraph 2.- Continuation of the response to the Covid-19 pandemic and challenges pertaining to the right to health

In the area of public health in Cameroon in 2021, the talk of the day however remains the fight against the Covid-19 pandemic, begun the preceding year.

If new response measures were not taken by public authorities, but rather that some previous measures were softened – notably as concerns the closure of schools which have been fully re-opened during the 2020/2021 school year, subject to some provisions pertaining to the observance of preventive measures – the spread of the virus, on its part, took fresh impetus across the country with the emergence of new waves linked *to the advent of new variants, often more virulent and more lethal than preceding ones*.

As such, the *Alpha* and *Bêta* variants which continued to wreak havoc in the country, the epidemiological situation linked to the Covid-19 pandemic worsened with the advent of the Delta variant, detected in the cities of Yaoundé and Douala as early as the month of May 2021¹⁹, then Omicron variant, that cropped up later, whereas the year 2021 drifted to its end²⁰.

Altogether, cumulative *statistics of the Covid-19 pandemic registered 110 000 cases and 1 840 deaths, with a case-fatality ratio of 1.7 %²¹ as at 31 December 2021*. But, it was in the month of April 2021 that the contamination peak was recorded concerning the vector virus of this disease (SARS-CoV-2) since the advent of the pandemic in Cameroon, with an average of 1 200 new cases declared per day by the authorities²².

Yet, no new social or public health measure was taken. Despite this situation, the number of cases started decreasing in May²³, thereby confirming the choice by the authorities for collective immunity as an option to combat this disease, a choice underpinned

¹⁹ See Sonia OMBODOU, « Covid-19 : le variant Delta circule au Cameroun », *Cameroon Tribune* of 17 August, <https://www.cameroon-tribune.cm/article.html/41747/fr.html/covid-19-le-variant-delta-circule-au>, accessed on 28/2/23.

²⁰ See Elise ZIEMINE NGOUMOU, « Attention au variant Omicron ! », *Cameroon Tribune* of 13 December 2021, <https://www.cameroon-tribune.cm/article.html/44002/fr.html/attention-au-variant-omicron->, accessed on 28 February 2023.

²¹ See The human rights situation in Cameroon in ten digits in 2021, World Health Organization (WHO) global pandemic statistics and worldometers.info, accessed on 22 August 2022.

²² See *Partnership for Evidence-Based Response to COVID-19 (PERC)*, 4th survey, ‘Trouver un équilibre : les mesures sociales et de santé publique Cameroun’, report available in PDF format at the following address: https://preventepidemics.org/wp-content/uploads/2021/11/cameroon_fr_111821F.pdf, accessed on 28 February 2023.

²³ *Ibid.*

At the social level, gatherings (cultural and religious activities) were banned, significantly influencing the social life of indigenous people. Birth rate, domestic violence, rapes and early marriages increased as a result of long periods of school closures and an increase crime.

- **Some violations of the rights of indigenous peoples addressed by CHRC and its partners**

These violations took various forms depending on the specific contexts of the forest peoples and nomadic pastoralists

- **Violations of the Baka in the East**

During the activities carried out by CHRC and its partners in vulnerable indigenous communities in the East Region (mentioned above), the following concerns were raised, and solutions were found in some cases.

- ***The domination of the Bantu from the Madouma village over other communities, particularly the Baka.*** In this regard, it was noted that the Bantu, who claim to be the first occupants of the entire East Region (at Nkouamb, south of Madouma) have denied the Baka people the right to have a chiefdom, to the point of interfering with the administrative authority's initiatives to this effect; moreover, this community has arrogated itself the right to exploit all the local resources (sand and wood) without sharing them with others. As a result, a private toll road was set up by the chief of Madouma and imposed on the communities of Missoume and neighbouring villages. To put an end to these violations, the Chairperson of CHRC wrote a letter to the Minister of Territorial Administration on 16 November 2021, as well as to the Divisional Officer of Abong-Mbang, following the report of this activity, with the aim of requesting more autonomy for the Bakas living south of Madouma village Following these
 - letters, copies of which were sent to the Governor of the East Region, the authorities took immediate action to dismantle the private toll gate.
 - ***Violations of the life and physical integrity, access to justice and dignity of the Bakas.*** Between January and September 2021, three murders, four rapes, including one gang rape, and numerous assaults of varying degrees took place in the Third-class chief's palace near Madouma and Ntimbe II.

However, only the three culprits of the murder of Guy Janvier Moka in Missoume faced trial and were all sentenced to 10 years' imprisonment.

Following the murder of Bruno Yeye alias Abweleme, the chiefs of Ntimbe II and Ndjibot villages sent a report to the Abong-Mbang gendarmerie on 26 April 2021

and the suspect was identified. The suspect was identified as Pierre Mbiango. With no action by the gendarmerie, the alleged culprit escaped and the victim's body remained in the mortuary of the Abong-Mbang District Hospital. During a visit of CHRC Sub-Commission Chairperson in charge of Promotion, Mrs Bouba Hawe, this situation was brought to her notice by the Magistrate of the Abong-Mbang courts, Mr Gwet. He immediately gave instructions for an investigation to be opened by the commander of the gendarmerie brigade. The family of the deceased requested the intervention of the Commission to recover the remains of their relative and proceed with his burial. After six months, funeral expenses amounted to CFAF713,000. These were reduced to CFAF400,000. The Chairperson of CHRC facilitated the handover of the body to the family, following the instructions of the Minister of Health.

- ***Baka children dropping out of school.*** The main cause of this phenomenon is parents abandoning their responsibilities. Due to malnourishment, the younger children follow their mothers to the forest to look for food, while the teenage girls start relationships with boys to take care of themselves and be taken care of. These unions generally lead to early marriages.

Also, the desire of certain donors to support these populations, who are basically hunter-gatherers, to expand their economic activities so that they can cope with the changes in lifestyle that are a result of the increasing urbanisation and deforestation. This is not always reflected in projects, consequently, most of these initiatives fail.

This is the sad conclusion that has been reached, particularly with regard to the Livestock Development Project (PRODEL), funded by the World Bank, which included a special component for the Baka people of the East Region of Cameroon, to promote small-scale livestock farming (poultry, pigs and goats). A call for proposals was issued to select an NGO to implement the project, but many indigenous organisations were unable to apply due to the complexity of the criteria, including the requirement for proven experience in livestock rearing. The project team selected carried out work in a number of villages, including Ndjibot and Missoume, in the Abong-Mbang council. However, the project ended in failure, as all the animals supplied to the Bakas by the project died within a very short time. The Project Coordinator for the East Region acknowledged the failure of the first attempt, and is aiming at producing better results in the future.

▪ **Violations of the Mbororos**

During the year under review, the Mbororo Social and Cultural Development Association (Mboscuda) recorded several cases of human rights violations, particularly with conflicts between farmers and herders. It has reported illegal arrests and detentions of members of the community, extortion and murders of Mbororos in some regions.

Conflicts between herders and farmers are recurrent. They undermine living together and social cohesion in the communities where the Mbororos live. Mboscuda, through its regional representatives, has recorded 156 cases of conflict between farmers and herders in Adamawa.

With regard to attempts on life, the case of Mr Ismaila Amadou, a resident of Wome Grand in the of Ngan’ha council, in the Adamawa Region, who was allegedly killed on 20 November 2021 by soldiers on his way to the GOP Rey livestock market, in the Mayo Rey Division, North Region, was recorded. Another similar case was reported in the Faro-and-Deo Division, in the Adamawa Region, where a Mbororo herder was killed by a gendarme²⁶¹.

Overall, Mboscuda recorded nearly 250 violations of rights of Mbororos, including 221 in the Adamawa Region alone. As a result of the current security situation in some regions of Cameroon, more than 54 cases of murder have been recorded, including kidnappings followed by ransom demands to free members of the community in the East and Adamawa Regions²⁶².

Victims from Mbororo communities who have lost their lives as a result of this crisis include: Adamu Musa, 48 years (Ukwa, Wum); Abdu Dauda Gidado, 27 years; Nafisah Hammadu, a three-month-old baby; Lokola Jibiril Abaseh, 51 years; Daouda Musa, a final-year student at the University of Bamenda, 26 years.

On 9 August 2021, Cameroon Human Rights Commission issued a statement to mark the celebration of the International Day of the World’s Indigenous Peoples.

This statement reviews the development of the various legal and institutional frameworks relating to the rights of indigenous peoples and highlights the major advances made in promoting and protecting indigenous people in Cameroon.

It also indicates that much remains to be done and gaps to be filled on issues such as marginalisation, domination, discrimination, murders, gang rapes, exploitation and abuse of power against indigenous peoples, whether hunter-gatherers or pastoralists, particularly those who practise nomadism.

Recommendations have been made to several government institutions in charge of promoting and protecting indigenous people, including the Ministry of Social Affairs. This Report provides an opportunity to update and expand on them.

²⁶¹ See MBOSCUDA, *Report of the National Executive Board (NEB)*, 2021.

²⁶² *Ibid.*

Paragraph 3.- CHRC recommendations on the rights of indigenous peoples

The Rights of Indigenous People have made significant progress in terms of recognition, policies, programmes, legislation and concrete actions in the areas of sanitation and health, education, vocational training, small businesses for women and girls, agriculture, etc. Nevertheless, much remains to be done, as Cameroon's indigenous people, like their peers around the world, face many challenges that hinder their full development as a people and the visibility of their achievements. Their school enrolment rate is among the lowest in the world. They receive insufficient training, have limited access to healthcare, are the least represented and sometimes not represented at all in decision-making bodies. They suffer serious human rights violations, such as discrimination, relegation, domination and exploitation on a daily basis. They have limited access to land and its resources, and are often victims of expropriation for the benefit of elites, agri-businesses, logging and livestock companies. They also have limited access to justice. With the above, CHRC made the following nine Recommendations.

- i. Involve indigenous peoples in crisis response strategies.
- ii. Implement a good communication strategy, based on the use of community leaders, religious leaders and indigenous associations, ensuring the use of local languages as a channel for transmitting messages.
- iii. Apply barrier measures and actions in the case of a crisis in indigenous communities.
- iv. Ensure intensive education and awareness-raising in indigenous communities about crisis management.
- v. Increase investment in research and development into traditional medicine and knowledge, which in many cases has proved its worth.
- vi. Support indigenous women in income-generating activities to expand their sources of income in the event of a new pandemic.
- vii. Set up special civil registry centres in indigenous villages with Third-class chief's palaces.
- viii. Improve the school curriculum by merging their languages, cultural and social practices into schools to attract indigenous children.
- ix. Set up vocational training centres for young indigenous peoples.

SECTION III.- The Rights of Persons with Disabilities

Persons with disabilities are protected by a specific legislation (Paragraph 1), which was strengthened during the year under review. The situation on ground will enable assess its scope (Paragraph 2).

Paragraph 1.- Strengthening the legal and institutional framework for the rights of persons with disabilities

The preamble to the Constitution of 18 January 1996 states that “[t]he nation shall protect [...] persons with a disability”, while the same fundamental law proclaims that

“[a]ll human beings have equal rights and obligations” and that “[t]he State shall provide all citizens with the conditions necessary for their development”.

At the national level, this text led to:

- the adoption of Decree No. 77/495 of 7 December 1977 setting the conditions for the creation and management of a private organisation of social and public utility;
- the creation, by Decree No. 2005/160 of 25 May 2005 to organise the Ministry of Social Affairs, of a Department for Social Protection of Persons with Disabilities and the Elderly;
- the functioning of the National Institute of Social Work (NISW), created by Decree No. 2006/302 of 21 September 2006, and the introduction into the training curricula of the said institute of specialised modules designed to promote social development and ensure the care of certain specific cases of disability;
- the adoption of joint circular letters, signed by the Ministry of Secondary Education (MINESEC) on 2 August 2006 and 14 August 2007, aimed at facilitating the admission of disabled pupils and those born of indigent disabled parents to public secondary schools, as well as their participation in official examinations;
- the adoption of Law No. 2010/003 of 13 April 2010 on the protection and promotion of persons with disabilities²⁶³ which, in Section 38 (3), prohibits any discrimination on the grounds of disability, in the following terms: “[D]isability shall not constitute a ground for rejection [...] or discrimination”; sub-section 2 of Section 27 prescribes positive discrimination measures in favour of people living with a disability;
- the adoption of the National Employment Pact on 27 July 2010;
- the adoption of Law 2011/018 of 15 July 2011 on the Organisation and Promotion of Sports and Physical activities, which makes the practise of physical and sport activities compulsory, particularly in rehabilitation centres for persons with disabilities;
- the adoption of the 1990 law on freedom of association, which has also enabled the creation of organisations and foundations that look after people with disabilities;
- the adoption of the Penal Code, Section 282 deals with the abandonment of an incapacitated person.

²⁶³ Law No. 83/13 of 21 July 1983 on the protection of people with disabilities and Decree No. 90/1516 of 26 November 1990 setting out the terms and conditions for its application provide for provisions and privileges for people with disabilities, such as medical, material, financial and psychosocial assistance, subsidies for social structures that promote and support the economic empowerment of people living with disabilities, vocational training based on their physical condition, recruitment and subsequent remuneration. This was the first national law passed to ensure the protection of people with disabilities. Section 3, sub-section 1 and 2 of the Law prohibits all forms of discrimination against people with disabilities. Due to the shortcomings observed, a new law was adopted in 2010 by the National Assembly and promulgated by the President of the Republic.

- the adoption of Decree No. 2018/366 of 20 June 2018 on the Public Procurement Code, which, in sub-section 2 of Section 55, requires project owners to carry out mandatory preliminary studies that must consider, among other things, the disability approach for infrastructure projects;
- the signing of Decree No. 2018/6234/PM of 26 July 2018 reorganising the National Committee for the Rehabilitation and Socio-Economic Reintegration of People Living with Disabilities (CONRHA);
- the signing of Joint Order No. 0001/MINSANTE/MINAS of 13 August 2018 setting out the procedures for drawing up and issuing the special medical certificate to persons with disabilities;
- the signing of Order No. 0017/MINAS of 14 August 2018 setting out the procedures for drawing up and issuing the national disability card.
- the signing of Circular Letter No. 19/21/LC/MINESEC/IGE/IP-OVS/SVS of 16 November 2021 signed by the Minister of Secondary Education, recalling and supplementing certain regulatory provisions relating to the considering of the disability and vulnerable approach in public general, technical, vocational and teacher training colleges in Cameroon.

At the African level, Cameroon has been a party to the African Charter on Human and Peoples' Rights since it came into force on 21 October 1989. Article 18(4) of the Charter stipulates that "*persons with disabilities shall have the right to specific measures of protection in keeping with their physical or moral needs*". This Charter also stipulates that "*aged or disabled shall also have the right to specific measures of protection in keeping with their physical or moral needs*". Article 13 stipulates that:

1. Every citizen has the right to participate freely in the government of his country, either directly or through freely chosen representatives, in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access public property and services in strict equality of all persons before the law.

ACHPR Protocol on the Rights of Persons with Disabilities in Africa, adopted on 29 January 2018, had not yet been ratified by Cameroon in 2019²⁶⁴.

Article 13 of the African Charter on the Rights and Welfare of the Child deals with children with disabilities. This article stipulates that:

1. Every child who is mentally or physically disabled shall have the right to special measures of protection in keeping with his physical and moral needs and

²⁶⁴ This Protocol was ratified by Cameroon on 28/12/2021.

under conditions which ensure his dignity, promote his self-reliance and active participation in community life.

2. States Parties to the present Charter shall ensure, subject to available resources, to a disabled child and to those responsible for his care, for assistance for which application is made and which is appropriate to the child's condition and in particular shall ensure that the disabled child has effective access to training, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration, individual development and his cultural and moral development.

3. The States Parties to the present Charter shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which the disabled may legitimately want to have access to.

Article 22 of the Protocol of the African Charter on Human Rights of Women, known as the *Maputo Protocol*, deals with the special protection of women with disabilities. This instrument specifies that States parties undertake to:

- ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, vocational training as well as their participation in decision-making.
- ensure the right of women with disabilities to freedom from violence, including sexual abuse and discrimination based on disability, and guarantee their right to be treated with dignity.

To implement this legal framework, institutions dealing with persons with disabilities are not only small in number, but they are grouped together in the major cities. These public institutions include training institutions, re-education and rehabilitation centres, public day-care institutions, sheltered workshops and *home workshops*.

The main institutions set up by the State to provide care for persons with disabilities in Cameroon are:

- the Rehabilitation Centre for Persons with Disabilities in Maroua;
- the Cardinal Paul Emile Leger National Rehabilitation Centre for Persons with Disabilities (CNRPH) in Yaoundé, transformed into a public administrative institution by Decree No. 2009/096 of 15 March 2009; it is a complex providing holistic care for all types of disability;
- the Special School for Hearing-Impaired Children in Yaoundé (ESEDA);
- the Rehabilitation Centre for Deaf Children in Douala (CRES);
- the Buea School for the Deaf (BSD);
- FEDEME/CAMELEON (Foundation for the education of children with a mental or hearing disability);

- the Rehabilitation Institute for the Blind (RIB);
- the Monitoring Centre for the mentally retarded and ill (Jamot centre);
- the set-up of the Cameroon National Paralympic Committee and the State is also advocating for the set-up of sports federations according to the level of disability.

At the regional level, the Working Group of the African Commission on Human and Peoples' Rights on the Rights of Older Persons and Persons with Disabilities, set up by Resolution 118 during its 42nd ordinary session held in Brazzaville, Republic of Congo, from 15 to 28 November 2007.

During the year under review, a number of legal innovations strengthened this system. These include:

- Law No. 2021/008 of 16 April 2021 to authorise the President of the Republic to ratify the Marrakesh Treaty aimed at facilitating access to published works for the blind, the visually impaired and people with other print reading difficulties;
- Decree No. 2021/250 of 27 April 2021 to ratify the aforementioned Marrakesh Treaty;
- Decree No. 2021/751 of 28 December 2021 to ratify the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006;
- Decree No. 2021/753 of 28 December 2021 to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities, adopted on 29 January 2018 in Addis Ababa;
- Decree No. 2021/752 of 28 December 2021 to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, adopted on 31 January 2016 in Addis Ababa.

Paragraph 2.- The Rights of Persons with Disabilities

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons. The International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed by Cameroon on 1 October 2008 and ratified in 2021, define "*persons with disabilities*" as "*persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others*".

More than a billion people worldwide suffer from some form of disability. According to the World Health Organisation report, this represents 15% of the world's population affected. In Cameroon, the latest statistics on these categories of people presented in the Report of the 3rd General Population and Housing Census of 2010, estimated the number of people suffering from various forms of disability at 2,910,000.

Nowadays, persons with disabilities in Cameroon acquire their status by obtaining a national disability card, a process that involves the issuing of a special *medical certificate*, a document that provides information on the nature and extent of the disability. This status grants its holders the benefits provided for by the laws and regulations in force.

In 2021, MINAS reports that it issued only 10,000 national disability cards nationwide²⁶⁵.

Generally, the situation of persons with disabilities seems to have drawn the attention of public authorities in 2021, attested to by the ratification, at the very end of the year, of the Protocol to the African Charter on the Rights of Persons with Disabilities and the United Nations Convention on the Rights of Persons with Disabilities, preceded by the ratification, in April 2021, of the Marrakesh Treaty (*see supra*) which gives official approval for the free transcription into Braille of all documents.

In terms of more concrete actions, with the support of its bilateral and multilateral partners, the State of Cameroon has taken the following steps to strengthen institutions specialising in the care of persons with disabilities:

- construction work on the infrastructure of the Maroua Disability Rehabilitation Centre, which was set up in 2020;
- the renovation of the Cardinal Paul Emile Leger National Rehabilitation Centre for Persons with Disabilities (CNRPH) in Etoug-Ebe (Yaoundé) and the *Buea Institute for the Blind*;
- training 115 technical staff in the medical rehabilitation and functional re-education of persons with disabilities at the Faculty of Science of the University of Maroua.

Similarly, the following actions relating to access for persons with disabilities to the built environment and training, sports and cultural activities, transport, health and employment, information and communication technologies, political life, in the light of the legal provisions indicated in the previous Paragraph, have been undertaken, among others:

- training of trainers by the type of disability in four of the 69 schools, in partnership with *Sightsavers*;
- MINAS update of the national list of institutions providing support for persons with disabilities, to provide them with better support;
- the recruitment of seven qualified disabled persons as CAPIEMP teachers;
- the relaunch of the activities of the Cameroon Sports Federation for the Visually Impaired in 2021;

²⁶⁵ See Contributions of MINAS and NCDDR to *CHRC 2021 Annual Report on the state of Human Rights in Cameroon*.

- the organisation in 2021 of a training seminar for athletes, guides, coaches and technical officials in athletics, cecifoot and goal ball;
- the organisation by Cardinal Paul Emile Leger CNRPH, during its fiftieth anniversary celebrations in June 2021, of medical consultations; awareness-raising, information and prevention campaigns on disabling diseases; an exhibition of the artistic and professional talents of persons with disabilities and a fund-raising event during the gala evening to provide them with 1,000 with orthopaedic devices;
- Exemption in the field of rail transport, of transport costs ranging from 50% for the motor handicapped to 100% for the visually impaired, with a 50% reduction for their guides or escorts;
- the quantitative and qualitative improvement of training and reintegration of persons with disabilities in 2021 (MINAS sub-programme 55911);
- a quantitative and qualitative increase in the human, material and financial resources of the CNRPH, with a bonus of 25 persons with disabilities recruited (MINAS sub-programme 57012);
- the registration of 187 new persons with disabilities on the electoral roll;
- the production of the National Policy Document to protect and promote persons with disabilities;
- the appointment by presidential decree of a disabled person to represent their peers in the Cameroon Human Rights Commission.

The fact remains, however, that many persons with disabilities continue to be victims of violations of their fundamental rights, with those responsible for the violations often taking advantage of their situation of vulnerability. Some of these cases were brought to the attention of CHRC in 2021, such as that of a young deaf-mute girl, who was raped by people assigned to look after her in Obala, in the Lekie Division, Centre Region (see Part 3, Chapter 2, Section 2 on the Rights of Children).

Henceforth, it is absolutely crucial to intensify endeavours in order to offer enhanced safeguarding for this susceptible section of the society and to guarantee their progressive integration across all spheres, so that those concerned are no longer excluded.

Paragraph 3.- CHRC Recommendations on the Rights of Persons with Disabilities

The Commission recommends:

- stepping up communication to change attitudes for persons with disabilities;
- continuing advocacy and lobbying to ensure that persons with disabilities are better considered in schools and other training institutions, in development programmes and with a view to ensuring that persons with disabilities are represented in public and political life;

- continuing with awareness-raising with a view to the adoption and implementation of the Convention on the Rights of Persons with Disabilities and national legal instruments for the protection and promotion of the rights of persons with disabilities;
- ensuring that actions for the prevention of disability, rehabilitation and socio-economic integration of people with disabilities are strengthened, and that the capacities of persons with disabilities and their umbrella organisations to participate in development are enhanced;
- strengthening the National Committee for the Rehabilitation and Socio-Economic Reintegration of Persons with Disabilities (CONRHA), so that it can be more effective in monitoring the inclusion of disability in national development processes and in supporting the application of disability-inclusive legislation;
- defining the procedures for applying Section 19(1) of Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities, which establishes a family allowance for indigent persons with disabilities who have not been able to acquire a minimum level of independence and whose state of health requires constant medical supervision and care. The same applies to paragraph 1 of article 21 of the same law, which states that the State and decentralised local authorities, civil society and, where appropriate, international organisations shall set up institutions for the medical rehabilitation and functional re-education of disabled people, the terms and conditions for the creation, organisation and operation of such institutions being laid down by regulation;
- defining the procedures for applying subsection 1 of Section 22 of Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities, which *grants persons with disabilities who are recognised as destitute and who hold a full national disability card or partial coverage by the State, in specialised institutions and public or private health facilities, for their medical rehabilitation and functional re-education.*

PART IV.- MONITORING INTERNATIONAL COMMITMENTS AND INTERACTIONS WITH HUMAN RIGHTS MECHANISMS

The application of human rights instruments is one way of measuring the state of human rights in a country. By ratifying human rights treaties, States undertake to respect, protect and enforce the rights enshrined therein. States Parties undertake to implement the provisions of the treaty at the national level by adopting laws and policies, and establishing institutions consistent with their treaty obligations. Furthermore, States Parties undertake to submit periodic reports to the treaty bodies on measures taken to fulfil their obligations under the treaties. Many human rights treaties provide for independent monitoring bodies to ensure compliance with these treaties and, where appropriate, States may authorise their nationals to lodge complaints against them with these bodies.

Currently, the international human rights structure comprises three related mechanisms:

- the Human Rights Treaty Bodies;
- the Universal Periodic Review (UPR);
- the Special Procedures of the Human Rights Council.

In order to monitor the implementation of the treaty, the treaty bodies perform a number of functions, including reviewing reports from States Parties, reviewing individual communications, and conducting investigations and country visits. UPR is a peer review mechanism which gives only States the opportunity to indicate the measures taken to improve the human rights situation in their respective countries. Special procedures are conducted by *independent human rights experts whose mandate is to report on and advise on the human rights situation from the perspective of a particular theme or country.*

The African Human Rights mechanism comprises three monitoring bodies, namely: the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights as well as the African Committee of Experts on the Rights and Welfare of the Child. These bodies are established under the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, all duly ratified by Cameroon. The African Commission on Human and Peoples' Rights, as well as the African Committee of Experts on the Rights and Welfare of the Child, review the reports of the States Parties, study requests, conduct fact-finding missions and country visits. These two bodies also carry out activities to promote human rights. The African Commission has set up special mechanisms comprising special rapporteurs, committees and working groups. These special mechanisms *investigate human rights violations, conduct research on human rights issues and organise promotional activities.*

As part of its promotional activities, CHRC contributes to the drafting of Cameroon's periodic reports (Section 5 of the law establishing CHRC) and may also submit reports to treaty bodies on the human rights situation in the country. Section 7 of the same law also empowers CHRC, through its protection mandate, to *participate in monitoring the implementation of recommendations drawn up by international and regional human rights mechanisms, including treaty bodies ratified by Cameroon.*

Thus, the submission by States of periodic reports to the treaty bodies, participation in sessions of the human rights mechanisms, and the follow-up of communications/requests form the basis of the interaction of States with the African human rights system (Chapter I) and with the international human rights system (Chapter II).

CHAPTER I.- INTERACTION WITH THE AFRICAN HUMAN RIGHTS SYSTEM

At the regional level, CHC interacts with the following treaty bodies: the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child, established respectively under the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights establishing an African Court on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, all duly ratified by Cameroon.

This chapter deals with the participation of CHRC in the various sessions of the African human rights protection mechanisms (Section 1), and the major events that have marked Cameroon's interaction with the African human rights mechanisms (Section 2). It ends with the Recommendations from CHRC to the State concerning its collaboration with African human rights mechanisms (Section 3).

SECTION I.- Participation of CHRC in the main sessions and activities of African mechanisms for the protection of human rights

In 2021, CHRC took part in the two annual ordinary sessions of the African Commission on Human and Peoples' Rights (Paragraph 1) and in the regional awareness workshop for National Human Rights Institutions (NHRIs) on collaboration with the African Committee of Experts on the Rights and Welfare of the Child (Paragraph 2). CHRC was also represented at an important conference of the African Court on Human and Peoples' Rights (Paragraph 3).

Paragraph 1.- Interventions of CHRC during sessions of the African Commission on Human and Peoples' Rights (ACHPR)

ACHPR sessions are an important platform for interaction between NHRIs and the Commission. As an NHRI affiliated with ACHPR, CHRC has the right to attend and participate in public sessions of the Commission and is required to submit a report on its activities every two years.

CHRC expressed its views on the human rights situation in Cameroon during the two ordinary public sessions organised by ACHPR, while Cameroon is still awaiting the final observations of this mechanism following the submission, in November 2020, of its combined 4th, 5th and 6th periodic reports on the African Charter on Human and Peoples' Rights and initial report on the Maputo Protocol on the Rights of Women in Africa and the Kampala Convention on the Rights of internally displaced persons.

- **CHRC Statement at the 68th ordinary session of ACHPR**

The speech by the Chairperson of CHRC during the 68th session of ACHPR, held by videoconference from 14 April to 5 May 2021, outlined the measures taken by the government to speed up the establishment of CHRC, in particular through the appointment of the Chairperson, the Vice Chairperson, the thirteen other members and the Permanent Secretary by presidential decrees dated 19 February 2021.

It recalled the innovations in the law establishing CHRC, particularly with regard to monitoring the implementation of the recommendations of the human rights monitoring mechanisms. The Chairperson of CHRC praised the ACHPR Committee for the Prevention of Torture in Africa for its technical support in carrying out its new mission as the National Mechanism for the Prevention of Torture (NMPT) in Cameroon.

The negative impact of Covid-19 on the protection mission of CHRC was also highlighted. In this respect, the Chairperson of CHRC told the audience that this pandemic resulted in a halving of the number of requests received at the headquarters and branches of NHRI in Cameroon between 2019 and 2020.

Despite the worrying security situation in the Far North, North West and South West Regions, due to attacks by the terrorist sect *Boko Haram* and secessionists, and, their impact on human rights, particularly the right to education and the rights of women and girls, CHRC welcomed the State's commitment to achieving the objectives of ACHPR, namely the promotion and protection of human rights. CHRC reiterated its firm and resolute support for this.

- **Declaration of CHRC on the occasion of the 69th ordinary session of ACHPR**

The 69th session of ACHPR was held from 15 November to 5 December 2021, following the celebration on 21 October 2021 of the African Human Rights Day, marking the 40th anniversary of the African Charter on Human and Peoples' Rights.

The Vice Chairperson of CHRC, who read the statement of the Cameroonian NHRI at this session, informed the African Commission of the measures taken by CHRC to fulfil its mandate since its members took office in April 2021. These include the publication of thirteen declarations marking human rights commemorative days, one of which focused on the celebration of the African Human Rights Day. He recalled Cameroon's steady progress in realising the rights enshrined in the Charter without shying away from the challenges hindering its full implementation. CHRC particularly recommended that "*greater visibility be given to the Charter as a regional text which takes into account the specificities of African people, so that these people can appropriate it and use it for the protection of their rights*".

It also referred to the strengthening of CHRC collaboration with CSOs in the promotion and protection of human rights in a context marked by attacks and violations of human rights due to the worrying security situation in Cameroon.

Paragraph 2.- Participation of CHRC in the major activities of the African Committee of Experts on the Rights and Welfare of the Child

The interactions of CHRC with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) focus on two major activities. One of the activities relates to the participation of CHRC in the regional awareness-raising workshop for NHRIs in collaboration with ACERWC (A) and the other concerns the participation of CHRC in the ordinary sessions of the Committee (B).

A-The regional awareness-raising workshop for NHRIs in collaboration with ACERWC

The African Committee of Experts on the Rights and Welfare of the Child organised an awareness-raising workshop for NHRIs about its mission, at a time when NHRIs have been reluctant to join this important mechanism. The Chairperson of CHRC spoke during this ceremony to point out that since its creation, Cameroon’s new NHRI has seized, every opportunity to strengthen its collaboration with the mechanisms of the African human rights monitoring system, as provided for in Section 5 of the law which established it, according to which the Commission “*shall cooperate, where appropriate, with United Nations bodies, regional and national human rights institutions, civil society organisations, national and international organisations on human rights issues*”.

He stated that the situation of children's rights in Cameroon is marked above all by the impact of the Covid-19 pandemic on children's right to education, as well as by the heavy price that children pay for more than five years due to repeated terrorist attacks on pupils, students, teachers and school infrastructure in the Far North, North West and South West Regions.

Regarding the role and actions of CHRC in promoting and protecting children’s rights, he informed participants that the Commission is very committed to protecting the rights of vulnerable groups, including children. This commitment can be seen, among other things, in:

a. the publication of declarations on the occasion of the celebration of days relating to the rights of the child; as such, a declaration was published on 14 June 2021 as a prelude to the Day of the African Child and another on 9 September 2021, on the occasion of the International Day to Protect Education from Attack, with the aim of drawing the attention of national, regional and international actors to the protection of children’s right to education;

b. advice to the government, in the form of written or oral contributions from CHRC with a view to the development and implementation of public policies for the protection of children's rights; In this respect, CHRC invited the government to consider human rights in the process of eliminating the worst forms of child labour and to facilitate the establishment of civil status documents, including children's birth certificates;

c. conducting awareness-raising activities on human rights; these activities were carried out with the collaboration of the ministries in charge of education, in accordance with Section 5 of the new law and Cameroon's National Development Strategy (based on SDG 4.7), which put *human rights education* at the centre of their action; CHRC announced that it also intends to intensify the creation and running of *human rights clubs in schools*, which is already underway;

d. the self-referral and processing of several allegations of violation of the rights of the child, following cases of violations of the rights of the child received by CHRC or of which it has been informed, in particular those relating to trafficking and smuggling children.

B- Participation of CHRC in ACERWC sessions

The Commission participated in the 37th and 38th ordinary sessions of ACERWC in 2021.

During the 37th session held from 15 to 26 March, the attention of CHRC was focused on the agenda item relating to monitoring the implementation of the Committee's decision on Communication No. 006/com/002/2015- the case of *the Institute for Human Rights and Development in Africa (IHRDA) and Finders Group Initiative on behalf of TFA (a minor) against the Republic of Cameroon*. At the end of this session, CHRC engaged with the Ministry of Justice and the Inter-ministerial Committee for Monitoring the Recommendations of the Human Rights Monitoring Mechanisms, so that measures could be taken to implement this decision. CHRC deplored not being directly consulted by the Committee on cases in which it had a role to play, and strongly recommended strengthening collaboration with the Committee in this area.

During the 38th ordinary session of the Committee held from 15 to 26 November 2021, the affiliation request of CHRC to the host was reviewed and approved by the review committee, making CHRC the first-ever affiliated NHRI to this important African monitoring mechanism on rights of the child.

The highlight of this session was the choice of the theme of the Day of the African Child for the year 2023, namely *The rights of the child in the digital environment*.

Paragraph 3.- The participation of CHRC in the conference of the African Court on Human and Peoples' Rights (ACtHPR) on the execution and impact of the Court's decisions: challenges and perspectives

This conference, held in Dar es Salaam from 1 to 3 November 2021, brought together more than 200 delegates representing 44 Member States of the African Union (AU), AU agencies, regional and sub-regional human rights courts, national judicial and legislative systems, national human rights institutions, bar and legal associations, academia, the media and civil society.

It meets the objectives of the Court's 2021-2025 Strategic Plan, which aims at strengthening the trust of litigants through:

1. improving legal procedures (efficiency, quality, enforcement of decisions, amicable settlement);
2. raising awareness of the Court's role and cooperation with stakeholders;
3. strengthening institutional capacity (optimising human and material resources, knowledge management).

The main objective of the Dar es Salaam Conference was in line with the first two pillars of the Court's Strategic Plan, namely, to determine how the Court's decisions are received and implemented at the national level, with an emphasis particularly on the impact of the Court's judgments on national systems.

With regard to Cameroon's interactions with the Court, the conference discussed the status of ratification of the Protocol relating to the establishment of the Court, as well as the deposit of the declaration provided for in Article 34(6), by which a State accepts the jurisdiction of the Court to receive applications from individuals and non-governmental organisations (NGOs). Cameroon is among the 32 Member States of the African Union that have ratified the said Protocol on 31 December 2021, but have not made the aforementioned declaration.

It was observed with sadness and dismay that

for the African Court to have a positive impact on the lives of African citizens, it is essential that its decisions are respected. In this regard, they noted that in 2020, the level of total compliance with the Court's judgments was only 7%. In 18% of cases, there was partial enforcement of the Court's judgments and in 75%, non-enforcement of the Court's judgments. In addition, the Court's judgments on interim measures have been respected by 10%.

The following Recommendations have been made.

- *Member States should be encouraged to adopt laws that strengthen or give effect to constitutional provisions relating to human rights as well as international human rights institutions. These laws should expressly recognise the role of international institutions mandated to enforce human rights commitments.*
- National human rights institutions *are encouraged* to make relevant submissions as *amicus curiae*; to contribute to monitoring the enforcement of Court decisions; to disseminate information about the Court's case law; to ensure harmonisation between national human rights strategies and the work of the Court.
- *National human rights institutions were called upon to support States in complying with their international obligations by providing relevant assistance and raising awareness of the African Court, by providing relevant information on their website about the decisions of the African Court.*

SECTION II.- Major progress in Cameroon's interaction with African human rights mechanisms

ACHPR met five times in 2021, in ordinary and extraordinary sessions. These were the 68th (14 April-4 May) and 69th (15 November-5 December) ordinary sessions, as well as the 32nd (12 May), 33rd (12-19 July) and 34th (24 August) extraordinary sessions, all held in Banjul. The agenda covered the assessment of communications, periodic reports from Member States, declarations from NHRIs and CSOs, and the human rights promotion activities of the commissioners.

In order to assess the quality of interaction between the State and the African human rights system, it is important to present, on one hand, the status of ratifications of regional instruments as well as the submission of reports and communications involving Cameroon as at 31 December 2021 (Paragraph 1) and, on the other hand, to highlight the satisfactory points and areas of concern of the African monitoring mechanisms on the implementation of African human rights instruments by Cameroon (Paragraph 2).

Paragraph 1.- The status of ratifications of African human rights instruments, submission of periodic reports, specific communications, resolutions and press releases on Cameroon

The table below is a summary of how Cameroon collaborates with the African human rights system through the ratification of human rights instruments, the reports submitted, as well as the follow-up of allegations of human rights violations involving Cameroon and brought to the attention of ACHPR.

Table 22.- Status of Cameroon’s collaboration with the African human rights system

Number of main African human rights instruments ratified by Cameroon as at 31 December 2021 = 22	Number of instruments ratified by Cameroon in 2021 = 3
Number of reports submitted by Cameroon as at 31 December 2021 = 4 (Initial report, 2nd, 3rd, 4th, 5th and 6th reports combined)	Number of outstanding reports in 2021 = 1
Number of ACHPR communications against Cameroon as at 31 December 2021 = 16	Number of ACHPR communications against Cameroon in 2021 = 0
Number of ACHPR resolutions/press releases/declarations on the human rights situation in Cameroon as at 31 December 2021 = 18	Number of ACHPR resolutions/press releases/declarations on the human rights situation in Cameroon in 2021 = 2
	Number of ACHPR decisions (Recommendations) applied by Cameroon in 2021 = 1

Source-Compilation of SCDR information

The following human rights instruments were ratified during the period under review:

1. the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons adopted on 31 January 2016, ratified by Cameroon by Decree No. 2021/752 of December 28, 2021;
2. the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities adopted on 29 January 2018, ratified by Decree No. 2021/753 of 28 December 2021;
3. the United Nations Convention on the Rights of Persons with Disabilities ratified by Decree No. 2021/751 of 28 December 2021;

The following resolutions and Recommendations were adopted by ACHPR in 2021:

4. resolution 511 (LXIX) 2021 of 5 December 2022 adopted at the 69th ordinary session of ACHPR on *continuous violations of human rights in the Republic of Cameroon*, particularly due to allegations of illegal or arbitrary executions, including extrajudicial killings, beatings, harassment, killings of children and women in the North West and South West Regions;

5. the recommendation on the merits in *Communication 415/12-Edward Nathanael Etonde Ekoto v. the State of Cameroon* at the 31st extraordinary session of ACHPR;
6. request for guidance on *communication 650/18-Kum Bezeng and 75 others (represented by Professor Carlson Anyangwe) v. Cameroon*, examined by ACHPR Communications Working Group.

With regard to the African Committee of Experts on the Rights and Welfare of the Child, Cameroon has only submitted two reports to this Committee since the ratification of the African Charter on the Rights and Welfare of the Child (ACRWC). This is the initial report submitted in 2009 and assessed in 2011 during the 18th session of the said Committee and the 1st periodic report submitted in 2015 and assessed in 2016 during its 28th session.

The 16 final observations were sent to the State in January 2017. They focused on:

1. adopting a Code of Children's Rights;
2. translating ACRWC into local languages;
3. adopting a definition of the child in line with that used in ACRWC;
4. implementing inclusive education in Cameroon;
5. abolishing discriminatory practices against socially vulnerable children;
6. considering the principle of the best interests of the child in legislation and main public policies having an impact on children;
7. promoting and launching a greater awareness-raising campaign on the importance of birth registration;
8. ratifying OPCAT;
9. free primary education;
10. implementing the national action plan to combat the worst forms of child labour (2018-2025);
11. improving detention conditions and guaranteeing access to education for children in detention;
12. combating all forms of early marriage;
13. guaranteeing disabled children access to state schools;
14. the participation of children with disabilities in deliberations and decision-making on matters concerning them;
15. Creating a toll-free number throughout the country accessible to children who are victims of abuse and torture;

16. care, rehabilitation, reintegration, compensation and any other form of assistance to children who are victims of torture.

Paragraph 2.- Positive points and issues of concern highlighted by the African mechanisms for monitoring the implementation of African Human Rights instruments by Cameroon

• **Issues of concern and positive points highlighted by ACHPR**

During ACHPR sessions in 2021, the commissioners presented their activity reports in which Cameroon was mentioned on several occasions.

While the main concerns of ACHPR regarding the human rights situation in Cameroon focused on the security situation, its impact on the children's right to education and the freedom of movement of civilians, as well as the death sentences pronounced by the Buea Military Tribunal, the positive points highlighted by ACHPR were as follows:

- the adoption in 2021 of a *National Development Plan for Indigenous Peoples (2021-2025)* aimed at combating poverty and social inequalities suffered by indigenous peoples in Cameroon;
- the release of prisoners who have served most of their sentences and prisoners in pre-trial detention, in order to relieve prison congestion and curb the possible spread of the coronavirus;
- of the 32 countries that have ratified the Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa, Cameroon is the only country to have complied with its Article 14(4) dedicated to the obligation to submit reports on legislative and other measures taken to implement the stipulations of this Convention.

With regard to the rate of implementing ACHPR *Recommendations* by States, the Commission admitted that it was low. ACHPR was nevertheless pleased to learn from the applicant in Communication 389/10-Genevieve Mbiankeu v. Cameroon, that the State partially implemented the decision by awarding the victim part of the sum that the Commission had requested in its decision. *The latest update, which included various correspondences with the relevant ministries of the respondent State, indicated that the plot of land of the same value and nature which the Commission had requested to be allocated to the victim was still pending*²⁶⁶.

CHRC regrets not being involved, as an affiliated NHRI, in the process following the adoption of the Resolutions or Recommendations concerning Cameroon.

²⁶⁶ See <https://www.achpr.org/activityreports/viewall?id=53>, accessed on 21/9/2022.

- **Issues of concern and positive points highlighted by ACERWC**

Among the positive points highlighted during the sessions of the African Committee of Experts on the Rights and Welfare of the Child, is Cameroon's participation in the process of establishing a child-friendly and accessible committee, including the production of images and poetic texts for the occasion, under the supervision of *Plan International and Save the Children* NGOs. In addition, the granting of affiliate status to CHRC by the Committee was greatly appreciated by its members. They congratulated the State of Cameroon for having established a strong NHRI, capable of assuming such a position.

The main concern related to the implementation of the Committee's Recommendations. At its 37th session, the Committee held a hearing on the enforcement of its decision in communication No. 006/Com/002/2015-in the case between the Institute for Human Rights and Development in Africa and Finders Group Initiative on behalf of TFA (a minor) against the Republic of Cameroon, during which it heard both parties. At the end of the hearing, the Committee noted that its Recommendations had not been fully implemented and therefore asked the Republic of Cameroon to:

- *provide a timetable and roadmap for the implementation of all its Recommendations, mainly the payment of compensation and the enactment of a law to eradicate sexual violence;*
- *provide evidence on the decision of the Court of Appeal and a timetable for legal proceedings of the retrial;*
- *ensure that trainings focus not only on knowledge, but also on the behaviour and attitude of police and judges when dealing with child protection issues; and*
- *report twice a year on progress in implementing the Recommendations.*

The Committee insisted on the full implementation of its Recommendations in the interest of the victim and all Cameroonian children and expressed the wish to obtain a report on the full implementation of these at its next meeting²⁶⁷.

SECTION III.- CHRC Recommendations to the State relating to its interactions with African Human Rights mechanisms

In view of the foregoing, CHRC holds that African Regional Human Rights instruments and mechanisms should be promoted and supported by the countries of the continent, in order to encourage the use of these instruments and mechanisms, thus contributing to the continent's integration efforts and, consequently, internally-driven development.

²⁶⁷ See <https://www.acerwc.africa/wp-content/uploads/2021/10/37th-Session-Report-ENG-.pdf>, accessed on 21 September 2022.

To this end, CHRC strongly recommends to the State of Cameroon to:

- submit the declaration provided for in Article 34(6) of the Protocol to the ACHPR on the Establishment of the African Court on Human and Peoples' Rights, so as to enable Cameroonian citizens and NGOs to seize it when necessary;
- diligently implement all the Recommendations of the African Commission on Human and Peoples' Rights, as well as those of the African Committee of Experts on the Rights and Welfare of the Child, in the context of the examination by these bodies of cases referred to them by Cameroonian citizens or NGOs acting on their behalf;
- speed up consideration of the African Committee's concluding observations on the 2016 Periodic Report under the ACRWC and submit the State's next Periodic Report;
- continue efforts to implement the stipulations of the Kampala Convention to benefit the country's many internally displaced persons.

- the submission on 1 October 2021 at the ILO of the ratification instrument of Convention No. 155 on the safety and health of workers of 29 June 1981, thus making Cameroon the 74th member State of ILO to have ratified this convention which will enter into force for Cameroon on 1st October 2022, that is one year after its ratification;
- Law No.2021/012 of 9 July to authorise the President of the Republic to ratify the treaty on the African Drug Agency, adopted on 11 February 2019 at Addis-Ababa (Ethiopia);
- Law No.2021/014 of 9 July to govern access to genetic resources, their derivatives, associated traditional knowledge and fair and equitable sharing of advantages stemming from their use;
- Decree No.2021/089 of 12 February 2021 to transform the National Veterinary Laboratory(LANAVET) into a State-owned company;
- Decree No.2021/090 of 12 February 2021 to approve the statutes of the National Veterinary Laboratory;
- Decree No.2021/144 of 20 August 2021 to ratify the treaty on the setting up of the African Drug Agency, adopted on 11 February 2019 at Addis-Ababa (Ethiopia).

Concerning particularly mental patients, some progress was registered at the institutional level with the creation in 2021, of the ‘*Village de Lamoure*’. It entails a suitable environment for the supervision of mental patients. The site hosting this structure is located in the former ward of psychiatric patients at the Jamot Hospital. Here are some of its characteristics:

- clean environment and refurbished buildings;
- renovated isolation cells for patients;
- clean toilets;
- operational kitchens;
- available drinking water;
- regular meals distributed to 130 residents¹⁰;
- organisation of open door days for the public¹¹.

¹⁰ Patients are fed twice per day. The meals are offered by NGOs, SCOs and families.

¹¹ Dr MENGUENE announced to the CHRC (MNPT) team that came to visit this structure that an open door day was organised on the site on 24 December 2021, in a bid to giving an opportunity to the population to visit, communicate with patients and share a meal with them during this festive period of the end of the year. It would also be an opportunity to inform the public on such an initiative and sensitise them on the need to take care of this category of persons.

CHAPTER II.- INTERACTIONS WITH UNIVERSAL HUMAN RIGHTS MECHANISMS

In order to demonstrate its good faith in fulfilling its Human Rights commitments, Cameroon has participated in the various statutory meetings organised by the Human Rights Council, and has collaborated with the Special Procedures and Treaty Bodies in submitting the State's Periodic Reports (Section 1). This chapter also looks at the major activities of Human Rights Diplomacy in Cameroon and the statistics produced by the agencies of the United Nations System on the Human Rights situation (Section 2), before formulating some of CHRC Recommendations to the State concerning its interactions with international Human Rights mechanisms (Section 3).

SECTION I.- Interactions with the Human Rights Council, special procedures and Treaty Bodies

We will in turns look at the State's interactions with each of these mechanisms, which have consisted in the country's participation in the three annual sessions of the Human Rights Council (HRC) (Paragraph 1), its collaboration with the special procedures (Paragraph 2) and the Treaty Bodies (Paragraph 3).

Paragraph 1.- Cameroon's participation in the three annual sessions of HRC

The United Nations Human Rights Council is an intergovernmental body composed of 47 States, with a mandate to strengthen the promotion and protection of Human Rights worldwide. During the year under review, the Human Rights Council held its three Regular Sessions: the 46th (22 February to 23 March 2021), the 47th (21 June to 14 July 2021) and the 48th (13 September to 11 October 2021) in a hybrid format (face-to-face and virtual) in Geneva. On 17 December 2021, the Human Rights Council devoted a Special Session to the Human Rights situation in Ethiopia.

During these sessions, of the 81 resolutions adopted by the Human Rights Council on various Human Rights issues, 37 were adopted by vote, and Cameroon took a position on each of them by voting for or against, or by abstaining from voting.

- **Resolutions adopted at the 46th session of HRC**

Thirty (30) resolutions²⁶⁸ were adopted at the 46th session of the Human Rights Council. Of these, sixteen (16) were adopted without a vote, while fourteen (14) were adopted by vote. Cameroon clearly opposed three resolutions against six votes in favour and six abstentions on resolutions concerning countries such as Nicaragua, the Islamic Republic of Iran, the Occupied Palestinian Territory (including East Jerusalem and the Syrian Golan), Belarus, the Syrian Arab Republic and Sri-Lanka.

²⁶⁸ See <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session46/res-dec-stat>, accessed on 21 September 2022.

- **Resolutions adopted at the 47th session of HRC**

The 47th session of HRC was marked by the adoption of 25 Thematic Resolutions and resolutions on the state of human rights in some countries. The member states of the Human Rights Council adopted 15 resolutions without a vote and 12 by vote. Cameroon's position on these resolutions is presented below.

- **Six positive votes**

- 47/9. Strengthening International Cooperation in the field of Human Rights;
- 47/1. Human Rights and International Solidarity;
- 47/11. The contribution of development to the enjoyment of all Human Rights;
- 47/14. Human Rights in the context of HIV and AIDS;
- 47/23. New Digital Technologies and Human Rights;
- 47/24. Human Rights and Climate Change.

- **Three votes against**

- 47/2. State of Human Rights in Eritrea;
- 47/13. State of Human Rights in the Tigray Region of Ethiopia;
- 47/22. Cooperation with and assistance to Ukraine in the field of Human Rights.

- **Three abstentions**

- 47/16. Promotion, on the Internet; Protection and Exercise of Human Rights;
- 47/18. State of Human Rights in the Syrian Arab Republic;
- 47/19. State of Human Rights in Belarus.

- **Resolutions adopted at the 48th session of HRC**

At the 48th session, the members of the Human Rights Council adopted 25 resolutions, 11 of which were adopted by vote. These were resolutions relating to the Human Rights situation in some countries and to Human Rights in general. Cameroon's position on these resolutions is reflected in the votes below:

- **Seven positive votes**

- 48/5. The use of mercenaries as a means of violating Human Rights and preventing the exercise of the right of peoples to self-determination;
- 48/7. Negative effects of the legacy of colonialism on the exercise of Human Rights;
- 48.8. Promotion of a democratic and equitable international order;
- 48/10. Right to development;
- 48/13. Right to a clean, healthy and sustainable environment;
- 48/14. Mandate of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change;
- 48/18. From Rhetoric to Reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance.

➤ **Two votes against**

- 48/9. Question of the death penalty;
- 48/16. State of Human Rights in Burundi;

➤ **Two abstentions**

- 48/1. State of Human Rights in Afghanistan;
- 48/15. State of Human Rights in the Syrian Arab Republic.

Paragraph 2-Collaboration with the Special Procedures

This was rather timid during the year under review. This can be seen in two key areas, namely the low level of use of the complaint’s mechanisms by the population and the slowness in examining requests for visits made by the Special Rapporteurs. This low level of cooperation can also be attributed to the persistence of Covid-19.

The table below shows the situation regarding requests for visits by Special Rapporteurs:

Table 23.- Requests for visits to Cameroon by special procedures

Theme of special report	State
Special Rapporteur on the Right to Food	Visit carried out from 16 July 2012 to 23 July 2012 Report submitted
Special Rapporteur on The Right to Water and Sanitation	Visit not carried out Request made in June 2010, accepted in March 2013, postponed until 30 April 2013
Special Rapporteur on Minority Issues	Visit carried out from 2 September 2013 to 11 September 2013 Report submitted
Special Rapporteur on Human Rights Defenders	Visit not carried out Request of 15 November 2012, visit postponed severally until 2014
Working Group on Arbitrary Detention	Visit not carried out Request made in 2017
Special Rapporteur on the Rights of Indigenous Peoples	Visit not carried out Request made on 25 February 2015 Reminder unanswered in June 2016
Special Rapporteur on Internally Displaced Person	Visit not carried out Request dated 30 August 2018 Reminder in December 2018
Special Rapporteur on the Right of Assembly	Visit not carried out Request dated 30 May 2018
Special Rapporteur on the Independence of Judges	Visit not carried out Request dated 24 April 2017
Working Group on Discrimination Against	Visit not carried out

Women and Girls	Request from February 2019
Special Rapporteur on the Sale of Children	Visit not carried out Request dated 17 March 2016
Special Rapporteur on Health	Visit not carried out Request dated October 2018
Special Rapporteur on The Right to Water and Sanitation	Visit not carried out Request of December 2019
Special Rapporteur on Minority Issues	Visit not carried out Postponed by mandate-holder
Working Group on Disappearances	Visit not carried out Request of April 2019 Recall in January 2022
Special Rapporteur on Human Rights and Counter-Terrorism	visit requested for the period 25 May 2023 to 2 June 2023
Special Rapporteur on the Situation of Human Rights Defenders (agreement in principle with the Ambassador)	Visit requested from June 2023 to July 2023

Source-<https://spinternet.ohchr.org/ViewCountryvisits.aspx?visitType=pending&lang=En>, accessed on 22/9/2022.

The visit of the Special Rapporteur on Minority Issues scheduled for 2021, after several postponements, did not take place that year.

With regard to the communications that the Special Rapporteurs are supposed to receive, it should be noted that in 2021 they registered only one communication on the Rights to freedom of peaceful assembly and of association, arbitrary detention, the situation of Human Rights defenders and the independence of judges and lawyers.

This concerns communication *AL CMR 1/2021* alleging arbitrary arrests of Messrs Jean Marc Bikoko, Yves Djalla Epangue, Severin le Juste Bikoko, Agnes Adelaide Metougou, and Jessie Bikoko, members of “Dynamique citoyenne”, transmitted to the State of Cameroon on 15 January 2021 by the Special Rapporteurs. The communication states that the applicants were arrested on 15 September 2015 while organising a public meeting to mark the celebration of the International Day of Democracy.

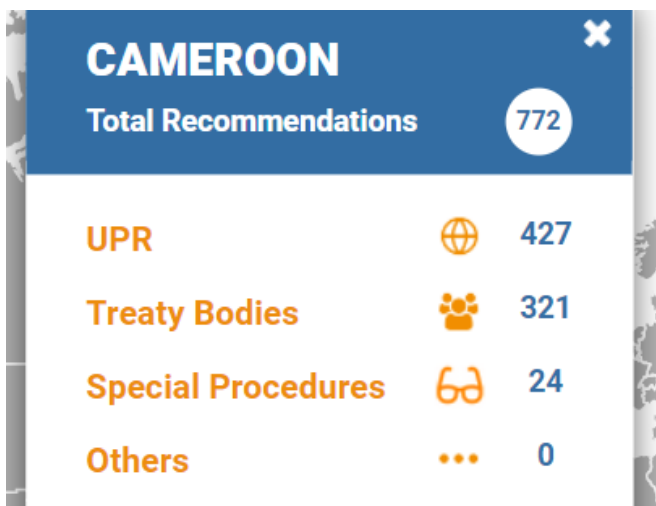
Initially charged with disobedience and rebellion, the grounds for their detention were changed to illegal demonstration after hearings were postponed more than thirty times. Expressing their concern about the length of the judicial proceedings, the Special Rapporteurs followed the adversarial approach and wished to obtain the government's version of the facts, including the legal and factual grounds that led to the arrest, as well as

the measures taken to guarantee the protection of Human Rights defenders. The Government's response, expected within 60 days, has not been communicated²⁶⁹.

Paragraph 3.- Cooperation with Treaty Bodies

This collaboration is measured on the basis of the regularity with which periodic reports are submitted and the follow-up to recommendations made by the Treaty Bodies. With regard to the latter, by 31 December 2021, the total number of Recommendations addressed to Cameroon by Human Rights monitoring mechanisms, including Treaty Bodies, is 772, as shown in Figure 1.

Figure 1.- Number of recommendations addressed to Cameroon by Human Rights Monitoring Mechanisms²⁷⁰



With regard to the submission of periodic reports, *Cameroon only interacted with one Human Rights mechanism in 2021*. This was the Committee on Economic, Social and Cultural Rights (CESCR), to which it submitted its follow-up report on the Recommendations contained in the *range of problems* provided by the Committee.

Indeed, on 25 May 2021, Cameroon submitted a report prepared following the observations made by the Committee on ESCR on 25 March 2019 after the assessment of Cameroon's 4th periodic report on 20 and 21 February 2019. The report was prepared with input from several stakeholders, including CHRC. In particular, it reports on the measures taken to implement the Recommendations contained in paragraphs 26 (discrimination

²⁶⁹ See <https://spcommreports.ohchr.org/TmSearch/Results>, accessed on 22 September 2022.

²⁷⁰ See <https://uhri.ohchr.org/en/countries>, accessed on 22 September 2022.

against minorities), 39 (trade union rights) and 51 (right to food) of the Committee's concluding observations. It also highlights the difficulties and challenges encountered²⁷¹.

In addition, CHRC participated in monitoring the implementation of the Recommendations addressed to the State of Cameroon by the Committee against Torture. Specifically, the Commission took part in a workshop to validate the 6th draft of the Report of the State of Cameroon to the United Nations Committee Against Torture (UNCAT), held on 1 September 2021, in the conference room of the Ministry of Justice. The aim of the workshop was to gather contributions from *representatives of various public and private institutions in order to refine the Report*.

Also, as part of the validation of the aforementioned report, a consultation workshop was organised by CHRC with representatives of at least 35 civil society organisations (CSOs) on 14 October 2021, at the Hotel Jouvence International, in Yaoundé. The aim of the workshop was to:

- disseminate the information contained in the Report that the State of Cameroon intended to submit to the United Nations Committee against Torture as part of its 6th periodic report;
- gather contributions from CSO representatives and
- ensure that the draft report that the State intended to send to the United Nations Committee Against Torture was validated by the CSOs.

SECTION II.- Human Rights Diplomacy and Statistics from United Nations Agencies in Cameroon

Since the adoption of the United Nations Charter in 1945, Human Rights have been an instrument of international cooperation and diplomacy. This recognition is based on the fact that, alongside issues of peace and security and economic issues, Human Rights are a priority in the diplomacy of some States. This was confirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993²⁷². The commitments made by States in the field of Human Rights require the regular practice of "*Human Rights Diplomacy*", which carries within it the embryo of bilateral or multilateral political cooperation. This "*Human Rights Diplomacy*" is exercised in such a way as to ensure the active participation of the State in regional and international forums, as well as in

²⁷¹ For more details, see "Information on Cameroon's report on the follow-up to the concluding observations", available at [file:///C:/Users/laasu/Downloads/G2111220%20\(1\).pdf](file:///C:/Users/laasu/Downloads/G2111220%20(1).pdf), accessed on 21 September 2022.

²⁷² See Emmanuel DECAUX who notes that "[t]he promotion and protection of all Human Rights and fundamental freedoms must be considered a priority objective of the United Nations, in accordance with its purposes and principles, with particular regard to the objective of international cooperation. In view of these aims and principles, the promotion and protection of all Human Rights is a legitimate concern of international [society]", in "La diplomatie française des Droits de l'homme",

<https://www.diplomatie.gouv.fr/IMG/pdf/FD001175.pdf>, accessed on 10/6/22.

multilateral forums where discussions take place and decisions are made concerning Human Rights issues, as well as in those where peace and security concerns are addressed.

Human Rights Diplomacy aims to reinforce Human Rights Principles with regard to States' treaty obligations. As a form of international interaction between States, it helps to improve the situation of Human Rights, the mechanisms for promoting and protecting Human Rights and the prevention of torture in a given country or region. Negotiation, mediation, peacebuilding, peacekeeping and publicity are mechanisms often used in Human Rights Diplomacy.

- **Cameroon's Contribution to Human Rights Diplomacy in 2021**

Cameroon's main actions in the field of Human Rights diplomacy can be listed as follows:

- Cameroon replaced Bulgaria in May 2021 at the head of the Conference on Disarmament²⁷³ ;
- As part of the express inclusion of cultural considerations in investment agreements, on 20 April 2021 the Government of Cameroon and the United Kingdom signed an interim agreement establishing an economic partnership agreement between the Republic of Cameroon and the United Kingdom of Great Britain and Northern Ireland²⁷⁴ ;
- On 30 November 2021, the Office of the United Nations High Commissioner for Human Rights published the report of its technical mission to Cameroon in September 2019 and the summary of the resulting Recommendations. Cameroon had already implemented some of these recommendations²⁷⁵.

²⁷³ See Speech by the Ambassador of Cameroon on the occasion of Cameroon's presidency of the Conference on Disarmament, 4 pp. spec. p. 1, [https://documents.unoda.org/wp-content/uploads/2021/05/20210525-Cameroon -DISOURS-AMBASSADEUR-CONFERENCE-DESARMEMENT.pdf](https://documents.unoda.org/wp-content/uploads/2021/05/20210525-Cameroon-DISOURS-AMBASSADEUR-CONFERENCE-DESARMEMENT.pdf), accessed on 21 September 2022.

²⁷⁴ See "Interim Agreement establishing an Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part and the Republic of Cameroon, of the other part", London, 9 March 2021, Presented to Parliament by the Secretary of State for Foreign, Commonwealth and Development Affairs by Command of Her Majesty April 2021, Miscellaneous Series No. 2 (2021), 896 pp., https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/978691/MS_2.2021_UK_Cameroon_Interim_Agreement_Economic_Partnership.pdf, accessed on 21 September 2022.

²⁷⁵ See Office of the United Nations High Commissioner for Human Rights, "Consolidated table of OHCHR recommendations and responses received from Cameroon following an OHCHR technical mission to the country in September 2019", November 2021, 11 pp., <https://www.ohchr.org/sites/default/files/2022-06/Cameroon%20-%20Consolidated%20table%20November%202021.pdf>, accessed on 21 September 2022.

- **Some statistics from United Nations agencies concerning Cameroon in 2021**

- According to the Office for the Coordination of Humanitarian Affairs (OCHA), 4.4 million Cameroonians need humanitarian assistance due to insecurity, reduced resilience and difficulties in accessing basic services²⁷⁶ ;
- The Emergency Humanitarian Assistance Plan launched by the United Nations and the Cameroon government has a budget of US\$362 million²⁷⁷;
- According to the UNHCR, 450,000 refugees are being hosted in Cameroon²⁷⁸;
- 937,000 internally displaced persons in Cameroon²⁷⁹;
- The first attack on a United Nations convoy by a non-state armed group in the South West Region was recorded on 26 March 2021: no victims, but two vehicles damaged, according to the Resident Coordinator of the United Nations System in Cameroon²⁸⁰ ;
- The UNHCR gives the following assessment of intercommunity clashes in Logone and Chari, Far North Region, in December 2021: 44 people killed and 111 injured, 85,000 Cameroonian refugees in Chad and 15,000 internally displaced persons, specifying that these tensions are intensified by the climate crisis²⁸¹ ;
- OCHA reports that the closure of schools due to violence in the North West and South West Regions of Cameroon has affected 700,000 children²⁸²; in addition, more than one million children are said to be in urgent need of educational support due to security problems²⁸³ ;

²⁷⁶ See OCHA, “Cameroon: Humanitarian Dashboard (January to December 2021)”, published on 11 March 2022, 11 pp., file:///D:/Ordinateur/Downloads/cmr_humanitarian_dashboard_q4_jan_dec_2021_vf.pdf, accessed on 21 September 2022.

²⁷⁷ See OCHA, “Cameroon Humanitarian Response Plan 2021”, <https://fts.unocha.org/plans/1030/summary>, accessed on 21 September 2022.

²⁷⁸ See OCHA, “Cameroon: Humanitarian Dashboard (January to December 2021)”, *op. cit.*

²⁷⁹ *Ibid.*

²⁸⁰ See Bibiane Mouangue, OCHA Public Information Officer, “Press Release. The Humanitarian Coordinator in Cameroon strongly condemns the attack on a United Nations convoy in the South-West Region of Cameroon”, <https://cameroon.un.org/en/134117-humanitarian-coordinator-cameroon-strongly-condemns-attack-united-nations-convoy-south-west>, accessed on 21 September 2022.

²⁸¹ See UNHCR, “Clashes in Cameroon’s Far North displace more than 100,000 people”, published on 17 December 2021, <https://reliefweb.int/report/cameroon/clashes-cameroon-s-far-north-displace-more-100000-people>, accessed on 21 September 2022.

²⁸² See UN News Global perspective Human stories, “Violence in Cameroon, impacting over 700,000 children shut out of school”, published on 2 December 2021, <https://news.un.org/en/story/2021/12/1107072#:~:text=Over%20700%2C000%20children%20have%20been,West%20regions%20of%20the%20country>, accessed on 21 September 2022.

²⁸³ See OCHA/Education Cannot Wait (ECW)/Norwegian Refugee Council (NRC), “Violence impacts over 700,000 children due to school closures in Cameroon”, published on 2 December 2021,

- The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, has approved the allocation of five million US dollars from the Central Emergency Response Fund (CERF) to support humanitarian aid in Cameroon²⁸⁴.

SECTION III.- CHRC Recommendations to the State concerning its interaction with international human rights mechanisms

CHRC makes the following Recommendations for enhanced collaboration of the State of Cameroon with universal human rights mechanisms.

- Accelerate the processing of pending requests for visits by Special Rapporteurs.
- Continue the positive dynamics of regular submission of periodic reports to the Treaty Bodies ratified by Cameroon.
- Proceed with the effective deposit of instruments of ratification of treaties for which the decree of ratification has already been signed by the President of the Republic, some of them more than a decade ago, such as:
 - o the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) (ratification decree signed on 19 November 2010);
 - o the Optional Protocol to the United Nations Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (ratification decree signed on 6 January 2020);
 - o the United Nations Convention on the Rights of Persons with Disabilities (ratification decree signed).

<https://reliefweb.int/report/cameroon/violence-impacts-over-700000-children-due-school-closures-cameroon-0>, accessed on 21/9/2022.

²⁸⁴ See OCHA, “The Central Emergency Response Fund (CERF) releases US\$5 million for humanitarian assistance in Cameroon”, published on 25 October 2021, <https://reliefweb.int/report/cameroon/central-emergency-response-fund-cerf-releases-us5-million-humanitarian-assistance>, accessed on 21/9/2022.

GENERAL CONCLUSION

At the end of this *2021 Report on the State of Human Rights in Cameroon*, it appears that the analyses and the evaluation of the jurisdictional and non-jurisdictional mechanisms put in place by the Cameroon State have revealed significant progress, but also dysfunctions and quantitative and qualitative deficits.

The methodological approach was based on three explanatory and analytical variables: *the legal variable* made it possible to assess the state of the applicable law; the quantifiable *statistical variable* helped to express values in terms of numbers or percentages; finally, the *sociological and institutional variable* made it possible to understand the factors constraining and limiting the improvement of the normative and institutional framework for the promotion and protection of Human Rights in the Cameroon context.

The methodological approach was also intended to be multidisciplinary, given the cross-cutting nature of the fundamental issues. The report drew a number of conclusions under four headings.

Constitutional obligations (*preamble to the Constitution, indents 1-25*) and treaty obligations (*pacta sunt servanda*) require the State to ensure the protection of persons and property, without discrimination of any kind, including gender, race, social class, political opinion or religious belief.

In 2021, the Cameroonian government recorded a sharp increase in **demand for non-justiciable rights**. Explanatory factors include Covid-19, security problems in the North West, South West and Far North Regions of the country and their social and humanitarian consequences.

The Cameroonian State's supply of economic, social and cultural goods and services, which is a function of the means available, has not sufficiently enabled it to raise the supply/demand ratio, as a result of corruption, in the satisfaction of the right to education, the right to work, decent working conditions, the right to an adequate standard of living, the right to food, the right to health, the right to land ownership and the right to development. While this ratio is well below international standards, according to the human development indices drawn up by the United Nations Development Programme and the World Bank, it is even lower than the national average for the North West, South West and Far North Regions. This explains why some of Cameroon's development partners attach conditions to their economic and financial services in relation to the promotion and protection of Human Rights.

Although the tools of governance, such as the 2021 Finance Law, demonstrate a genuine political will to satisfy the economic, social and cultural needs of citizens through a diversified offer, condemnable constraints and practices (corruption, economic crime,

smuggling, counterfeiting, tax non-compliance, land crime, transnational organised crime, cybercrime) have continued to undermine the State's ability to fulfil its obligations to fully satisfy the economic, social and cultural demands of the population.

As far as civil and political rights are concerned, analyses show that *the situation is no better*. The realisation of the rights to identity and citizenship, the right to life, the prohibition of torture, freedom of assembly and demonstration, the rights of the defence, *habeas corpus*, and the security of persons and property are still facing challenges - made worse by the ignorance and incivility of the population. The same applies to the right of access to justice and the right to a fair trial, which have been hampered by administrative obstacles that are not always justified.

Still on the subject of fundamental rights and freedoms, the following infringements have been recorded.

- Freedom of communication, freedom of the press, freedom of association, freedom of demonstration, freedom of assembly, freedom of expression, freedom of opinion, all of which have been violated by political populism and fake news, leading to the undermining of citizenship through incitement to tribal hatred, given the negative impact that “*influencers*” and other “*whistle-blowers*” have amplified in society.
- The consolidation of processes for protecting fundamental rights, particularly those of the defence, has been slowed down by the slowness of judicial procedures.

With regard to the rights of specific categories, despite the context of unrest and armed clashes in the North West, South West and Far North Regions, the State has substantially improved the legal status and regime applicable to these categories of people. This reflects, albeit imperfectly, the commitments made by the public authorities to apply and align national mechanisms with international standards for the promotion and protection of the rights of women, children, indigenous peoples, people living with disabilities, minorities, internally displaced persons and refugees. However, it should be pointed out that a number of well-founded claims or allegations of Human Rights violations have been recorded, others which CHRC has actively sought to verify or is working on, such as the allegations of rape of a 53-year-old woman by “*members of the security forces*”, “*dangerous agricultural work*” carried out by children, the problem of corruption in the context of the fight against armed secessionist or terrorist groups in the North West and South West (CHRC identified two serious cases in 2021), unfair labour practices, compensation for victims of arbitrary police custody and arbitrary pre-trial detention, which will be the subject of a *Thematic Report* by CHRC in 2021, the problem of the apparently abnormal length of certain pre-trial detentions, which was denounced during a press briefing in Bafoussam, and the issue of forced marriages, the under-representation of women in important positions in the public and private sectors, the non-representation of certain indigenous populations (the

Three Bs in particular) in the main State bodies, as well as the question of the respect of companies' commitments to indigenous populations.

Finally, the monitoring of international commitments and interactions with conventional mechanisms has highlighted three characteristics, representing both horizons of hope and fault lines in the promotion and protection of Human Rights:

- the State of Cameroon, pursuant to Article 45 of the Constitution, maintains dynamic normative and institutional cooperation with international human rights mechanisms. It is therefore appropriate to highlight its active participation in sessions of regional and universal mechanisms;
- the anchoring of national mechanisms in the African regional system for the protection of human rights is affirmed;
- As indicated above, CHRC participates in the interaction with regional and universal human rights mechanisms, contributing to the constructive dialogue between the State and the said mechanisms, which publish their concluding observations and recommendations following the examination of communications relating to alleged human rights violations that they receive. In this respect, Section 5 of the law establishing CHRC provides that the Commission “*shall collaborate, with United Nations agencies, regional and national human rights institutions, civil society organisations, and national and international organisations on human rights issues, where necessary*”.

In sum, CHRC calls for all the 235 Recommendations made to the State and various other stakeholders in this *Report* to be considered, as this would undoubtedly contribute to improving the state of human rights in Cameroon.
