

REPUBLIQUE DU CAMEROUN
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**COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN**

Cabinet du Président

B.P./P.O. Box 20317, Yaoundé
Tel : (237) 222 226 080 / 222 226 117



REPUBLIC OF CAMEROON
Peace – Work – Fatherland

**CAMEROON HUMAN
RIGHTS COMMISSION**

Chairperson's Office

Fax.: (237) 222 226 082 / email : cdhc@cdhc.cm
/ chrc@cdhc.cm
Web Site: www.cdhc.cm

2021 COMPENDIUM OF SPEECHES BY THE CHRC CHAIRPERSON



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

WORKSHOP FOR UPDATING THE PEDAGOGIC AND DIDACTIC MANUAL AND GUIDES FOR THE TEACHING OF HUMAN RIGHTS IN PRIMARY AND SECONDARY EDUCATION IN CAMEROON AND ADVOCACY FOR THEIR USE AS PART OF TEACHERS' TRAINING

Yaoundé, Jouvence International Hotel – 26 January 2021

Opening Speech by the Acting Chairperson of the NCHRF

The Resident Representative of the United Nations Development Programme (UNDP) represented here, a partner without whose support this activity would not have been conducted at this time; I recall that UNDP funded the *Human Rights Project* from 2008 to 2012 with the National Human Rights Education Programme as one of its components, as well as the distribution of materials and equipment for the prevention of the coronavirus disease in the main prisons in Cameroon in May last year. I am very pleased to express my deep gratitude to this key partner for its ardent and benevolent support to the NCHRF.

The Director of the United Nations Centre for Human Rights and Democracy in Central Africa here represented,

the distinguished NCHRF partner that you represent with dignity has provided decisive support for the implementation of this Project, as for so many others. Please convey my loyal gratitude to the Director.

Distinguished Representative of the United Nations Educational, Scientific and Cultural Organization (UNESCO),

Dear Representative of the National Commission for UNESCO,

Dear Inspectors of Education, to whom I pay here and now a vibrant tribute; you are renowned, steeped in knowledge, infused with humanism, flooded with attention to others, and you can boast of entire decades devoted to teaching... Even when you are far from the classroom by your administrative responsibilities, the love of teaching remains the great driving force of your professional activity.

Before I continue my remarks, I would like to ask you to observe *one minute of silence and fulfilment* in tribute to the students and teachers, eminent members of the educational community, who

have paid with their lives for their desire to learn or, simply to teach. They perished, victims of terrorists and secessionists in the Far North, South West and North West Regions.

I heard your silence, thank you!

The Head of the Human Rights Promotion and Protection Division of the NCHRF,

Distinguished guests, all protocol observed,

Ladies and Gentlemen,

It is with jubilation that I take the floor today at this opening ceremony of the Workshop which brings us together around the crucial issue of human rights education in our dear and beautiful country. My happiness lies in the fact that this Workshop is at the confluence of my two vocations, that of teacher and that of human rights defender.

The defence of Human Rights is indeed part of the exercise and is an extension of the teaching profession, especially when it comes to the promotion of Human Rights. But the legal expert is also at ease when it comes to the protection of human rights.

I love the intellectual independence that these two professions provide, as well as the contacts they facilitate in order to commune with a constellation of young and less young minds from various horizons, often passionate and always committed, with whom we share a fervent conception of knowledge and respect for the human being, without losing our inimitable singularities.

The purpose of our Workshop is to closely associate the two professions - or vocations - of teaching and the defence of Human Rights as it aims at providing teachers with the tools they need to better impart knowledge in the field of Human Rights. You are called upon to redesign tools for the transformation of the Cameroonian society through the reshaping of its future by the training of primary and secondary school children in Human Rights.

I would like to endorse here with conviction the position defended by Amin MAALOUF in his response to the speech of Dany LAFERRIERE, who was taking his seat at the Académie française on 28 May 2015: "*Knowledge is the path to dignity*". And the underlying purpose of Human Rights which needs to be inculcated in schoolchildren and students is none other than... human dignity.

Distinguished Representative of the United Nations Centre for Human Rights and Democracy in Central Africa,

Cameroon has been committed for several years to the promotion and protection of Human Rights through its Constitution and the treaties it has ratified in good faith, active participation in regional and universal human rights mechanisms, as well as through the public policies adopted and methodically implemented in this field. In this spirit, an action that the Government considers a priority in the context of strengthening the protection of human rights, namely: **the generalisation of human rights education in the school curriculum**, has been included in the National Development Strategy 2020-2030 (SND 30).

To this end, the Educational Community needs to be provided with the tools that kill the venom of radicalism rooted in the minds of infants and children. The tools that you are going to chisel out will have to ingrain the Human Rights reflex in the minds of pupils and schoolchildren, instilling in them a

sense of belonging to a nation with a great destiny, worthy of being loved, making them exemplary citizens and patriots in terms of respect for human rights - and duties.

As Fr derico MAYOR, former Director General of UNESCO, saw it, "*it is in the minds of people that war is born and it is in the minds of people that the values of peace must be cultivated*". Let us be the artisans of peace! Let us seize the opportunity of the favourable context offered by the National Development Strategy 2020-2030 to commit ourselves to it.

I have also mentioned human duties for, as an old but largely unknown Latin saying goes, *ubi jus, ibi onus*. And I translate: where there is a right, there is also an obligation. In order to illustrate this legal adage in a context of escalation where certain human rights are presented as absolute dogmas and where freedoms border on anarchism, both within and outside social media, it is worth recalling one of the indents in the Preamble to the Constitution of 18 January 1996, as well as a few articles of the African Charter on Human and Peoples' Rights, which was opened for signature on 27 June 1981 and came into force on 21 October 1986.

The relevant indent of our Constitution reads as follows: "[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".

As for the African Charter, the relevant articles are Articles 27 to 29.

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised *with due regard to the rights of others, collective security, morality and common interest*.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty: [...]

3. *Not to compromise the security of the State whose national or resident he is;*
4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;
5. *To preserve and strengthen the national independence and the territorial integrity of his country* and to contribute to his defence under the law;

In the same vein, the 1948 American Declaration of the Rights and Duties of Man enshrines the complementarity between Rights and Duties in paragraph 2 of its preamble, when it stipulates that

[T]he fulfilment of duty by each individual is a prerequisite to the rights of all. Rights and duties are inter-related in every social and political activity of man. While rights exalt individual liberty, duties

express the dignity of that liberty.

These duties are detailed in Articles 29 to 38 of this Inter-American instrument. Article 32 of the American Convention on Human Rights adopted in San José, Costa Rica, on 22 November 1969 reinforced this correlation between rights and duties by stating unequivocally that

1. Every person has responsibilities to his family, his community, and mankind.
2. The rights of each person are *limited by the rights of others, by the security of all, and by the just demands of the general welfare*, in a democratic society.

More recently, paragraph 6 of the preamble to the Charter of Fundamental Rights of the European Union, adopted on 7 December 2000, states even more emphatically that "[e]njoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations."

This means that the Rights guaranteed, **while they must be respected by all, are by no means absolute values**. In addition, a catalogue of duties is imposed on all the beneficiaries of Human Rights, who are themselves debtors of certain Human Rights.

The Cameroonian Constitution of 18 January 1996 thus subordinates the exercise of Human Rights to the superior interest of the State in a formula that deserves to be reiterated: "[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". At the regional level, paragraph 2 of Article 27 of the ACHPR recalls that "[t]he rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest". A common interest that commands respect for the democratically elected authorities and respect for the honour of the country.

In addition to responding to a perceptible need at the national level, this Workshop is also inspired by the recommendations made to States in the framework of the World Programme for Human Rights Education launched on 1 January 2005, after its adoption by the UN General Assembly in December 2004, and the Agenda 2030 on Sustainable Development Goals (SDGs).

It is in this context that between 2008 and 2012, the Commission, with the support of its partners, developed the **National Human Rights Education Programme**, whose ultimate objective is to contribute decisively to the development of a culture of Human Rights among the public, through the teaching of Human Rights in the primary and secondary education systems, as well as in the classical faculties of State universities and the major vocational training schools. This initiative has led to the design of *Pedagogic Manuals* and *Pedagogic Guides* for primary and secondary schools. Eighty schools have also been selected in these two levels of education for the pilot phase of this Programme.

In developing these documents, the Commission benefited from the invaluable input of experts from the Ministry of Basic Education and the Ministry of Secondary Education, some of whom are here with us today, and I reiterate the Commission's infinite gratitude in this regard. You are the authors of these teaching materials which we are once again bringing to your attention today for the purpose of improving their content and teaching approaches.

Allow me to pause for a moment to offer my deep gratitude to the Danish Institute for Human Rights, a sister institution of the Commission, which has kindly funded the project proposal we submitted

to them following their call for funding for the activities of African national human rights institutions on the monitoring of the implementation of Sustainable Development Goal (SDG) 4.7, which reads as follows:

[b]y 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, *through education for sustainable development and sustainable lifestyles, human rights, gender equality*, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

The *human rights education and gender equality* aspects of that SDG are particularly relevant.

Dear participants, Ladies and Gentlemen,

According to the most recent UNESCO statistics, the net enrolment rate in primary education in Cameroon was 91.2% in 2019, with 86.8% of girls and 95.6% of boys, while the net enrolment rate in secondary education was 46% in 2016, with 43% of girls and 48.9% of boys. It appears to be one of the most satisfactory in the sub-region.

However, this is not to be welcomed as it does not materialise the full realisation of the Right to Education in our country, in accordance with the relevant provisions of the Constitution of Cameroon, the African Charter on Human and Peoples' Rights (art. 25), the African Charter on the Rights and Welfare of the Child (art. 11.2-b), the Universal Declaration of Human Rights (preamble and article 26) and the International Covenant on Economic, Social and Cultural Rights (art. 13.1).

Ladies and Gentlemen,

As reaffirmed in several documents of the human rights mechanisms, including Resolution 1997/7 of 28 August 1997 of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *there can be no true respect for the Right to Education without human rights education.*

Indeed, at a time when violence and other deviant practices are taking root in our schools, when we observe that a segment of the youth population is getting bogged down in hate speech, allowing themselves to be contaminated by ethnic supremacism and infected by violent extremism, at a time when the entire educational community and other stakeholders must mobilise to create the conditions for their eradication, the Commission is of the opinion that human rights education is one of the tools on which the State must rely to bolster its fight against these phenomena.

I have no hesitation in proclaiming my intimate and absolute conviction that the assimilation and appropriation of the principles governing the Rights of individuals and groups, namely: equity and equality, tolerance, dialogue, togetherness, active citizenship, cultural diversity, non-discrimination, the protection of vulnerable groups, minorities and indigenous peoples must necessarily be strengthened, in order to change society and lead our dear and beautiful country to emergence by the set agenda. It is the role of the educators that you are, that we all are, ultimately, to succeed in introducing human rights literacy.

Ladies and Gentlemen, all protocol respected,

You will be exercising a rare right: the right to teach teachers the basic grammar of Human Rights.

You will produce a new universe of codes that will be replicated. Aristotle, the *Magister*, argues in his *Poetics* that the principle of all arts is naturally founded in *mimêsis* (imitation) as a process of knowledge. These tools are the automatic vehicles of repetition.

They will repeat in chorus to teachers and learners: let yourself be moulded by us! Get imbued with our hallmarks, so that your mind, your body and your repeated gestures multiply by repeating them the civic gestures of future integrated citizens, respectful of the Rights of others, jealous of their own Rights and committed to fulfilling their duties - all their duties - with abnegation. In a world of replicators, of reproductive fashions and codes, your task seems easy as you will be tilling virgin soils, free from any preconceptions. But it is not a question of teaching Human Rights in a mechanical way as in European, Asian or American textbooks.

Of course, Human Rights are universal. But life has taught us a Latin phrase well known to jurists: *ubi societas, ibi jus*. It calls out to us. The teaching of Human Rights in Cameroon cannot be disconnected from society nor dried up. It must feed on the sap of the challenges of our society in this field, emphasizing the most relevant Human Rights to advance the Cameroonian society, dwelling particularly on two things:

- *respect for the ethics and integrity of the human rights defender*, which allows one to disconnect from political stances and avoid the practice of double standards
- *the Rights most relevant in our environment and those relating to the situations we are facing*, such as terrorism and violent extremism, the issue of early marriages, the fight against excision, the Right to Education, including the right of the girl child to education, new environmental threats and respect for the opinion of others - especially when it is not shared - in order to banish violence and all hate speech from the political arena ; democratic rationality, which *includes* the ideal of individual freedom and therefore human rights in its legal architecture, *induces* a fundamentally peaceful approach to the conquest or preservation of power.

The teaching materials that you are going to revise should make each student a human rights academician. Descartes in his *Projet d'une Académie*, which he drafted at the request of Queen Christine of Sweden, shortly before her death, had conceived an article VI of its rules in the following terms: "*one shall listen to each other speak with gentleness and respect, without ever showing contempt for what will be said in the Assembly*". This is the essence of Human Rights, so close to the Christian civism advocated by Marcel Gauchet, who sees in it "[a] *vision of the social whole that is in line with religious values, but at the same time respects the non-religious character of that whole.* »

You must also rescue schoolchildren and students from the sterile fascination of sterile and sclerotic mimicry of exogenous human rights models offered to public credulity. Vaccinate them against the romantic illusion of easy mimicry!

The universality of human rights is not synonymous with uniformity, as evidenced by the different approaches to freedom of expression in the United States, France and Germany or in the Nordic countries.

Ladies and Gentlemen,

I dare believe that this Workshop is only the beginning of a process that will certainly continue over time; that your enthusiasm and devotion will be equalled only by the quality of the productions that will result from this activity.

The task before us today is to revise the content and pedagogical approaches of the above-mentioned textbooks in order to adapt them to current demands. The updated textbooks will, with your assistance, be included in the training of teachers who will become the vectors of this culture of human rights so much desired by the Cameroonian legislator.

I have no doubt that you will make this day and this place a place of intellectual adventure, of bursting invention and happiness too, inasmuch as it is true that you love what you do.

Impart the African vision of Human and Peoples' Rights in the guides that you are going to revise by projecting yourself far into the future generations, like the founding fathers of the great contemporary nations; for the teaching of Human Rights is inexhaustible, for any nation that wants to meet the challenges of this century and of the centuries to come.

The future of Human Rights in Cameroon, and hence the future of the country is in your hands. Make these didactic tools the reflection of the quality of your knowledge, of all your know-how, and of all your soft skills.

But for the time being, my wishes will be fulfilled if this year 2021 is for all of you synonymous to exhilarating happiness, great successes and delights.

I declare open the deliberations of the Workshop for Updating the *Pedagogic Manual* and *Guides for the Teaching of Human Rights* in Primary and Secondary Education in Cameroon and advocacy for their use as part of teachers' training.

Long live Human and People's Rights!

Long live one and indivisible Cameroon!



**COOPERATION CAMEROUN-UNION
EUROPEENNE**

EUROPEAN DEVELOPMENT FUNDS

**COMMISSION NATIONALE DES DROITS
DE L'HOMME ET DES LIBERTES**
**NATIONAL COMMISSION ON HUMAN RIGHTS
AND FREEDOMS**

PROJECT TO IMPROVE CONDITIONS FOR EXERCISING FREEDOMS IN CAMEROON - PICEF

**TRAINING WORKSHOP ON HUMAN RIGHTS FOR THE STAFF OF THE MINISTRY
OF DECENTRALIZATION AND LOCAL GOVERNMENT**

Yaoundé, 23 March 2021

SPEECH BY THE CHAIRPERSON OF THE NCHRF

**The Minister for Decentralisation and Local Government,
The Representative of the European Union,
The Head of the Project to improve conditions for exercising freedoms in Cameroon (PICEF),
The distinguished staff of the Ministry of Decentralization and Local Development,
Honourable Guests, in your respective ranks, titles and grades,
Ladies and Gentlemen,**

I wish to extend my warmest thanks to the Minister and the Human Rights Focal Point of your ministry for facilitating the organisation of this meeting in your offices, for your collaboration, which reflects your commitment to the respect for Human Rights in our country.

Honourable Minister, Ladies and Gentlemen,

Let me remind you, further to the concept note that brought about this activity, that the Commission has for the past two years been hosting PICEF, a European Union-funded project that has already enabled the establishment of the Observatory of Public Freedoms in Cameroon.

The Commission, as an independent State institution to promote and protect Human Rights, which handles cases of human rights violations, and which sometimes implicate public administrations or their local branches, is compelled to strengthen ties with the head office or regional services of such administrations, to better defend and promote the human rights culture in Cameroon.

Therefore, to implement the recommendations of the training workshops of the Human Rights Focal Points held in Kribi from 30 to 31 October 2019 and in Mbalmayo from 3 to 5 March 2020, the Commission, in collaboration with the Human Rights Focal Point of the Ministry of Decentralization and Local Government, is organising a training workshop on Human Rights with the staff of the administration, with funding from the European Union.

The meeting held here, which demonstrates the development of active collaboration with our focal points, following the one organised a few months ago with the Ministry of Youth and Civic Education, reflects the progress of a long process that should gradually be set up and extended in our country.

To date, the Commission has 71 officials, appointed as focal points in various administrations and Ministries in human rights matters. Please consider yourselves among the first institutions to be selected to implement this vast programme which, as mentioned above, will be extended to other institutions.

Given that the general objective of this meeting is to raise the participant's awareness on the basic concepts of Human Rights, especially Workers' Rights in local and regional communities, and to strengthen the collaboration between our two institutions, I urge everyone to take a keen interest in the proceedings, so that we can achieve the specific objectives which we set ourselves.

Human Rights are everyone's rights, without exception. Not knowing them to promote and defend them in case of violation means relinquishing our prerogatives and guarantees to trivialize our human dignity and our basic needs or those of others.

Honourable Minister, Ladies and Gentlemen,

Let us, therefore, remember the expectations of our fellow countrymen who are absent from this meeting, and who are searching for knowledge in Human Rights, that may be pinned on us. We owe it to ourselves to do our utmost to achieve the objectives of this activity.

Aware of your daily efforts in developing and implementing the Government policy in the area of the country's development and the promotion of the values of peace, work, democracy and solidarity, hence Human Rights, there is no doubt that with greater awareness you will achieve this.

May this meeting be an unprecedented success!

Thank you very much.



INDUCTION WORKSHOP FOR MEMBERS AND STAFF OF THE CAMEROON HUMAN RIGHTS COMMISSION (CHRC)

**Mont Fébé Hotel
Yaounde, 25 to 28 May 2021**

OPENING SPEECH BY THE CHAIRPERSON OF THE CHRC

The Representative of the Director of the United Nations Centre for Human Rights and Democracy in Central Africa,

The Chairperson of the National Human Rights Council of Côte d'Ivoire and Representative of the *Organisation internationale de la Francophonie* and the *Association francophone des commissions nationales des Droits de l'homme*,

Distinguished Commissioners of the CHRC,

The Permanent Secretary of the CHRC,

Distinguished representatives of public and para-statal administrations,

Distinguished Representatives of the UN System Agencies,

Dear partners of the Network of African National Human Rights Institutions (NANHRI),

Ladies and Gentlemen, Distinguished guests, all protocol observed,

I am privileged to speak on this official opening of the initial and crash training workshop for members and staff of the Permanent Secretariat of the Cameroon Human Rights Commission (CHRC). This is the first 'capacity building' session for the members of the CHRC out of the half a dozen planned, following their swearing in on 29 April 2021 before the Assembled Chambers of the Supreme Court, in the ceremonial courtroom, to the sound of the drums of the army band.

I would like to begin by extending a warm welcome to all of you in this sumptuous conference room of the Mont Fébé Hotel, which will host our work sessions for four days.

I wish to express my deepest gratitude to the entire team of technical and funding partners who contributed to the organisation of this challenging training course, under the dedicated coordination of the United Nations Centre for Human Rights and Democracy in Central Africa (UNCHRD-CA), our constant partner. These include:

- the *Organisation internationale de la Francophonie* (OIF)
- the *Association francophone des commissions nationales des droits de l'homme* (AFCNDH)

- the Network of African National Human Rights Institutions (NANHRI) and
- the National Institutions and Regional Mechanisms Section of the Global Alliance of National Human Rights Institutions (GANHRI).

Your involvement, commitment and participation, even through information and communication technologies, strengthens the quality of this training.

I feel deeply grateful for your constant efforts to make sure that the NHRI of Cameroon fulfils its mandate honourably and according to the best international standards, and for the multifaceted support that you have committed to give us at the beginning of this first mandate of the CHRC, which is raising all kinds of hopes everywhere. We are all aware that this immense expectation cannot be achieved without your ardent support.

Your commitment to hold our hands is already fanning the flame of faith that our actions in favour of human and peoples' rights will be much more effective than in the past.

Let me now wish a pleasant stay to the resource persons who have travelled from their respective countries to attend this important activity, despite the constraints imposed by the COVID-19 pandemic. I would like to especially recognise Ms Namizata Sangaré, the Chairperson of the National Human Rights Council of Côte d'Ivoire, who received me in Abidjan two years ago. The experience of the Côte d'Ivoire National Human Rights Council, which is often quoted as a model for NHRIs, especially in the collaboration with the Parliament and with Civil Society Organisations (CSOs), will be very useful to us.

Please accept our sincere gratitude for your generous, inspiring and rich presence, which we hope will be ubiquitous and lasting.

I am also grateful to the National Human Rights Council of Morocco and the National Human Rights Commission of Togo for agreeing to share their experience with the CHRC, especially with regard to implementing their mandate as National Preventive Mechanisms against Torture (NPMs).

Distinguished guests,

Dear participants,

Ladies and Gentlemen,

In a context where some leading institutions were not set up until 22 or even 25 years after their inception, the setting up of the CHRC less than two years after the adoption of the law creating it, organising it and determining its functioning, irrefutably testifies to Cameroon's clear determination to equip herself with a National Human Rights Institution (NHRI) that is as effective as possible, in our national context.

The State has understood that we cannot build a better society in our countries, which are ever less communitarian and ever more individualistic, nor can we make democracy a part of daily life without rooting a human and peoples' rights culture and the rule of law through the effective functioning of the mechanisms and institutions that are its vectors and that ensure its defence. Myriam Revault d'Allones puts it very well: [*"a democracy deserving of that name can only guarantee human rights through the effective existence of institutional mediation"*].

Cameroon's commitment has also recently been demonstrated by its active participation in the functioning of regional and international human rights mechanisms. This was demonstrated by the presentation of Cameroon's 4th, 5th and 6th periodic reports under the African Charter on Human and Peoples' Rights (ACHPR) and the 1st report under the Maputo Protocol on the Rights of Women and the Kampala Convention on the Rights of Internally Displaced Persons, during the 67th session of the African Commission on Human and Peoples' Rights (ACHPR) in November 2020.

Dear partners of the United Nations System, the IOF and the two major NHRI Networks,

Dear guests,

There is no need to stress that this activity is part of the process of operationalising the new NHRI of Cameroon. Indeed, after the promulgation of Law No. 2019/014 of 19 July 2019 relating to the establishment, organisation and functioning of the Cameroon Human Rights Commission, it was expected that the new members be appointed. This was done on 19 February 2021, the date the presidential decrees appointing the Chairperson, the Vice-Chairperson, the thirteen (13) other members and the Permanent Secretary of the CHRC were signed.

As compared with the National Commission on Human Rights and Freedoms (NCHRF) which it succeeded, the new Commission underwent a thorough transformation. The innovations included in the law of 19 July 2019 will be discussed in detail during the proceedings. They are mainly seven in number:

1. The change of name by dropping the word "freedoms", thus eliminating the pleonasm or redundancy of "human rights" and "freedoms", as these two terms are considered synonymous; this change of name also enabled us to add the name of the country in the name of our NHRI, so as to immediately distinguish it from any other NHRI.
2. The recently appointed members shall work full time (Section 14 paragraph 1).
3. The new Commission shall, further to the Promotion and Protection of Human Rights, act as the National Mechanism for the Prevention of Torture. (Section 1 (3) and Sections 8 to 11).
4. The Commission's access to places of deprivation of liberty as a Mechanism for the Prevention of Torture has been extended and strengthened by Sections 9 and 10 of the law:
 - The presence of the State Counsel or the State Prosecutor is no longer mandatory.
 - Secondly, even in exceptional cases where the Commission does not have access to certain places of deprivation of liberty, the officials concerned are obliged to supply the Commission with a minimum of information.
5. The Commission may intervene before any court as *amicus curiae* (friend of the court) when human rights are at stake in a trial (penultimate indent of Article 7).
6. Provisions for the management of real or apparent conflicts of interest of members will have to be laid down in the Internal Regulations, which is progress in relation to the integrity of the Commission's activities, especially through the mechanism of withdrawal or recusal. Section 15, paragraph 2.

7. Finally, Section 58 of the new law provides for the swearing in of cadres, which will make them true human rights officers.

Honourable Commissioners,

Dear staff members,

The relevance of this workshop is clear to all of you. The induction of members of NHRIs is first of all an obvious necessity, as many of the new members sworn in on 29 April 2021 have no experience of defending human and peoples' rights. Secondly, even among those who have experience in defending specific category or corporatist rights, the holistic nature of the CHRC mandate, which embraces all human and peoples' rights, also makes this induction necessary. The training that begins today also addresses the need to update the knowledge of the small minority of the members and staff of the CHRC who have already worked in an NHRI or in a regional mechanism for the promotion and protection of human and peoples' rights, in what takes the form of in-service training.

With reference to the second category - and even more so for the first - the innovations of our enabling law oblige us, as human rights workers, to humbly assume the position of learners.

We need to learn to be better promoters of human rights. We crave for learning how to better defend human rights. We especially crave for learning how to prevent torture and play the role of *amicus curiae*, which are new aspects of the mandate given to us by the law of 19 July 2019.

As experience of similar structures serves as a laboratory in the socio-political field, the CHRC must learn from the challenges faced by our sister institutions and from the lessons of their experience. It will be up to us to take their good practices and contextualise them to carry out our mission.

Representatives of the partners,

Teach us to defend the rights of all segments of society with integrity, competence and diligence, without empty rhetoric, without discrimination and without exclusivity, taking into account: women, children, workers, employers, the unemployed, persons denied freedom, law enforcement officials, defence and security forces, internally displaced persons, refugees, minorities and indigenous peoples.

Teach us to make each other understand that there is no future for human rights in both their vertical and horizontal dimensions, as long as violence of any kind and hate speech are tolerated, and as long as terrorism and violent extremism are not combated with full respect for human rights.

Teach us to effectively prevent torture and to fight against cruel, inhuman and degrading treatment, the abolition of which in the national triangle is "closely linked to the right to respect for the equal dignity of all human beings", according to the beautiful formula of the French jurist Mireille Delmas Marty. This right is enshrined in almost all regional and international human rights instruments.

Representatives of public authorities and parastatals,

The fulfilment of our unique mandate as an independent institution in charge of the promotion and protection of human rights and the prevention of torture cannot prosper without constructive dialogue, which we intend to strengthen with you, especially through the CHRC focal points in

government departments, who play an important role in following up on the Commission's letters to the departments to which they belong.

After revitalising the human rights focal points in the administrative services and training them in October 2019, a second training of the focal points took place in 2020. The organisation of a meeting to evaluate and exchange best practices among the focal points, initially planned for October 2020, will finally be held in July 2021.

Our common belonging to the public service, devoted as we are to serving the people, leads us to act together, looking in the same direction, towards the emergence of Cameroon on the defined horizon. This convergence of goals requires us to consider the protection of human rights as a joint responsibility, both in terms of 'Rights of' (Freedom Rights) and 'Rights to' (Entitlements), but also in terms of specific category rights.

The Cameroon Human Rights Commission knows that it can count on you to establish a culture of human rights in Cameroon and to strengthen the rule of law in our country.

Distinguished participants,

Dear guests

The lessons and exercises planned for the four days of this Workshop will then enable us to develop processes and procedures, with emphasis on the most violated Rights in our country and effectively prevent the use of torture in certain detention facilities, while paying particular attention to the promotion of those Rights that are most likely to enable Cameroon to achieve its ambitious programme of emergence by 2035.

My hopes will be fulfilled if our discussions result in giving the new Commission and its 'ambassadors', the Commissioners, the necessary tools to understand the *'innumerable complexities inherent in human rights'* as described by one author in a recent study.

It also has to do with making the CHRC a body for awareness-raising, monitoring, alerting, investigating, following up, protecting and providing expertise on which the State and the 800 partner civil society organisations can rely to better promote and protect human and people's rights in the implementation of public policies for the benefit of present and future generations.

Finally, the training should make the CHRC a significant player in human rights diplomacy, especially useful for the respect for the whole spectrum of constitutionally, regionally or universally protected human rights, both by State and non-State actors, bearing in mind the words of the former Secretary General of the United Nations who stated, as early as 1992 - the year the Paris Principles relating to the status of national institutions for the promotion and protection of human rights were adopted - that peace-building requires, among other things, "supporting efforts to protect human rights".

I declare open the Induction Workshop for Members and Staff of the Human Rights Commission of Cameroon.

Long live Human Rights!

Long live a united and indivisible Cameroon!



**VALIDATION WORKSHOP OF THE NEEDS ASSESSMENT REPORT
OF THE CAMEROON HUMAN RIGHTS COMMISSION (CHRC)**

PEACEBUILDING PROJECT, UNDP

Hôtel Départemental Mbalmayo, 2 to 4 June 2021

OPENING SPEECH BY THE CHAIRPERSON OF CHRC

The Representative of the Coordinator of the United Nations System in Cameroon,

The Resident Representative of the United Nations Development Programme represented here,

Distinguished Chairpersons of the Sub-Commissions and Distinguished Commissioners of the Cameroon Human Rights Commission,

The Permanent Secretary of the Cameroon Human Rights Commission,

Distinguished representatives of Civil Society Organisations,

Ladies and Gentlemen, distinguished guests, all protocol observed,

I am honoured to speak on the opening of **the Validation Workshop of the Needs Assessment Report of the Cameroon Human Rights Commission**, which the United Nations Development Programme (UNDP) is organising as part of the peace-building project between the Cameroon Government and the agencies of the United Nations system.

Let me seize this opportunity to express my deep gratitude to the Government through the Ministry of Economy Planning and Regional Development, for having kindly made the Commission of Human Rights a major actor in this Project. I equally wish to express my deepest gratitude to the UNDP for having chosen the CHRC as an implementing partner of the said Project whose objective is to **strengthen the actions of community actors and local human rights and women's rights defenders in particular, for better prevention and care of victims of human rights violations and survivors of sexual and gender-based violence**, especially with a focus on the crisis regions of the North West and South West facing a delicate socio-political and security situation.

Dear partners, rest assured that the Cameroon Human Rights Commission will fully play the role expected of it in the implementation of this project and in compliance with the applicable laws and regulations.

Distinguished guests,

Dear participants,

Ladies and Gentlemen,

Respect for human rights remains a constant concern for us and I am pleased to note that it is, on this occasion, a common denominator for us, indeed an ideal shared by all the parties involved in this project. We would like to note that in a context where some leading institutions were only established 22 or even 25 years after their creation, the establishment of the CHRC less than two years after the adoption of Law of 19 July 2019 setting up and organising it and determining its functioning, is a clear indication of Cameroon's desire to have a National Human Rights Institution (NHRI) that is as effective as possible in our national context.

Indeed, the State has fully understood that we cannot build a better society in our countries, nor can we make democracy a part of the daily life of citizens, without the entrenchment of a truly human and peoples' rights culture, and the strengthening of the rule of law, including through the establishment of mechanisms or institutions that are vectors of the rule of law and ensure its protection.

The Commission will pursue this noble mission under the activities of the project, one of the initial components of which brings us together here today, and through exercising its unique mandate as an independent institution responsible for the promotion and protection of human rights and the prevention of torture. It will do so with all the "weapons" conferred on it by the law, but also through the benefit of its multidimensional relations with the administrative, judicial and parliamentary authorities, as well as with civil society organisations and technical and financial partners.

Honourable Commissioners,

Dear partners,

Dear collaborators, staff members of the Commission,

None of us is unaware of the relevance of this workshop. The workshop allows us to remember the impact of security crises in countries in crisis, and especially our country. It urges us to ask ourselves questions about our contribution to the return to lasting peace within a context where the security situation is imposing consequences on our compatriots' civil, political, economic, social and cultural rights, and their right to development. It urges us to review our contribution to improving the plight of internally displaced persons and refugees. In this regard, we must maintain before all actors that respect for human rights in this context can lead to sparing as much as possible the lives of citizens and social infrastructures for health, education, food, housing, work, *inter alia*, all of which would further prevent massive population displacement.

Indeed, since 2016, as stated in the basic document of the project that brings us together here, there have been **680,000 internally displaced persons, 52% of whom are women and children exposed to sexual violence for their survival and security, 204,000 returnees and 52,000 Cameroonian refugees in Nigeria**. These worrying statistics on the security situation in the South West and North West Regions require us to achieve the overriding objective of a rapid return to lasting peace. This necessity undoubtedly requires that we combine our efforts. It is a most worrying situation that we must overcome together.

As far as we are concerned, as a National Human Rights Institution, our role is:

- to monitor respect for human rights by conducting thorough investigations and enquiries into cases of human rights violations, including in all places of detention
- to take up alleged cases of human rights violations *proprio motu* and to refer them to any authority in dealing with such cases;- prevent human rights violations, including through the establishment of early warning mechanisms
- to react to human rights violations, providing all forms of legal assistance to victims so they can obtain effective remedies and redress, where appropriate
- Accompany the government by providing advice, supporting institutional reforms, building the capacity of actors, supporting the creation and strengthening of accountability mechanisms and working closely with all entities on the ground
- to raise public awareness on human rights violations by providing all forms of assistance for victims to obtain effective remedies and redress, where appropriate
- to accompany the government by providing advice, supporting institutional reforms, building the capacity of actors, supporting the creation and strengthening of accountability mechanisms and working closely with all entities on the ground
- to raise public awareness of the consequences of the ongoing crises on their human rights and the need to favour peaceful means of resolving the crisis
- to set up consultation frameworks with institutional actors, the security and defence forces, civil society organisations and key partners for dialogue, capacity building in human rights and information sharing, bearing in mind the resolution of the crisis
- to provide specific protection to vulnerable groups, especially women who are very often the silent victims of various forms of violence, including gender-based sexual violence, and to defenders of their rights within communities in crisis.

To achieve this, I urge us to combine our efforts as human rights defenders to assist the state in the fight against violent extremism, terrorism and organised crime in these areas, and we must do so transparently so as not to exacerbate the sense of discrimination that has led to such a situation.

This means creating dynamics of reconciliation in our communities by helping people to trust our institutions, by involving women in conflict resolution, by protecting people and responsible civil society from reprisals by some chaos mongers, by providing the tools for human security based on human rights and by being agents of change, of conflict prevention and resolution.

We will achieve these goals through our available resources, which we now have to correct and strengthen given the challenges we face and the needs expressed to make all our actions visible and sustainable in the targeted regions.

Finally, our institution must become a significant player in human rights diplomacy, which is particularly useful in ensuring respect for the entire spectrum of constitutionally, regionally or universally protected human rights, both by State and non-State actors.

I, therefore, urge us to demonstrate objectivity and impartiality in analysing or handling situations relating to human rights issues, including during this workshop, for which I hope that the discussions will take place in an atmosphere of harmony and fruitful sharing.

I hereby declare open the Validation Workshop on the Needs Assessment Report of the Cameroon Human Rights Commission.

Long live human rights!

Long live the one and indivisible Cameroon!



TRAINING WORKSHOP FOR MEMBERS AND STAFF ON LITIGATION BEFORE AFRICAN REGIONAL HUMAN RIGHTS INSTITUTIONS

United Hotel Mbankomo, 15 - 16 June 2021

OPENING SPEECH BY THE CHAIRPERSON OF THE CHRC

The Vice-Chairperson of the CHRC,

**The Executive Director of the Network of African National Human Rights Institutions (NANHRI),
here represented,**

**The Representative of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law,
Distinguished Chairpersons of the Sub-Commissions of the Cameroon Human Rights
Commission,**

Distinguished Commissioners,

Distinguished experts,

Ladies and Gentlemen, Honourable guests, all protocol observed,

I am delighted to take the floor in this forum where Africans are gathered around the noble cause of Human Rights.

The Training Workshop for Members and Staff of the Cameroon Human Rights Commission (CHRC) on Litigation before African Regional Human Rights Treaty Bodies, which brings us together here under the leadership of the Network of African National Human Rights Institutions (NANHRI), is part of a series of six workshops to assist in the functioning of the Cameroon Human Rights Commission, whose members were sworn in on 29 April 2021 before the Assembled Chambers of the Supreme Court of Cameroon. These Workshops are organised with the acting capacity of various partners of the United Nations family and of universal and regional international organisations as well as international non-governmental organisations, among which we can mention the UN Development Programme, the UN Centre for Human Rights and Democracy in Central Africa, the Organisation internationale de la Francophonie, the Association francophone des commissions nationales des droits de l'homme, the Network of African National Human Rights Institutions and its regular partner, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, which is also one of the regular partners of the Cameroon NHRI.

I would like to take this opportunity to express my deepest gratitude to our main partners for the organisation of this workshop, namely NANHRI and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. The ardent support of NANHRI especially deserves to be commended, as it has

worked regularly with the Cameroon NHRI ever since its inception. The late Chairperson of the NCHRF had the honour of chairing this important regional network and hosting one of its biennials in Yaounde in 2015.

I especially remember the **Policy Forum on Strengthening Human Rights Based Approach to Development in Africa: the nexus between strong human rights institutions and development at the national level**, organised by the Network of African National Human Rights Institutions (NANHRI) in Addis Ababa, at the African Union Headquarters, on 6 September 2017, at which I had the honour of representing the NHRI of Cameroon. The Forum proper was followed by a **Round Table on the Study on the State of National Human Rights Institutions (NHRIs) in Africa: How to build stronger National Human Rights Institutions in Africa?**

There is no doubt that the present workshop is part of implementing the recommendations of this landmark study, as our gathering today and tomorrow aims at **equipping the CHRC to become a stronger NHRI**.

The representative of the Executive Director,

If you remember that in April 2015, the NHRI of Cameroon had already participated in the NANHRI workshop on *the Role of NHRIs in monitoring the implementation of communications from African human rights mechanisms*, on the sidelines of the 56th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), it appears that the present workshop is part of the same perspective, that of the interdependence between NHRIs and African human rights mechanisms, but above all, that of the dialogue between NHRIs and African human rights mechanisms in the sense of Bruno Genevois who coined the concept of "dialogue of judges".

Tell the NANHRI Executive Secretary; tell Gilbert that the NHRI of Cameroon owes a lot to our regional network, which has asserted itself over the years as a major player in the African human and peoples' rights system. The CHRC extends its thanks to NANHRI for its fervent and constant commitment to our work.

Distinguished guests,

Dear participants,

Ladies and Gentlemen,

The NHRI of Cameroon has a long tradition of interaction with African human rights mechanisms, in particular with the African Commission on Human and Peoples' Rights. It is moreover with the assistance of NANHRI and thanks to its multiple approaches and attentiveness that the CHRC has attended, since 2018, all sessions of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child, including 2020, at a time when the Covid-19 pandemic was prevalent. I participated in some of these virtual meetings where I had the honour to make Commission Statements on the human rights situation in Cameroon, and several collaborators were also involved in these meetings whenever necessary.

Apart from ACHPR sessions, interactions between Cameroon NHRI and African human rights mechanisms are rather rare. One of such instances dates back to as far as March 2015, when the Cameroon NHRI participated in a workshop to validate the study on the situation of the rights of

indigenous communities and peoples in the context of the development of extractive industries in East, Central and Southern Africa organised by the African Commission on Human and Peoples' Rights.

The Cameroon NHRI also participated in the symposium organised on the 10th anniversary of the African Court on Human and Peoples' Rights (the Court) in Arusha, Tanzania on 21 and 22 November 2017.

As the Government's Human Rights Adviser, the Cameroon NHRI has often had the opportunity to support the Government in preparing reports to be submitted to the treaty bodies, including by organising meetings with civil society organisations. In recent months, the CHRC has specifically provided the Ministry of External Relations with answers to questions and queries from the ACHPR based on specific requests. In general, however, it should be emphasised that, as part of monitoring contentious procedures for which the State is challenged before the treaty bodies, the Government set up **an inter-ministerial committee to monitor the implementation of the recommendations and decisions of the human rights monitoring mechanisms**, on which the CHRC is represented.

It should be recognised, however, that interaction with the ACHPR, with the Court and with the African Committee of Experts on the Rights and Welfare of the Child is far from optimal. The CHRC is not yet one of the NHRIs affiliated to the Committee and the jurisprudence of the three African mechanisms are rarely used in the CHRC's day-to-day work, although it should be, especially when dealing with complaints or self-initiated cases of human rights violations.

The CHRC must also be able to gather reliable information about cases in which the State is challenged. It should set up effective warning systems to draw the attention of government officials to situations that could lead to litigation; propose amicable solutions or conciliation to the parties where possible, accompany, where appropriate, victims so that they obtain fair and equitable compensation. It should equally ensure that those found guilty of human rights violations are called to account before the competent courts.

Honourable Commissioners,

Dear staff members,

As you have seen over the past few weeks, especially through this series of capacity-building workshops to make our institution operational, the job of the Human Rights Commissioner, like that of the Human Rights Officer, is both a delicate and exhilarating responsibility, which requires that we live up to the demands placed upon us.

In all circumstances, we must act with the equanimity, impartiality and moderation required of the quasi-judges that we are, to ensure and preserve our credibility both with the State structures and with the partners and populations that we have been mandated to protect.

This workshop, which seeks to familiarise us with litigation before the African regional human rights protection mechanisms, is of obvious necessity. It will enable us to appropriate not only the procedural techniques before these mechanisms but also the means available to NHRIs for the follow-up of the implementation or any other form of valorisation of the recommendations and decisions issued by

these mechanisms, as this will certainly strengthen our capacity to intervene, even as **friends of the Court** before all jurisdictions, as part of our mandate.

I hereby declare open the Training Workshop for Members and Staff of the Cameroon Human Rights Commission on Litigation before African Regional Human Rights Bodies.

Long live human rights!

Long live a united and indivisible Cameroon!



Cameroon Human Rights Commission
Commission des Droits de l'homme du Cameroun

Briefing and discussion session by the Cameroon Human Rights Commission (CHRC) with the Committee on Constitutional Laws, Human Rights and Freedoms, Justice, Legislation and Standing Orders, and Administration of the National Assembly

Yaoundé, 22 June 2021

Speech by the Chairperson of the Cameroon Human Rights Commission

Honourable Chairperson of the Committee on Constitutional Laws, Human Rights and Freedoms, Justice, Legislation and Standing Orders, and Administration,

Honourable Vice-Chairperson of the said Committee,

Honourable Members of the said Committee,

The National Assembly's Secretary-General,

The Vice-Chairperson of the Cameroon Human Rights Commission,

Distinguished Chairpersons of the Sub-Commissions of the Cameroon Human Rights Commission

Distinguished Commissioners,

Distinguished guests, all protocols observed,

I am humbled and deeply honoured to speak this day before the most important Committee of the National Assembly which enjoys the advantage of being the direct emanation of the universal suffrage of the citizens.

As Monsieur Jourdain wrote prose without being aware, we have organised *this briefing and discussion session* of the Cameroon Human Rights Commission with the Committee on Constitutional Laws, Human Rights and Freedoms, Legislation and Standing Orders, and Administration of this august House of Parliament without explicitly referring to the *Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments*, adopted in Serbia on 22-23 February 2012, which aim to serve as a guide on how interaction and cooperation between National Human Rights Institutions (NHRIs) and Parliaments should be developed.

However, this briefing and discussion session is part of the implementation of this international instrument for the promotion and protection of human and peoples' rights, insofar as, among the 44 Belgrade principles, some advocate what we are going to do during this day, whether it be:

- i) the monitoring of the implementation of the provisions of the founding instrument of the CHRC adopted by the Parliament exactly two years ago, during the June 2019 session (Principle 5)
- ii) the interest shown by the Honourable Members of the Constitutional Law Committee in the difficulties encountered in establishing the CHRC, which attests to their desire to ensure that the country's NHRI has "*sufficient resources*" to carry out the missions entrusted to it by the founding text (Principle 9)
- iii) the strengthening of information exchange and identifying possible areas of cooperation in the protection and promotion of human and peoples' rights (Principle 23)
- iv) or cooperation between the CHRC and the Committee on Constitutional Laws to enhance each other's capacities in human rights and parliamentary processes (Principle No. 39)

It is a good thing that this session is being held in an environment where some achievements in terms of relations between the NHRI of Cameroon and the Parliament have already been consolidated. In this regard, I would like to mention section 42 (1) of the law of 19 July 2019 which establishes Parliament as one of the main recipients of the annual report of the CHRC on the state of human rights, as per Principle 14. I will also mention the fact that in each of the two Chambers of Parliament we have an appropriate Parliamentary Committee which is the main partner of the country's NHRI, per Belgrade Principle No. 21.

Honourable Chairperson of the Committee on Constitutional Laws, Human Rights and Freedoms, Justice, Legislation and Standing Orders, and Administration,

Honourable Vice-Chairperson of the Committee,

Honourable Members of the Committee,

You will appreciate that the CHRC is very pleased with this wonderful opportunity for cooperation between you, the worthy representatives of the Nation, and the Commission, given that our two structures have, to varying degrees (parliamentarians as legislators and the CHRC as an implementing institution), with sometimes different tools, the responsibility of promoting and protecting human rights in Cameroon.

The present briefing and discussion session comes after the end of the previous situation of collaboration which saw several parliamentarians occupying positions as members of the defunct National Commission on Human Rights and Freedoms. It must be noted that, far from undermining the collaboration between the NHRI of Cameroon and the Parliament, this development desired by **His Excellency Paul Biya, the Head of State**, and which you have enthusiastically endorsed, seems to improve it, as this is the first time that a special session of the Constitutional Law Commission is dedicated to the hearing of the NHRI of Cameroon.

Honourable Members,

Ladies and Gentlemen,

Let me now situate the general issue of human rights in Cameroon. I will start with the characteristics of the actors in the human rights landscape here and elsewhere before defining the specific positioning of the CHRC as a sovereign institution in charge of human rights.

Concerning the categories of actors in the promotion and protection of human rights, the current global landscape enables us to distinguish, from the least important to the most important: civil society organisations (CSOs), non-governmental organisations (NGOs), international organisations, treaty bodies and *the classic branches of state power*; it is understood that the CHRC, as an NHRI, is also part of the organs of the state.

CSOs are "*active minorities*", "*self-appointed forces*" (Hubert Védrine, p. 21) that operate at the level of each country. Any citizen who decides in the privacy of his or her room to create a CSO and surrounds himself or herself with a few close friends can have it set up overnight, in the absence of any democratic mandate and without his or her expertise in the field having been attested to by any academic or professional body. Therefore, you will not be surprised to hear that one of the promoters of a Cameroonian CSO that regularly intervenes in the defence of the right to physical integrity, the right to participate in the management of public affairs (elections) and that calls for the overthrow of the Head of State to establish a transitional period is a mechanic by training who, above all, does not have the required expertise around him.

CSOs do human rights *activism* in ways that are typical to them, but their action is often trapped by five biases:

- i) the bias of funding which leads them either to exaggerate the reality in hope for the desired funding or to speak the language and work on the priority themes of donors and not on their own nor on those of the country where they are active. This is how some CSOs, far from acting out of conviction or in the interests of the people they claim to protect, become relays or parrots who are content to repeat the speeches dictated by donors, sometimes lurking in the shadows
- ii) the bias of seeking visas for their members or their relatives or for third parties in return for payment, by presenting them as people persecuted by the regime
- iii) the bias of incompetence which leads them to wage absurd battles such as that of Un Monde Avenir, the CSO that denounced "*atrocities and acts of torture*" following a landslide in Bafoussam, in the West Region, even though no allegation of torture or cruel, inhuman or degrading treatment was recorded in the course of this natural disaster
- iv) the political bias that leads to betraying the integrity of the human rights defender by joining political party platforms or by making political demands such as support for insurrectionary marches and the call to overthrow the government in order to set up a transitional government
- v) the bias of conscious manipulation, which often consists in passing off legitimate acts of criminal repression as acts of persecution of a category of citizens (e.g. the case of the Hausa-language commentator for *Radio France Internationale* who was caught with the telephone of the son of the governor of a Nigerian state who had been murdered by Boko

Haram, or the case of a journalist who, wishing to join his wife in a European country, insulted the Head of State. Once he was arrested, he began pretending to be a martyr for freedom of expression and was thus able to obtain the much sought-after visa.)

As for non-governmental organisations (NGOs), which are national associations that operate in several countries or whose members come from several countries, they are not very different from national CSOs. Hubert Védrine, the former French Minister of Foreign Affairs, classifies the thirty thousand or so NGOs that exist around the world into several categories in his book entitled *Les Cartes de la France à l'heure de la mondialisation*: "[one encounters everything, he writes, the best and the rest: generosity, dedication, networks, activism, interests, lobbies, beliefs and many real powers in disguise]" (p. 20), so that without discernment, we very often have the wool pulled over our eyes in such a landscape, especially as the 'hierarchies of powers' and 'global power relations' are reflected in it. He explains: "[It is, therefore, civil societies and NGOs from rich countries, with high media visibility, the means to communicate, and therefore the power to impose their interpretation of an event, that will exert the most influence in the world: the Americans, not those from Niger, Bolivia or Bangladesh! It is not the Nigerian NGOs that will intervene in Northern Ireland or demonstrate in Seattle! "(ibid.). Otherwise, how is it that we hear more noise in Paris about the 20 deaths in Ngarbuh than about the 43,000 deaths in the US war against Afghanistan since the terrorist attacks of 11 September 2001? How is it that in Brussels there was more concern about the 10 terrorists executed in Chad in 2015 than about the 17,274 people murdered in the United States in 2017 or the 10,129 people killed in the United States in 2018 by firearms, with media and doctrinal sources mentioning 40,000 deaths by firearms in this country in 2017, 60 per cent of which were suicides and 40 per cent homicides, i.e. an average of 3,334 deaths per month and 112 deaths per day...

NGOs frequently carry specific biases that distort understanding and sometimes undermine the noble cause of Human Rights in our country:

- the absurd idea that the State is the sole holder of human rights obligations since it is the only one to sign treaties, which means that the designated culprit and the only one responsible for all human rights violations in a country is the State. If this is the case, why do Security Council resolutions denounce the atrocities and attacks of Al Qaeda, the Islamic State or Boko Haram? Why do these same NGOs devote reports to human rights abuses committed by this or that terrorist group, to violence against women or parents' violations of children's rights? Why does the African Charter on the Rights and Welfare of the Child explicitly refer to parents or other persons responsible for the child as having "*the primary responsibility for the upbringing and development of the child*"?

- the idea that the rulings of regional and universal non-judicial human rights mechanisms are nonetheless binding, since these mechanisms have been created by binding treaties or because certain treaty provisions oblige States to implement treaties in force

- the idea that human rights standards are absolute dogmas that admit no deviation or exception and that the State must apply them or be treated as a rogue State, disregarding the national margin of appreciation by national authorities, enshrined in the case-law of the European Court of Human Rights

- failure to respect the concept of proportionality: non-state actors are responsible for 85-95 percent of human rights violations in the Far North and North-West/South-West. How can it be explained that 95-98 percent of an Amnesty International report is devoted to allegations of violations attributed to States and only 2-5 percent to violations perpetrated by Boko Haram? Normally, the principle of

proportionality requires that the largest part of the report be devoted to denouncing the most massive violations...

As for international organisations, they usually have a more objective and technical approach when they are universal (OHCHR, UNCHR-AC, UNHCR, Commonwealth, *Organisation internationale de la Francophonie*, etc.), although they are at the centre of many manoeuvres and attempts at manipulation by interested actors who cite human rights to get them to make decisions or pronounce themselves in the direction of their interests.

The landscape of regional or sub-regional organisations is very mixed. Some regional organisations, such as the European Union, proselytise their conception of human rights and want to impose their values throughout the world by conversion, such as the specific protection of LGBT-I people, whom they now refer to as "key persons", while others effectively protect human and people's rights within their sub-regional space, such as ECOWAS, whose Court of Justice has been given jurisdiction in this area for direct recourse from citizens, without the requirement of prior exhaustion of domestic remedies and without concern for what happens outside their geographical space. Others are progressively laying the groundwork for the protection of human rights, such as CEMAC, through its revised Treaty of 2009, whose preamble also reaffirms the commitment of Member States to human rights, the rule of law and gender issues, and through the increasingly bold case law of its Court of Justice in this regard.

At this juncture, I would like to appeal for the valorisation of African human rights instruments and mechanisms, because the other regions of the world systematically favour their instruments and mechanisms, which they do not hesitate to give priority to over universal instruments and mechanisms.

The biggest powers are in the empire's unilateralism: it is what they do that is good and they evaluate what others do in terms of their national interest.

The second to last category of human rights actors that I will mention briefly before turning to NHRIs are the human rights treaty bodies, the so-called '*treaty bodies*'. They speak the law, but sometimes with a great deal of activism, no doubt because of their extensive interactions with CSOs and NGOs, or because of the source of their funding. Thus, while the Treaties specify that such and such a body makes recommendations, their rulings are often structured like court decisions as they bear the mention: "decides".

It is my firm belief that this way of presenting recommendations as judicial decisions confuses the different categories of rulings made by the treaty bodies and dilutes the force of the truly binding statements. This uniformity no longer makes it possible to distinguish between a judgment and a recommendation, the conclusions of a study and the position of an expert; above all, it does disservice to the noble cause of human rights. The community of human rights defenders repeatedly deplores the non-compliance with the judgments of the African Court on Human and Peoples' Rights, whose decisions are undeniably binding. On this point, States should do everything possible to give legal force to and bring their peers to respect the decisions of the African Court on Human and Peoples' Rights.

There are "*stowaways*", "*passengers without a ticket*" among the members of the human rights community. Political parties are among them. While the existence of human rights focal points within political parties is legitimate, as are specialised bodies for monitoring human and peoples' rights issues, it is more difficult to understand why a political party would claim to produce a report on the state of human

rights in the country, because the noble cause of human rights, as Paul Reuter – an eminent French jurist – said during a plea before the International Court of Justice concerning legal construction, requires from all those involved "*the clarity and serenity that pushes back interests and passions*". However, a political party by definition defends specific interests, to gain or retain power. This disqualifies it as such from producing a human rights report with integrity, in any country whatsoever. It is for this reason that the Code of Conduct for CSO members of the Cameroon Freedoms Observatory expressly prohibits member CSOs from joining political party platforms or polluting the noble cause of human rights with political positions.

The Chairperson of the Constitutional Law Committee,

Ladies and Gentlemen,

Let us turn to NHRIs, and especially the CHRC. Their specificity lies in their being independent bodies set up by States to promote and protect human rights free from all the biases mentioned above and with integrity. Unless this is done effectively, i.e. with measurable results, we will leave the country open to the destructive forces of all networks and powers that manipulate human rights for purposes that have nothing to do with this noble cause.

Although human rights fall within the scope of international cooperation and are used by some countries for ulterior motives, States consider that respect for human rights is a matter of national interest, since respect for human rights - in all sectors of activity - is an important lever for progress, development and the flourishing of the peoples under their responsibility. Some countries have given their NHRIs very broad mandates, including the fight against corruption or the role of national ombudsman. In some neighbouring countries, the NHRI is ranked among the priority institutions for the release of resources, so that funding is always sufficient and available.

The distinctive feature of NHRIs is related to their pluralist and inclusive composition, which reinforces their independence and efficiency compared to the networks, lobbies and real powers that often hide behind CSOs or human rights NGOs. The CHRC thus includes a doctor representing the National Order of Medical Doctors, a lawyer representing the Bar Association, a representative of the handicapped, a representative of journalists' unions, a representative of women's associations, an expert in prison administration, an expert in trade union issues, an academic specialising in human rights, etc. A strong and effective NHRI is the best way to ensure the effectiveness of respect for human rights in a State and to safeguard the best interests of the State in promoting and protecting human rights.

NHRIs are so important that they exist in about two-thirds of the States in the world and in 47 out of 53 African countries. They are governed by the Paris Principles adopted on 20 December 1993 by UN General Assembly resolution 48/134.

NHRIs are grouped at the global level in the Global Alliance of National Human Rights Institutions which has 117 members with sub-sets in each continent (Africa, Europe, the Americas and Asia-Pacific). The Network of African National Human Rights Institutions has been operating since the *Yaoundé Declaration* adopted during the first meeting of African National Human Rights Institutions in February 1996. It was re-founded in 2007 and is currently housed in Nairobi at the Kenya NHRI.

The Commonwealth of Nations and the *Organisation Internationale de la Francophonie* each have their network of NHRIs, with 46 and 34 NHRI members respectively.

There are therefore several NHRI networks that work independently, just like national NHRIs. The independence of NHRIs is firstly affirmed from the personal point of view of their members, through their mandate which can only be revoked in exceptional circumstances, the system of incompatibilities and the consideration of real or apparent conflicts of interest. The organic independence of NHRIs is also ensured by the freedom to exercise their mandate: the CHRC does not receive instructions or a roadmap from the Prime Minister as to how to carry out its missions; its members are not exposed to reprisals (arrest or hindrance); the budget of the CHRC is adopted by Parliament and experience shows that this budget is easier to release than the one-off allocations granted to the Commission on the instructions of the Government. As an advisor to the Government and Parliament on human rights, the NHRI makes recommendations and can support both in their activities to promote or protect human rights. Concerning the judiciary, the NHRI ensures the proper functioning of the public service of justice as part of the respect for the right to a fair trial, from the judicial investigation to the complete execution of the court decision. It can be seen that there are significant differences between the other State bodies and the NHRI, although it is also one of the State bodies.

Cameroon's NHRI is currently ranked A, the status of NHRIs fully compliant with the Paris Principles. But the CHRC will be evaluated in two years, as part of the accreditation process of the Global Alliance of NHRIs. The challenge is to maintain our A status, which is a source of various rights and prestige. This status will only be maintained if we meet the pre-defined criteria, including the process of appointment of members, premises, budget, organisation chart, the scope of mandate, handling of complaints, relations with other national human rights actors, statements and press releases, etc.

*The law establishing the CHRC indicates that the establishment of a human rights culture in Cameroon will be the outcome of a process and not a conversion. The CHRC's mission is to contribute to the establishment of an ecosystem favourable to respect for human rights. It is about creating a general awareness of the need to respect all human rights: the right to life, the right to physical integrity, the right to health, the right to education, whose importance as far as developing the people and the country is concerned no longer needs to be demonstrated, the right to a fair trial, the protection of the environment, the workers' rights... in short, it is about creating a human rights reflex in all sectors of activity and the entire country.

To do so, the CHRC cannot merely, as one author has written, '*notarise and condemn human rights violations*'. Unlike some CSOs, the NHRI is not adversarial either. It is part of the constructive recommendation, as prescribed by the lawmaker in terms of prevention of torture: it urges by using the recommendatory right to bring actors and society to evolve by renouncing early marriages, harmful cultural practices such as excision, and promoting respect for one's neighbour and his rights.

To raise the awareness of elected officials in this regard, we advocate for submitting the Commission's Annual Report to the National Assembly in plenary session.

We advocate that MPs – and the Parliament as a whole – work to foster the development of a human rights culture, including by actively relaying the CHRC's human rights promotion activities to their constituents and by jointly developing strategies for systematic follow-up of recommendations of national, regional and international human rights mechanisms, in compliance with the Belgrade Principles.

We advocate for MPs to support human rights campaigns across the country.

We advocate for establishing a principled framework for debating the activities of the CHRC within the National Assembly.

Finally, we advocate for the relationship with the Constitutional Law Committee of the National Assembly, which has been initiated today, to be consolidated shortly, including via the signing of a memorandum of understanding.

Honourable Members,

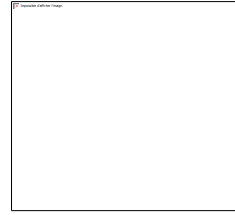
Ladies and Gentlemen,

We must ensure that everyone's rights are respected.

Long live human rights!

Long live the partnership between the CHRC and the National Assembly!

Long live Cameroon, united and indivisible!



**CONCERTATION WORKSHOP TO IMPLEMENT
A BUSINESS AND HUMAN RIGHTS ACTION PLAN IN CAMEROON**

Hôtel Merina, Yaoundé

30 June to 1 July 2021

The Director of the United Nations Centre for Human Rights and Democracy in Central Africa, privileged partner of the National Human Rights Institution of Cameroon, whom I warmly thank for their constant and manifold support,

The Vice-Chairperson of the Cameroon Human Rights Commission,

Distinguished Chairpersons of the Sub-Commissions of the Cameroon Human Rights Commission,

Distinguished Commissioners,

The Permanent Secretary of the Cameroon Human Rights Commission

The manager of the Project to improve the conditions of exercising freedoms in Cameroon,

Distinguished representatives of public administrations,

Distinguished representatives of Civil Society Organizations,

Distinguished representatives of companies and business unions,

Distinguished guests, all protocols observed,

I would like to begin by quoting at length from the United Nations Economic and Social Council's Committee on Economic, Social and Cultural Rights' Comment No. 24 (2017) of 10 August 2017, on State obligations under the International Covenant on Economic, Social and Cultural Rights in the specific context of business activities, a Comment "*which seeks to clarify the obligations of States parties to the*

International Covenant on Economic, Social and Cultural Rights [...] to prevent and remedy adverse impacts of business activities on human rights". It states that

Businesses play an important role in the realization of economic, social and cultural rights, inter alia by contributing to the creation of employment opportunities and — through private investment — to development. However, the Committee on Economic, Social and Cultural Rights has been regularly presented with situations in which, as a result of States' failure to ensure compliance, under their jurisdiction, with internationally recognized human rights norms and standards, corporate activities have negatively affected economic, social and cultural rights.

Eight years earlier, in his report of 22 April 2009, John Ruggie, the Special Representative of the Secretary-General of the United Nations on the issue of human rights and transnational corporations and other business enterprises, had already noted this:

"recent experience suggests that some [...] contract provisions may unduly constrain the host Government's ability to achieve its legitimate policy objectives, including its international human rights obligations."

Thus, there is no presumption of compatibility between business activities and human rights, although human rights can also be mobilized in favour of businesses. For example, in the 27 June 2016 The United Nations Commission on International Trade Law (UNCITRAL) arbitration award, *Peter Allard v. Barbados*, the tribunal agreed with the suing company, enshrining Barbados' obligation to adopt environmental measures to avoid contamination of the investor's ecotourism site (Anna Gerdau de Borja Mercereau, "Prise en compte des Droits de l'homme et de l'environnement dans les traités bilatéraux d'investissement", in Tarek El Ghadban / Charles-Maurice Mazuy / Alexandre Senegacnik (eds.), *La Protection des investissements étrangers : vers une réaffirmation de l'Etat ?* Paris, Pedone, 2017, p. 73). Even more strikingly, in *Al Warraq v. Indonesia*, ruled under UNCITRAL on 15 December 2014, the arbitral tribunal "[considered that the principle of fair and equitable treatment due to the investor also includes the Rights provided for in the International Covenant on Civil and Political Rights of 16 December 1966, [in this case,] the right to procedural safeguards and the right to be defended during the trial]" (ibid., pp. 73-74).

The human rights issues that businesses are likely to infringe upon are multi-layered and multi-generational. These include the right to health, the right to work, the right to a healthy environment, the rights of indigenous peoples, the rights of local residents, as well as the sovereignty of peoples over their natural resources, which is a conditional right enshrined in the two Covenants of 1966 and whose non-respect "[constitutes a violation not only of the right to an adequate standard of living of each member of

that people but also of the right to existence and survival of the people as a whole.]" (Sabine Lavorel, "Exploitation des ressources naturelles et Droits de l'homme", in Mihaela Ailincăi and Sabine Lavorel, *Exploitation des ressources naturelles et Droits de l'homme*, Paris, Pedone, 2013, p. 49).

According to many Civil Society Organizations (CSOs) that monitor the activities of companies in the mining sector, particularly in the East Region of Cameroon, these activities wreak havoc on the environment through the destruction of fauna and flora, the detour of riverbeds, the abandonment of sites or mining pits that are filled with water. These same activities have a highly negative social impact on the local populations. The loss of human lives due to drowning or landslides, cases of malnutrition, water-borne or pulmonary diseases, the appearance of prostitution and the spread of sexually transmitted infections, school dropout, early pregnancies and other abandonment of children in the areas where these companies are located have been observed.

The same applies to companies in the agri-food, agro-forestry, public works, transport and more specifically, cement sectors.

Our own statistics show that 492 alleged cases of human rights violations have been recorded at the head office and branches of the National Human Rights Commission (NHRI) in Cameroon over the last five years, i.e. between 2016 and 2021, that is about 100 per year. These allegations concern violations of the right to work, to safety at work, to physical and moral integrity, to health, to human dignity, to trade union freedom, to wages, to adequate remuneration, to an adequate standard of living, to social security, to equality of all before the law, to payment of notice, to retirement pension, to land ownership, to the right to a healthy environment and to the right to compensation for various prejudices. It should be remembered that the concept of prejudice, presented by some authors as legal damage or legal prejudice, refers to the fact constituting a right's violation, whereas damage corresponds to the fact that a property or extra property loss has occurred. In this respect, a prejudice may or may not result in damage.

Whatever the case may be, in 2019 for example, out of 917 alleged cases of human rights abuses or violations reported to the Commission, 100 concerned businesses, representing an overall rate of 10.9%; 41 of these allegations were attributed to public companies and 59 to private companies. As regards the four visits conducted as part of the Project to Improve the Conditions for Exercising Freedoms (PICEF) in 2020 at the Société de fabrication des matériaux de construction (SOFAMAC), MAGIL Construction Corporation, Arabs Contractor, DANGOTE Cement Cameroon, Aciéries du Cameroun and Prometal aciéries, their objective was to assess the respect for workers' rights and the rights of the local population by the companies.

Such visits enabled the NHRI of Cameroon to address the following fundamental workers' rights: the right to decent working conditions, fair remuneration, social security, health care for staff and their families and the right to safety at work. The Commission also addressed the right of local populations - whether indigenous or not - to a healthy environment.

The reports of these missions, in which I have often participated personally, indicate the gap that still exists between the realities on the ground (with a high number of violations recorded) and the implementation of the United Nations Guiding Principles on Business and Human Rights or other related human rights instruments. At the end of the visits, the NHRI of Cameroon recommended the scrupulous respect for all workers' rights, including the right not to be unfairly dismissed. The Commission also recommended the revision of the collective agreements of the sectors concerned, so that the workers benefit fully from the rights to which they are entitled, including the right to trade unions. Finally, the Commission recommended that the populations affected by an investment project should be systematically informed - as part of implementing their general right of access to information - and that they should be consulted and then fully compensated before the beginning of the project. This is all the more important given that demands for the payment of these indemnities often slow down the country's major structural projects.

The Director of the United Nations Centre for Human Rights and Democracy in Central Africa

Ladies and Gentlemen,

As you may have noticed, the issue of business and human rights is a real concern for the State of Cameroon and the National Human Rights Institution. This concern was further affirmed following the adoption on 16 June 2011 of the UN Guiding Principles on Business and Human Rights, which provide a specific framework for addressing the issue of business and human rights. These universal principles follow the OECD Guidelines for Multinational Enterprises, adopted in 1976 and updated on 25 May 2011. Closer to home, in July 2016, the G20 adopted the Guidelines for Global Investment Policymaking.

All of these principles are intended, as the preface to the OECD Guidelines makes clear, to *"encourage the positive contribution that multinational enterprises [...] can make to economic, environmental and social progress and to minimise the difficulties that their various activities may cause"*.

The three most important pillars of the UN Guiding Principles on Business and Human Rights, adopted by the Human Rights Council, are obligations on States, obligations on businesses, and access to remedy for victims of business activities. Although not binding, this instrument provides a solid foundation for promoting and monitoring corporate compliance with human rights.

In the aftermath of the 10th International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights which adopted the Edinburgh Declaration on 10 October 2010 on the theme of *Business and Human Rights, the Role of National Human Rights Institutions* (NHRIs), Cameroon hosted in turn, thanks to the strong involvement of public authorities, the Regional Workshop on the theme of *Business and Human Rights: the Role of African National Human Rights Institutions*, from 29 September to 1 October 2011. At the end of the workshop, the so-called Yaoundé Action Plan was adopted. This plan was based on three areas of intervention, namely:

- i) the right to work and decent working conditions
- ii) business and the right to own land, and
- iii) business and the right to a healthy environment.

The NHRIs were to focus their efforts on these issues. To achieve this, the CHRC undertook a significant number of actions at both the national and international levels. At the national level, the training of the institution's staff on the UN Guiding Principles and on human rights that may be affected by business activities has been a priority. Several training sessions were organised in Bertoua, Mbalmayo, Ebolowa and Douala.

Furthermore, in the aftermath of the Workshop on the Popularisation of the Fundamental Principles of Human Rights in the Workplace held in Yaoundé on 17 April 2012, the country's NHRI launched in 2013, in partnership with some business leaders, the *Project for the Popularisation of the Fundamental Principles of Human Rights in the Workplace*. Thanks to this initiative, visits were made by the Institution to the Cameroon Development Corporation (CDC), the Kribi Deep Sea Port, the Memvele and Lom Pangar dams, as well as SONARA.

However, it must be recognised that these Commission actions suffer from a number of limitations and deserve more consistency, coherence, monitoring and evaluation. Also taking on board the recommendation of the Human Rights Council that encourages all States to take steps to implement the Guiding Principles, including developing a national action plan in this regard, again with the support of the UN Centre for Human Rights and Democracy, the NHRI of Cameroon started to develop its own Action Plan on Business and Human Rights in 2018.

Aware of the urgency to pay more attention to the defence of the economic, social and cultural rights of the populations in these times of health crisis imposed by Covid-19, this action plan was refined with the technical support of the Organisation Internationale de La Francophonie, but the scarcity of

resources has considerably delayed its implementation. While the main lines of action and the activities considered in it can be revisited during these two days of deliberations, it will be more a question of proposing the ways and means for the effective implementation of this action plan.

We eagerly look forward to your recommendations and suggestions for a national plan on Business and Human Rights. This eagerness stems from the fact that, in the current context of difficulties experienced by the business world due to the Covid-19 pandemic, it is easy to imagine the consequences of this situation on workers' rights and on other business obligations to respect human rights.

The Director of the United Nations Centre for Human Rights and Democracy in Central Africa,

Distinguished participants,

Indeed, in all areas where business activity affects human rights, the normative power of the state is often limited. This phenomenon is particularly marked in Africa, where the negotiating power of States is so weak that many of them are tempted to reduce the level of requirements in terms of health, labour or the environment, or even to flout the rights of indigenous peoples, to attract investors. As noted by the Committee on Economic, Social and Cultural Rights in the above-mentioned Comment No. 24 (2017), others do not hesitate to lower the *"tax rate on corporate profits for the sole purpose of attracting investors, [losing sight of the fact that this leads to] a race to the bottom that ultimately undermines the ability of states to mobilize domestic resources for the realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights"*. Clauses in investment codes, state contracts and bilateral investment treaties often tie up the normative power of the state, often preventing it from legislating in the public interest in matters affecting business and human rights, or from pursuing other legitimate public policy objectives such as national security, public order, cultural policy, or responding to situations of economic hardship with emergency economic measures.

These violations stem from the imbalance, in favour of businesses, between the interests of the latter and those of the State, which is characteristic of the neo-liberalism that was prevalent between the early 1990s and the early 2000s.

The realization of this finding has given rise to a common normative front, both doctrinal, jurisprudential and conventional, in favour of the restoration of the State's power to regulate in the general interest, including the enforcement of human rights by businesses, without engaging its responsibility. This explains the doctrine of the police power of the State, which has been enshrined in several free trade agreements and in several investment treaties, whether bilateral or regional, since the early 2000's.

To remedy this, internationalist doctrine has gone further, arguing that:

[the sovereignty of the State, and thus its capacity to enter into contracts, can, and indeed must, be limited by the yardstick of its international obligations to respect human rights. [...] it is not conceivable that states can contract out of the human rights requirements imposed on them] (cf. Catharine Titi, "les clauses de stabilisation dans les contrats d'investissement : une entrave au pouvoir normatif de l'Etat d'accueil ?", *Journal du Droit international*, 2014, p. 556).

I am pleased that our country, through its NHRI, is part of the United Nations Working Group on Business and Human Rights. It is in this capacity that it is following the development of the Treaty on this issue, to provide the world with a specific and binding tool. The NHRI of Cameroon has been advocating for a stronger involvement of government authorities and other parties in the current reflections and we are pleased with the interest that government authorities have shown to the Commission in this regard, by requesting its insight on the importance of such participation.

As part of their mandate to promote and protect human rights and prevent torture, the CHRC Members must ensure the promotion of human rights in the corporate world and protect their staff and surroundings from human rights abuses caused by corporate activities. Of course, the CHRC must start by putting its own house in order, by scrupulously respecting the rights of its staff.

Therefore, there is a need to get to grips with the normative framework and to reflect on the ways and means of implementing the CHRC's Action Plan while laying the groundwork for the development of a National Action Plan on Business and Human Rights.

**Distinguished guests,
Ladies and Gentlemen,
all protocol observed,**

Destiny intended this workshop to coincide with the 10th anniversary of the adoption of the United Nations Guiding Principles on Business and Human Rights on 16 June 2011. Let us celebrate this anniversary by making June 2021 the month of the re-launch of the business and human rights issue. We must lay the foundations for its anchoring in the practice of all in our dear and beautiful country, in Africa and throughout the world.

Wishing full success to our deliberations, I declare open the Consultation Workshop to Implement a Business and Human Rights Action Plan in Cameroon.

Long live human rights!

Long live One and Indivisible Cameroon!



**ORGANISATIONAL CAPACITY BUILDING WORKSHOPS FOR MEMBER CIVIL SOCIETY
ORGANISATIONS OF THE CAMEROON FREEDOMS OBSERVATORY**

Nationwide, from 6 to 23 July 2021

SPEECH BY THE CHAIRPERSON OF THE CAMEROON HUMAN RIGHTS COMMISSION

Yaoundé Tou'Ngou Hôtel

Tuesday, 6 July 2021

The Coordinator of the Active Citizenship Support Programme

The Vice-Chairperson of the Cameroon Human Rights Commission

The Representative of the UN Centre for Human Rights and Democracy in Central Africa,

Distinguished Commissioner, Member of the Cameroon Human Rights Commission,

The Permanent Secretary of the Cameroon Human Rights Commission

The Head of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (PICEF),

The trainers,

The Regional Coordinator of the Cameroon Freedoms Observatory for the Centre,

Distinguished Representatives of Civil Society Organisations,

Distinguished guests, all protocols observed,

Dear participants,

Ladies and Gentlemen,

I am honoured to speak this day at this Workshop which aims at strengthening the organisational capacities of the member associations of the Cameroon Freedoms Observatory (hereinafter: "OLPC") - which I would gladly rechristen "Cameroon Observatory of Fundamental Rights".

I wish to begin by extending the deep gratitude of the members and staff of the Cameroon Human Rights Commission (hereinafter: 'CHRC') and the 241 civil society organisations (hereinafter: 'CSOs') that are members of the OLPC, to the European Union as a funding partner of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (hereinafter: 'PICEF'). As Pierre Rosenberg said answering Philippe Beaussant's speech at the French Academy on Thursday 23 October 2008, "[*You have before you an orchestra of violins and violas da gamba, flutes and harpsichords.*]"

One of the objectives of this project is to promote a better-structured intervention of human rights organisations that collaborate with the Cameroon Human Rights Commission and to strengthen their operational capacities in promoting and protecting human rights. These ambitions were reflected in the creation of the OLPC, which to date brings together 241 human rights organisations that are active in the field, thus enabling an unprecedented network of civil society in the country, parallel to the network of 547 CSOs affiliated to the CHRC.

The series of organisational capacity building workshops for OLPC member CSOs responds to one of the central concerns identified during the Consultation on the State of the Human Rights Movement in Central Africa which took place in Kampala, Uganda from 5-7 April 2017. The meeting was organised by the International Commission of Jurists (ICJ), the Foundation for Human Rights Initiative (FHRI), the International Federation for Human Rights (FIDH), the Open Society Foundations (OSF) and the Pan-African Human Rights Defenders Network (PAHRDN). The purpose of the Consultation was to conduct a critical introspection on the situation and future of the Human Rights Movement in Central Africa, with a focus on the issues of legitimacy, legality, appropriation, sustainability, relevance and impact of this Movement in our sub-region, to remobilise it through new strategies, based on creative, clear, practical and incisive recommendations.

The trends then observed in the human rights movement in Central Africa are largely confirmed in Cameroon, which is likely to compromise the credibility and limit the effectiveness of CSOs dedicated to the respect for human rights in accomplishing their missions. The most recurrent data are related to weaknesses in the internal governance of the organisations, which generally involve conflicts of leadership, lack of vision, conflicts of interest, opacity in management, limited knowledge of the laws and institutions working in human rights, the non-existence or inadequacy of procedures, positioning struggles, membership of political platforms, and even participation in political competitions.

However, the good health of a CSO depends on certain factors that are fundamental to its performance. These include a clear vision of the objectives pursued and exemplary leadership, a judicious choice of teams, transparent and efficient management of available resources, fulfilment of the association's missions according to appropriate procedures, respect for the duty of integrity and equanimity incumbent on human rights defenders, development of the capacity to forge and maintain ties with other organisations and institutions pursuing the same objectives, and promotion of healthy emulation with other CSOs.

It is clear that human rights organisations are not always given the red carpet, whether by government or by businesses. They may therefore face obstacles or appear powerless at times. These are challenges that need to be recognised. However, as you know, the work of human rights defenders, as exhilarating as it is, is also a demanding job.

This training is designed to enable OLPC and its Member Organisations, individually and collectively, to play their role effectively. Consistent with the recommendations of the Kampala

consultation, the work of this workshop will certainly enable you to know, and to overcome, the structural, functional and situational difficulties that could hinder your actions as human rights defenders, or even compromise the operational efficiency of your organisation, and therefore that of the OLPC as a whole.

It was agreed in Kampala that the public and private actors of the Human Rights Movement in Central Africa mainly need to strengthen their capacities so that the sub-region benefits from a more effective, competent and professional Human Rights Movement. With regard to organisational capacity building, which is the subject of this training, it was recommended that all parties should lead by example:

- i) in the governance of human rights structures and beyond, as it has been found that many CSO leaders often do not respect the rights of their staff and do not respect the remit and rights of their colleagues (freedom of expression, freedom of opinion, etc.) and therefore do not lead by example
- ii) specialisation as the most effective way for smaller CSOs and for magistrates and lawyers dealing with human rights issues
- iii) establishing and respecting basic rules of work methodology such as the respect for the adversarial principle in dealing with cases of alleged human rights violations or abuses and the thoroughness of investigations to avoid biased reports
- iv) developing fruitful cooperation and synergies
- v) organising seminars and workshops for initial or ongoing training to update their knowledge
- vi) building their capacity on the ethics and integrity of human rights defenders, and finally
- vii) by instituting a management controller to ensure good governance standards are applied.

In this regard, the CHRC is setting a good example, as less than a month after the swearing-in of its new officers and members appointed by presidential decrees on 19 February 2021 - and before any deployment of the newly promoted on the ground - the CHRC, with the support of various partners including the United Nations Centre for Human Rights and Democracy in Central Africa represented here, benefited from an initial training session for its members and some of its staff at the Mont Febe Hotel, from 25 to 28 May 2021. Two other special workshops will soon be organised to train the members and staff of the new human rights institution (hereinafter: "NHRI") of Cameroon on the new part of its remit, that is, the national mechanism for the prevention of torture, and then on the drafting of its rules of procedure.

I can therefore strongly encourage the leaders of the OLPC and, through them, all CSO members of the Observatory to make the most of this and future workshop series. In this way, you will contribute effectively, usefully and efficiently to the development of a human rights culture, the promotion of the rule of law and the strengthening of Cameroonian democracy.

Ladies and Gentlemen,

It was noted at the Colloquium of 23 and 24 May 2019 on "*l'application des droits et libertés par les personnes privées: la liberté d'expression en droit comparé*", organised by the *Centre de Droit public comparé* of the University of Paris II Panthéon Assas, the institution that houses France's best law school, that the old dogmatic individual/public power relationship is outdated, as relations have become multipolar. The responsibility to respect, protect and implement human rights at the national level therefore lies both with the State, as a signatory to the relevant regional and international instruments, and with various non-state actors, whether they are natural or legal persons, legally constituted or not. Especially since statistics from the National Human Rights Institution of Cameroon have established that 2/3 of the allegations of non-respect for human rights in our country in 2019 were attributable to... non-State actors. All of them, therefore, have an important role to play in the appropriation, promotion and strengthening of respect for human rights.

Since the Vienna World Conference on Human Rights, which led to the adoption of the Vienna Declaration and Programme of Action on 25 June 1993, CSOs have been formally recognised as important actors that can foster the entrenchment of a human rights culture in society. Thus, CSOs are nowadays an essential link in the chain of promotion and protection of human rights.

We are pleased to note with you the proliferation of associations and non-governmental organisations in our country, whose diverse fields of action span civil and political rights as well as economic, social and cultural rights.

All this, it must be recalled, was made possible following the promulgation by **His Excellency Paul Biya, President of the Republic**, of the Cameroonian Constitution of 18 January 1996, Law No. 90/053 of 19 December 1990 - recently amended and supplemented by Law No. 2020/009 of 20 July 2020 relating to freedom of association - and Law No. 99/014 of 22 December 1999 to govern non-governmental organisations in Cameroon.

The dynamism of Cameroonian CSOs is today unanimously recognised. We should therefore be pleased to note a number of commitments by your respective associations - with obviously variable results - in areas such as the defence of the rights of vulnerable groups, the fight against all forms of discrimination, the fight against human trafficking, the promotion of good governance, the encouragement of citizens to take part in the management of public affairs, facilitating remedies for victims of human rights violations, supporting government actions and interacting with regional and international human rights protection mechanisms, through issues as relevant as the security of persons and property, the fight against arbitrary detentions and arrests, the fight against enforced disappearances, the fight against torture, the fight against harmful cultural practices such as female genital mutilation and certain widowhood rites, access to justice, the right to a fair trial, conditions of detention, access to socio-political and economic life for the persons with disabilities, access to health care, access to education, child labour, early marriages, gender-based violence, consumer rights, the fight against corruption, women's empowerment, the rights of refugees or displaced persons, environmental protection, the right to decent housing and employment, the rights of the elderly, the rights of minorities and indigenous peoples or the fight against illegal migration.

Thus, your organisations are there to monitor and relay the pulse of the people, groups, communities and victims whose complaints they support and for whom they act on a daily basis, sometimes being, as the poet Aimé Césaire would say, "*la bouche des malheurs qui n'ont pas de bouche*"

["the mouth of misery that has no mouth"]. They denounce abuses and other violations of human rights, sometimes challenging the authorities to take action, making your voice "[*the freedom of those who slump in the dungeon of despair.*]"

This means that our civil society today is a catalyst for great hopes for the expression of the interests of the people who aspire to the full respect of their rights.

However, there is no doubt that only CSOs that demonstrate probity, professionalism and self-sacrifice can support the government in implementing the State's commitments to respect human rights. It is therefore worth emphasising that improving the situation of human rights and freedoms in Cameroon requires a well-structured, professional and credible civil society.

This is the ambition of PICEF, implemented by the National Commission on Human Rights and Freedoms, which is now the Cameroon Human Rights Commission, based on Law No. 2019/014 of 19 July 2019, which establishes it, organises it and governs its functioning.

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The Coordinator of the Active Citizenship Support Programme,

Distinguished participants,

Let me now situate the general issue of human rights in Cameroon. I will start with the characteristics of the actors in the human rights landscape here and elsewhere before defining the specific positioning of the CHRC as a sovereign institution in charge of human rights.

Concerning the categories of actors in the promotion and protection of human rights, the current global landscape enables us to distinguish, from the least important to the most important: CSOs, non-governmental organisations (NGOs), international organisations, treaty bodies and the classic branches of state power; it is understood that the CHRC, as an NHRI, is also part of the organs of the state.

CSOs are "active minorities", "self-appointed forces" (Hubert Védrine, *Les Cartes de la France à l'heure de la mondialisation*, p. 21) that operate at the level of each country. Any citizen who decides in the privacy of his or her room to create a CSO and surrounds himself or herself with a few relatives or acquaintances can have it set up overnight, *in the absence of any democratic mandate and without his or her expertise in the field having been attested to by any academic or professional body*. Therefore, you will not be surprised to hear that one of the promoters of a Cameroonian CSO that regularly intervenes in the defence of the right to physical integrity, the right to participate in the management of public affairs (elections) and that calls for the overthrow of the Head of State to establish a transitional period is a mechanic by training who, above all, does not have the required expertise around him.

CSOs do human rights activism in ways that are typical to them, but their action is often trapped by five biases:

- vi) the bias of funding which leads them either to exaggerate the reality in hope for the desired funding or to speak the language and work on the priority themes of donors and not on their own nor on those of the country where they are active. This is how some CSOs, far from acting out of conviction or in the interests of the people they claim to

protect, become relays or parrots who are content to repeat the speeches dictated by donors, sometimes lurking in the shadows

- vii) the bias of seeking visas for their members or their relatives or for third parties in return for payment, by presenting them as people persecuted by the regime. This phenomenon was denounced on television a few years ago by Professor Kum'a Ndumbe III
- viii) the bias of incompetence or lack of professionalism that sometimes leads them to wage absurd battles such as that of a CSO that recently denounced "atrocities and acts of torture" following the landslide in Bafoussam, in the West Region, even though no allegation of torture or cruel, inhuman or degrading treatment was recorded in the course of this natural disaster
- ix) the political bias that leads some CSOs to betraying the integrity of the human rights defender by joining political party platforms or by making political demands such as support for insurrectionary marches and the call to overthrow the government in order to set up a transitional government
- x) the bias of conscious manipulation, which often consists in passing off legitimate acts of criminal repression as acts of persecution of a category of citizens (e.g. the case of the Hausa-language commentator for *Radio France Internationale* who was caught with the telephone of the son of the governor of a Nigerian state who had been murdered by Boko Haram, or the case, dating back to two decades, of a journalist who, wishing to join his wife in a European country, insulted the Head of State. Once he was arrested, he began pretending to be a martyr for freedom of expression and was thus able to obtain the much sought-after visa.)

As for non-governmental organisations (NGOs), which are actually national associations that operate in several countries or whose members come from several countries, they are not very different from national CSOs. Hubert Védrine, the former French Minister of Foreign Affairs, who should certainly not be asked to do too much, classifies the 30,000 or so NGOs that exist throughout the world into several categories in his book mentioned above: "[one encounters everything]," he writes, "[the best and the rest: generosity, dedication, networks, activism, interests, lobbies, beliefs and many real powers in disguise]" (p. 20); so that without discernment, we very often have the wool pulled over our eyes in such a landscape, especially as the 'hierarchies of powers' and 'global power relations' are reflected in it. He explains: "[It is, therefore, civil societies and NGOs from rich countries, with high media visibility, the means to communicate, and therefore the power to impose their interpretation of an event, that will exert the most influence in the world: the Americans, not those from Niger, Bolivia or Bangladesh! It is not the Nigerian NGOs that will intervene in Northern Ireland or demonstrate in Seattle!]" (*ibid.*). Otherwise, how is it that we hear more noise in Paris about the 20 deaths in Ngarbuh than about the 43,000 deaths in the US war against Afghanistan since the terrorist attacks of 11 September 2001? How is it that in Brussels there was more concern about the 10 terrorists executed in Chad in 2015 than about the 17,274 people murdered in the United States in 2017 or the 10,129 people killed in the United States in 2018 by firearms, with media and doctrinal sources mentioning even 40,000 deaths by firearms in this country in 2017, 60 per cent of which were suicides and 40 per cent homicides, i.e. an average of 3,334 deaths per month and 112 deaths per day...

NGOs frequently carry specific biases that distort understanding and sometimes undermine the noble cause of Human Rights in our country:

- the absurd idea that the State is the sole holder of human rights obligations since it is the only one to sign treaties, which means that the designated culprit and the only one responsible for all human rights violations in a country is the State. If this is the case, why do Security Council resolutions denounce the atrocities and attacks of Al Qaeda, the Islamic State or Boko Haram? Why do these same NGOs devote reports to human rights abuses committed by this or that terrorist group, to violence against women or parents' violations of children's rights? Why does the African Charter on the Rights and Welfare of the Child explicitly refer to parents or other persons responsible for the child as having "the primary responsibility for the upbringing and development of the child"? Why is the issue of "business and human rights" promoted by the Francophone Organisation of National Human Rights Commissions and by all NHRIs in the world?

- the misconception that the rulings of regional and universal non-judicial human rights mechanisms are nonetheless binding, since these mechanisms have been created by binding treaties or because certain treaty provisions oblige States to implement treaties in force

- the idea that human rights standards are absolute dogmas that apply uniformly in all countries and admit no deviation or exception and that the State must apply them or be treated as a rogue State, disregarding the national margin of appreciation by national authorities, enshrined in the case-law of the European Court of Human Rights and in total disregard of the fact that even the Western conception of human rights is not uniform and that, in the United States, freedom takes precedence over dignity when it comes to respect for private life, while in Europe the opposite is true

- failure to abide by the principle of proportionality: non-state actors are responsible for 85-95% of human rights abuses in the Far North and North West/South West where they massively violate the right of millions of children to education by advocating school boycotts and attacking training institutions, pupils and teachers who are often harassed, chased, abducted, killed or beheaded; the right of millions of people to health by burning hospitals. The right to property is violated by arson of public and private property or by stealing livestock and other goods. The freedom of trade and industry is violated by attacking businesses and burning shops, etc. How can it be explained that in this context, 95-98 per cent of an Amnesty International report on these regions is devoted to allegations of human rights abuses by states and only 2-5% to abuses by Boko Haram? Normally, the proportionality principle requires that the majority of the report be devoted to denouncing the most massive abuses and their perpetrators.

As for international organisations, they generally have a more objective and technical approach when they are universal (OHCHR, UNDHR-AC, UNHCR, Commonwealth, *Organisation internationale de la Francophonie*, etc.), although they are often the target of numerous manoeuvres and attempts at manipulation by interested actors who bring up human rights when they do not invade them with allegations of human rights violations – often very selectively – to persuade them to make decisions or express themselves in their own interests.

The landscape of regional or sub-regional organisations is very mixed. Some regional organisations proselytise their conception of human rights and want to impose their values throughout the world by conversion, such as the specific protection of LGBT-I people, whom they now refer to as "key persons", while others effectively protect human and people's rights within their sub-regional space, such as ECOWAS, whose Court of Justice has been given jurisdiction in this area for direct recourse from

citizens, without the requirement of prior exhaustion of domestic remedies and without further concern for what happens outside their geographical space. Others are progressively laying the groundwork for the protection of human rights, such as CEMAC, through its revised Treaty of 2009, whose preamble also reaffirms the commitment of Member States to human rights, the rule of law and gender issues, and through the increasingly bold case law of its Court of Justice in this regard.

At this juncture, I would like to appeal for the valorisation of national and African human rights instruments and mechanisms, because the other regions of the world systematically give priority to their own instruments and mechanisms, and do not hesitate to give them preference over universal instruments and mechanisms.

As for the major powers, they are in the unilateralism of empires: it is what they are doing that is right and they evaluate what others are doing in terms of their national interest.

The penultimate category of human rights actors that I will mention briefly before turning to NHRIs are the bodies created by the human rights treaties, known as the "*treaty bodies*"; they speak the law, but sometimes with a great deal of activism, no doubt because of their extensive interactions with CSOs and NGOs, or because of the origin of their funding. Thus, while the treaties specify that such and such a body makes recommendations, their statements are often "judicialised", i.e. structured like court decisions, and at the end, we see the mention: "decides". The authors of *Traité international des Droits de l'homme*, a 1721-page reference work published in Paris in 2018, point out that *the treaty bodies do not have binding decision-making powers. Their decisions and observations are no more than recommendations* (p. 279) and have only *persuasive authority*, especially when cited by national, regional or international judicial bodies. Treaty bodies are above all *authorised interpreters of the treaty they supervise* and their rulings, therefore, have a certain *interpretative authority*, which enables them to play a role *in the contemporary construction of international human rights law* (p. 280).

It is my firm belief that this way of presenting recommendations of treaty bodies as judicial decisions confuses the different categories of rulings of international mechanisms and dilutes the force of the truly binding statements. This uniformity no longer makes it possible to distinguish between a judgment and a recommendation, the conclusions of a study and the position of an expert; above all, it does disservice to the noble cause of human rights. The community of human rights defenders repeatedly deplores the non-compliance with the judgments of the African Court on Human and Peoples' Rights, whose decisions are undeniably binding. On this point, States should do everything possible to give legal force to and bring their peers to respect the decisions of the African Court on Human and Peoples' Rights.

There are also "*stowaways*", "*passengers with no ticket*" among the members of the human rights community. Political parties are among those. While the existence of human rights focal points within political parties is legitimate, as are specialised bodies for monitoring human and peoples' rights issues, it is more difficult to understand why a political party would claim to produce a report on the state of human rights in the country, because the noble cause of human rights, as Paul Reuter – an eminent French jurist – said during a plea before the International Court of Justice concerning legal construction, requires from all those involved "the clarity and serenity that pushes back interests and passions". However, a political party by definition defends specific interests, to gain or retain power. This disqualifies it as such from producing a human rights report with integrity, in any country whatsoever. It is for this reason that the Code of Conduct for CSO members of the Cameroon Freedoms Observatory expressly prohibits member CSOs from joining political party platforms or polluting the noble cause of human rights with political positions.

Distinguished participants,

Ladies and Gentlemen,

Let us turn to NHRIs, and especially the CHRC. Their specificity lies in their being independent bodies set up by States to promote and protect human rights free from all the biases mentioned above and with integrity. Unless this is done effectively, i.e. with measurable results, we will leave the country open to the destructive forces of all networks and powers that manipulate human rights for purposes that have nothing to do with this noble cause.

Although human rights fall within the scope of international cooperation and are used by some countries for ulterior motives, States rightfully consider that respect for human rights is a matter of national interest, since respect for human rights - in all sectors of activity - is an important lever for progress, development and the flourishing of the peoples under their responsibility. Some countries have given their NHRIs very broad mandates, including the fight against corruption or the role of national ombudsman. In some neighbouring countries, the NHRI is ranked among the priority institutions for the release of resources, so that funding is always sufficient and available.

The distinctive feature of NHRIs is related to their pluralist and inclusive composition, which reinforces their independence and efficiency compared to the networks, lobbies and real powers that often hide behind CSOs or human rights NGOs. The CHRC thus includes a doctor representing the National Order of Medical Doctors, a lawyer representing the Bar Association, a representative of persons with disabilities, a representative of journalists' unions, a representative of women's associations, an expert in prison administration, an expert in trade union issues, an academic specialising in human rights, etc. A strong and effective NHRI is the best way to ensure the effectiveness of respect for human rights in a State and to safeguard the best interests of the State in promoting and protecting human rights.

NHRIs are so important that they exist in about two-thirds of the States in the world and in 47 out of 53 African countries. They are governed by the Paris Principles adopted on 20 December 1993 by UN General Assembly resolution 48/134.

NHRIs are grouped at the global level in the Global Alliance of National Human Rights Institutions which has 117 members with sub-sets in each continent (Africa, Europe, the Americas and Asia-Pacific). The Network of African National Human Rights Institutions has been operating since the Yaoundé Declaration adopted during the first meeting of African National Human Rights Institutions in February 1996. It was re-founded in 2007 and is currently housed in Nairobi at the Kenya NHRI.

The Commonwealth of Nations and the Organisation Internationale de la Francophonie each have their network of NHRIs, with 46 and 34 NHRI members respectively.

There are therefore several NHRI networks that work independently, just like national NHRIs. The independence of NHRIs is firstly affirmed from the personal point of view of their members, through their mandate which can only be revoked in exceptional circumstances, the system of incompatibilities and the consideration of real or apparent conflicts of interest. The organic independence of NHRIs is also ensured by the freedom to exercise their mandate: the CHRC does not receive instructions or a roadmap from the Prime Minister as to how to carry out its missions; its members are not exposed to reprisals (arrest or hindrance); the budget of the CHRC is adopted by Parliament and experience shows that this budget is easier to release than the one-off allocations granted to the Commission on the instructions of the

Government. As an advisor to the Government and Parliament on human rights, the NHRI makes recommendations and can support both in their activities to promote or protect human rights. Concerning the judiciary, the NHRI ensures the proper functioning of the public service of justice as part of the respect for the right to a fair trial, from the judicial investigation to the complete execution of the court decision. It can be seen that there are significant differences between the other State bodies and the NHRI, although it is also one of the State bodies.

Cameroon's NHRI is currently ranked A, the status of NHRIs fully compliant with the Paris Principles. But the CHRC will be evaluated in two years, as part of the accreditation process of the Global Alliance of NHRIs. The challenge is to maintain our A status, which is a source of various rights and prestige. This status will only be maintained if we meet all or most of the pre-defined criteria.

Ladies and Gentlemen,

The work done by human rights defenders is very complex, in that it requires historical, political, philosophical and, of course, legal knowledge, with the application of national law, African regional law and international human rights law. It requires the use of appropriate and sometimes specific intervention methods. However, it is exhilarating, since it contributes concretely to the improvement of the well-being of the people through full respect for their individual and collective rights.

However, to fulfil your mission in the best possible way, you must not only systematically refer to the Constitution, to regional and universal human rights instruments, but also to case law, while scrupulously complying with the regulations governing the OLPC. These instruments call on you to respect the institutions and the law. They call on you to demonstrate responsibility, probity, impartiality, integrity and transparency. Do not lose sight of the fact that, as professionals in human rights protection, your errors and mistakes in this area are increased by the weight of bad faith.

If we agree with Anatole France that "*[the future is the convenient place to dream]*", I would hope that this training will contribute to increasing the operational efficiency of the OLPC, while promoting healthy emulation of the actors called upon to lead the Human Rights Movement in our dear and beautiful country.

Long live human rights!

Long live national and international cooperation on human rights!

Long live Cameroon, united, strong, and indivisible!



**ORGANISATIONAL CAPACITY BUILDING WORKSHOPS FOR CIVIL SOCIETY ORGANISATIONS
MEMBERS OF THE CAMEROON FREEDOMS OBSERVATORY**

Nationwide, from 6 to 23 July 2021

SPEECH BY CHAIRPERSON OF THE CAMEROON HUMAN RIGHTS COMMISSION

Bafoussam, Hôtel TALOTEL

Tuesday, 27 July 2021

The Inspector General of Administrative Services, Representative of the Governor of the West Region,

The Representative of the Mayor of Bafoussam,

The Commissioner, Member of the Cameroon Human Rights Commission,

The Head of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (PICEF),

The National Coordinator of the Freedoms Observatory,

Distinguished trainers,

Distinguished Representatives of Civil Society Organisations,

Distinguished guests, all protocols observed,

Dear participants,

Ladies and Gentlemen,

I am honoured this day to speak at this workshop aimed at strengthening the organisational capacities of the member associations of the Cameroon Freedoms Observatory (hereinafter: «OLPC»). – An Observatory that I would gladly call the "*Observatory of Fundamental Rights in Cameroon*".

At the outset, I would like to reiterate the sincere gratitude of the members and staff of the Cameroon Human Rights Commission (hereinafter: 'CHRC') and the 241 civil society organisations (hereinafter: 'CSOs') members of OLPC to the European Union as a financial partner of the Project to

Improve the Conditions for Exercising Freedoms in Cameroon (hereinafter: 'PICEF'). As Pierre Rosenberg said in response to Philippe Beaussant's speech at the French Academy on Thursday 23 October 2008, the European Union has before it "*an orchestra of violins and violas da gamba, flutes and harpsichords.*"

An aspect of PICEF is to encourage a better structuring of the actions of human rights organisations that collaborate with the Cameroon Human Rights Commission and strengthen their operational capacities in the promotion and protection of human rights. These ambitions have been translated into the creation of the OLPC, which to date brings together 241 human rights organisations active in the field, enabling an unprecedented networking of the national territory by civil society in this area. This CSO network operates alongside the network of 547 CSOs affiliated to the CHRC.

The series of organisational capacity building workshops for OLPC member CSOs responds to one of the central concerns identified during the Consultation on the State of the Human Rights Movement in Central Africa that took place in Kampala, Uganda from 5-7 April 2017. The event was organised by the *International Commission of Jurists (ICJ)*, the *Foundation for Human Rights Initiative (FHRI)*, the *international Federation for Human Rights (FIDH)*, the *Open Society Foundations (OSF)* and *Pan-African Human Rights Defenders Network (PAHRDN)*. The purpose of this Consultation was to conduct a critical soul-searching on the situation and future of the Human Rights Movement in Central Africa, with an emphasis on the issues of legitimacy, legality, ownership, sustainability, relevance and impact of this Movement in our Sub-Region, aiming at remobilising it through new strategies, based on creative, clear, practical and incisive recommendations.

The trends then observed in the human rights movement in Central Africa are largely verified in Cameroon, which is likely to compromise the credibility and limit the effectiveness of CSOs dedicated to the respect for human rights in accomplishing their missions. The most recurrent data are linked to shortcomings in the **inner governance of the organisations**, which are generally reflected in leadership conflicts, lack of vision, conflicts of interest, management opacity, limited knowledge of the instruments and institutions working in human rights, the inexistence or inadequacy of procedures, positioning struggles, membership of political platforms, and even participation in political competitions.

However, **the good health of a CSO depends on certain factors that are the basis of their performance. These include a clear vision of the objectives pursued and exemplary leadership, a judicious choice of teams, transparent and efficient management of available resources, the achievement of the association's missions in accordance with appropriate procedures, respect for the duty of integrity and equanimity incumbent on human rights defenders, the development of the capacity to forge and maintain links with other organisations and institutions pursuing the same objectives, and promotion of healthy competition with other CSOs.**

It is true that human rights organisations are not always given the red carpet, whether in government, business or in our communities. They may therefore face obstacles or appear powerless at times. These are certainly challenges that need to be addressed. But as you know, **the work of human rights defenders, as exhilarating as it is, is also a demanding job.**

It is to enable the OLPC and the Member Organisations, individually and collectively, to effectively play the role expected of them that this training is offered. Following the recommendations of the Kampala consultation, the proceedings of this workshop will certainly enable you to know, so as to overcome them, the structural, functional and situational difficulties that could inhibit

your actions as human rights defenders, or even compromise the operational effectiveness of your organisation, and therefore that of the OLPC as a whole.

It was agreed in Kampala that the main need for public and private actors of the Human Rights Movement in Central Africa is to *build their capacity* so that the Sub-Region can benefit from a more effective, competent and professional Human Rights Movement. With regard to organisational capacity building, which is the subject of this paper, it was recommended that ***all parties should lead by example***:

- i) *in the governance of human rights structures and beyond, as it has been found that many CSO leaders often do not respect the rights of their staff and do not respect the remit and rights of their colleagues (freedom of expression, freedom of opinion, etc.) and therefore do not lead by example*
- ii) *specialisation as the most effective way for smaller CSOs and for magistrates and lawyers dealing with human rights issues*
- iii) *establishing and respecting basic rules of work methodology such as the respect for the adversarial principle and the systematic cross-checking of information received in handling alleged cases of human rights violations or abuses, as well as the thoroughness of investigations, to avoid biased reports*
- iv) *developing fruitful cooperation and synergies*
- v) *organising seminars and workshops for initial or further training to update their knowledge*
- vi) *building their capacity on the ethics and integrity of human rights defenders, and finally*
- vii) *by instituting a management controller to ensure that good governance standards are applied.*

In this respect, the CHRC is setting an example, as less than a month after the swearing-in of its new officials and members appointed by Presidential Decree on 19 February 2021 - and before any deployment of the newly promoted on the ground - the CHRC has benefited, with the support of various partners including the UN Centre for Human Rights and Democracy in Central Africa and the Network of African National Human Rights Institutions (NANHRI), an initial training for its members and some of its staff at the Hôtel Mont Febe in Yaoundé, from 25 to 28 May 2021. Another workshop was organised on Litigation before African regional human rights bodies at United Hotel in Mbankomo, from 15 to 16 June 2021. Two other specific workshops will soon be organised to train the members and staff of the new human rights institution (hereafter: "NHRI") of Cameroon on the new part of its attributions, namely the national mechanism for the prevention of torture, and then on the drafting of its rules of procedure.

I can therefore not sufficiently encourage the leaders of the OLPC and, through them, all CSO members of this Observatory to make the most of this series of workshops and those to come. **This is how you will usefully, effectively and efficiently contribute to the development of a human rights culture, the promotion of the rule of law and strengthening Cameroon's democracy.**

The Representative of the Governor,

Ladies and Gentlemen,

It was noted at the Colloquium of 23 and 24 May 2019 on The implementation of rights and freedoms by private persons: freedom of expression in comparative law, organised by the Centre for Comparative Public Law of the University of Paris II Panthéon Assas, the institution that houses France's best law faculty, that the old dogmatic individual/public power relationship is outdated, as relations have become multipolar. The responsibility to respect, protect and implement human rights at the national level therefore lies both with the State, as a signatory to the relevant regional and international instruments, and with various non-state actors, whether they are natural or legal persons, legally constituted or not. Especially since statistics from the National Human Rights Institution of Cameroon have shown that 2/3 of the cases of alleged non-respect for human rights in our country in 2019 were attributable to non-State actors. **All of them therefore have an important role to play in the appropriation, promotion and strengthening of respect for human rights.**

Since the Vienna World Conference on Human Rights, which led to the adoption of the Vienna Declaration and Programme of Action on 25 June 1993, CSOs have been formally recognised as important actors that can foster the development of a human rights culture in society. Thus, **CSOs are today an essential part of the chain of human rights promotion and protection.**

We are happy to observe with you an abundance of associations and non-governmental organisations in our country, whose diverse fields of action cover both civil and political rights and economic, social and cultural rights.

It should be recalled that all this was made possible following the promulgation by Mr Paul Biya, President of the Republic, of the Cameroonian Constitution of 18 January 1996, preceded by Law No. 90/053 of 19 December 1990 - recently amended and supplemented by Law No. 2020/009 of 20 July 2020 on the freedom of association - and Law No. 99/014 of 22 December 1999 governing non-governmental organisations in Cameroon.

The dynamism of Cameroonian CSOs is today unanimously recognised. Thus, we are happy to observe a certain commitment of your respective associations - with obviously variable results - in areas such as the defence of the rights of vulnerable groups, the fight against all forms of discrimination, the fight against trafficking in human beings, the promotion of good governance, the encouragement of citizens to take part in the management of public affairs, facilitating remedies for victims of human rights violations, supporting government activities and interacting with regional and international human rights protection mechanisms, through issues as relevant as the security of persons and property, the fight against arbitrary detentions and arrests the fight against enforced disappearances, the fight against torture, the fight against harmful cultural practices such as female genital mutilation and certain widowhood rites, access to justice, the right to a fair trial, conditions of detention, access to socio-political and economic life for persons with disabilities, access to health care, access to education, child labour, early marriages, gender-based violence, consumer rights, the fight against corruption, women's empowerment, the rights of refugees or displaced persons, environmental protection, the right to decent housing and employment, the rights of the elderly, the rights of minorities and indigenous peoples or the fight against illegal migration.

In doing so, your organisations take and relay the pulse of the people, groups, communities and victims whose demands they support and for whom they act on a daily basis, sometimes being, as the poet Aimé Césaire would say, "The mouth of woes that have no mouth". Your organisations condemn abuses and other violations of human rights, sometimes calling on the authorities to take action, making your voice "the freedom of those who slump in the dungeon of despair".

In other words, our civil society nowadays is a catalyst for great hopes for the interests of populations who aspire to full respect for their rights.

However, there is no doubt that only CSOs that demonstrate probity, professionalism and self-sacrifice can support the public authorities in implementing the State's commitments to respect human rights. It is therefore important to emphasise that **the improvement of human rights and freedoms in Cameroon requires a well-structured, professional and credible civil society.**

This is the purpose of the PICEF, implemented by the National Commission on Human Rights and Freedoms, now the Cameroon Human Rights Commission, on the basis of Law No. 2019/014 of 19 July 2019, related to its establishment, organisation and functioning.

*

The Governor of the West Region duly represented here,

Distinguished participants,

Let me now outline the main human rights issue in the Cameroonian context. I will start with the type of actors in the human rights landscape here and elsewhere, before explaining the specific positioning of the CHRC as a sovereign institution in charge of human rights.

With regard to the type of actors in the promotion and protection of human rights, the current global landscape allows us to distinguish, from the least important to the most important: CSOs, non-governmental organisations (NGOs), international organisations, treaty bodies and the traditional branches of state power, it being understood that the CHRC, as an NHRI, is also part of the state organs.

CSOs are "active minorities", "self-appointed powers" (Hubert Védrine, *Les Cartes de la France à l'heure de la mondialisation*, p. 21) that operate at country level. Any citizen who decides in the privacy of his or her room to create a CSO and surrounds himself or herself with a few relatives or acquaintances can become a household name overnight, in the absence of any democratic mandate and without his or her expertise in the field having been attested to by any academic or professional body. In this context, you will not be surprised to hear that a promoter of a Cameroonian CSO that regularly advocates for the right to physical integrity, the right to participate in the management of public affairs (elections) and calls for the overthrow of the Head of State to establish a transitional period is a mechanic by training who, above all, does not possess the required expertise.

CSOs advocate for human rights in their own ways, but the truth is that they are often trapped in six ways:

- i) the bias of focusing on 'Rights' without considering duties, even though the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child contain stipulations on the duties of man and the duties of the child,

as does the Inter-American Declaration on the Rights and Duties of Man; Gustave le Bon was right when he observed that "[t]he surest way of destroying the principle of authority is to talk to everyone about their Rights and never about their duties". It is for this reason that John Fitzgerald Kennedy, one of the most famous US presidents, said in his inaugural address: "Ask not what your country can do for you - ask what you can do for your country."

At a time when we tend to forget that freedom is the right to do whatever is lawful, it is worth remembering an old and widely ignored Latin adage: *ubi jus, ibi onus*. And I translate: "where there is a right, there is also an obligation".

To illustrate this legal adage, let me offer for your consideration an indent from the preamble of the Constitution of 18 January 1996, some articles from the African Charter on Human and Peoples' Rights which was opened for signature on 27 June 1981 and entered into force on 21 October 1986, and excerpts from the African Charter on the Rights and Welfare of the Child.

The relevant indent of our Constitution reads as follows: "*freedom and security shall be guaranteed each individual subject to respect for the rights of others and the highest interests of the State*". As for the articles of the African Charter, they are articles 27 to 29, contained in its chapter 2.

Article 27

1. Every individual shall have duties towards the family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of every individual shall be exercised with due regard for the rights of others, collective security, morality and the common interest.

Article 28

Every individual shall have the duty to respect and regard his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and work for the cohesion and respect for the family; to respect his parents at all times, to maintain them in case of need
2. To serve his national community by placing his physical and intellectual abilities at its service
3. Not to compromise the security of the State whose national or resident he is
4. To preserve and strengthen social and national solidarity, particularly when threatened

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law

6. To work to the best of his competence, and to pay taxes imposed by law in the interests of the society

7. To preserve and strengthen African cultural values in his relations with other members of the society in a spirit of tolerance, dialogue and consultation, and in general; to contribute to the promotion of the moral wellbeing of society

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

As for the African Charter on the Rights and Welfare of the Child, Article 31 on the «Responsibilities of the child " is quite eloquent.

Every child has responsibilities to his or her family, society, the State and any other legally recognised community as well as to the international community. The child shall, according to his or her age and capacity, and subject to the limitations contained in the present Charter, have the duty to:

a) to work for the cohesion of his family, to respect his parents, seniors and superiors in all circumstances and to assist them in case of need

b) to serve the national community by placing his physical and intellectual capacities at its disposal

c) to preserve and strengthen the solidarity of society and the nation

d) to preserve and strengthen African cultural values in their relations with other members of society, in a spirit of tolerance, dialogue and consultation, to contribute to the moral well-being of society

(e) to preserve and strengthen the national independence and integrity of his or her country

f) to contribute to the best of its ability, under all circumstances and at all levels, to the promotion and achievement of African unity.

This constitutional requirement and these uncontroversial treaty statements do not call for any comment on my part.

- xi) *i) the fund-raising bias* which leads them either to exaggerate reality in hopes of obtaining the desired funding, or to use language and work on the priority themes of donors and not on their own or on those of the country where they are active. This is how some CSOs, far from acting out of conviction or in the interests of the populations they claim to protect, become relays or parrots who are content to repeat the rhetoric of donors, sometimes lurking in the shadows

- xii) *ii) the bias of the search for visas for their members or their relatives or third parties in exchange for payment, by portraying them as people persecuted by the regime; this phenomenon was denounced on television a few years ago by the famous historian Kum'a Ndumbe III*
- xiii) *iii) the bias of unprofessionalism - not to mention incompetence - which sometimes leads them to wage absurd battles such as that of a CSO which recently denounced "atrocities and acts of torture" due to the landslide incident here in Bafoussam, in the West Region where we are sitting, even though no case of torture or cruel, inhuman or degrading treatment was recorded in that natural disaster*
- xiv) *iv) the political bias that leads some CSOs to compromise the integrity of the human rights defender by joining political party platforms or by making political demands such as supporting insurrectionary marches and calling for the overthrow of the regime to set up a transitional government. I would like to take this opportunity, given the current situation, to point out that Jean-Marie Le Pen, the founder of the extreme right-wing political party, the Front National in France, who has always contested the French electoral system, which he considered to be unfair, insofar as, with approximately 10% of the valid votes cast, he nearly always ended up with zero members of parliament, has never organised demonstrations abroad against the political system of his country or organised the destruction of French embassies abroad. Let us also remember that a fundamental rule of political life in the great democracies that we admire is that politicians never speak about domestic politics outside the borders of their country, to preserve the independence and sovereignty of their country*
- xv) *v) the deliberate manipulation that often consists in masquerading legitimate acts of criminal repression as acts of persecution of a category of citizens (e.g. the case of the Hausa-language columnist for Radio France Internationale who was caught in possession of the telephone belonging to the son of the governor of a Nigerian state who had been murdered by Boko Haram, or the case of a journalist who, in an attempt to join his wife in a Western country, insulted the President of the Republic, dating back two decades. Once arrested, he acted as a martyr for freedom of expression and thus obtained the coveted visa).*

As for non-governmental organisations (NGOs), which are actually national associations that operate in several countries or whose members come from several countries, they are not very different from national CSOs. Hubert Védrine, the former French Minister of Foreign Affairs, who should certainly not be asked to do too much, categorises the thirty thousand or so NGOs that exist around the world into several categories: generosity, dedication, networks, activism, interests, lobbies, creeds and many real powers in disguise' (p. 20); so that, without discernment in the landscape, we very often mistake bladders for lanterns, especially since the 'hierarchies of powers' and 'global power relations' are found there: ***He explains: ["It is thus civil societies and NGOs from rich countries, with high media visibility, with the means to communicate, and therefore with the power to impose their interpretation of an event, that will exert the most influence in the world: the Americans, not those from Niger, Bolivia or Bangladesh! It is not the NGOs from Nigeria that will intervene in Northern Ireland or demonstrate in***

Seattle! (ibid.)]. Otherwise, how is it that more is said in Paris about the 20 dead in Ngarbuh than about the 1,000 deaths per year because of police violence in the United States or the 43,000 deaths in the US war on Afghanistan since the terrorist attacks of 11 September 2001? Why is it that in Brussels, there was greater concern about the 10 terrorists executed in Chad in 2015 than about the 17,274 people murdered in the United States in 2017 or the 10,129 people killed in the United States in 2018 by firearms, with media and doctrinal sources even mentioning 40,000 deaths by firearms in that country in 2017, 60 per cent of which were suicides and 40 per cent homicides, i.e. an average of 3,334 deaths per month and 112 deaths per day...

NGOs are often the carriers of specific biases that distort understanding and sometimes sabotage the noble cause of human rights in our country:

- the absurd idea that the State is the sole holder of human rights obligations, since it is the only one to sign treaties, which means that the designated culprit and the only one responsible for the non-respect for human rights in a country is the State; we thus forget the horizontal dimension of human rights which induces in particular: the respect for the rights of children by parents, the prohibition of gender-based violence, the respect for the rights of workers by employers, or the prohibition of infringement of the rights of others, including their right to life and physical integrity, their right to property, their freedom of opinion and expression, etc. If the State was the sole holder of human rights obligations, why do Security Council resolutions denounce the atrocities and attacks of Al Qaeda, the Islamic State or Boko Haram as serious human rights violations? Why do these same NGOs devote reports to human rights abuses committed by this or that terrorist group, to violence against women or to parents' abuses of children's rights? Why does the African Charter on the Rights and Welfare of the Child explicitly refer to parents or other caregivers as the "primary caregiver"? Why is the topic of "business and human rights" promoted by the Francophone Organisation of National Human Rights Commissions and by all NHRIs in the world?

- *the misconception that the rulings of regional and universal non-judicial human rights mechanisms are nonetheless binding, since these mechanisms have been created by binding treaties or because certain treaty provisions oblige states to implement existing treaties (I will come back to this later);*

- the idea that human rights standards are absolute dogmas that apply uniformly in all countries and do not admit any derogation or exception, so that the State must mechanically apply them, on pain of being treated as a rogue State, in disregard of the "national margin of appreciation of national authorities", This is in total disregard of the "national margin of appreciation of national authorities", enshrined in the case law of the European Court of Human Rights and in total disregard of the fact that even the Western conception of human rights is not uniform and that, for example, in the United States freedom takes precedence over dignity in matters of respect for private life, while in Europe the opposite is true. During the first training of the Members and some staff of the CHRC permanent secretariat, an expert stated that if a State is a party to the International Covenant on Civil and Political Rights and does not authorise a demonstration or represses a forbidden public demonstration, it means that this country is a dictatorship. I therefore ask the question: Since Switzerland banned the demonstrations in Geneva on 17 July and the police and justice system of that country repressed the demonstrators, is Switzerland a "dictatorship"? Perhaps it should be recalled here that Paul Hodgkins, one of the demonstrators who took part in the assault on the Capitol in the United States, was sentenced to eight months in prison on 19 July 2021 for obstructing an official proceeding, for having gone inside Congress with the aim of hindering the certification of the results of the presidential election, even though he had not broken anything or taken anything with him.

- *the lack of respect for proportionality*: Non-state actors are responsible for 85-95 percent of human rights abuses in the Far North and North West/South West where they massively violate the rights of millions of children to education by promoting school boycotts and attacking educational institutions, pupils and teachers who are often harassed, chased, abducted, killed or beheaded. The right of millions of persons to health by burning hospitals, the right to property by burning public and private property or by stealing livestock and other goods, the freedom of trade and industry by attacking businesses and burning shops, etc. How can it be explained that amidst all this, 95-98 per cent of an Amnesty International report on these regions is devoted to alleged non-respect for human rights by states and only 2-5 per cent to abuses by Boko Haram? Normally, the principle of proportionality requires that the majority of the report be devoted to denouncing the most massive abuses and their perpetrators.

As for international organisations, they generally have a more objective and technical approach when they are universal (UNHCR, UNDHR-AC, UNHCR, Commonwealth, Organisation internationale de la Francophonie, etc.), although they are at the centre of numerous manoeuvres and attempts at manipulation by interested actors who raise human rights issues when they do not bombard them with alleged violations of human rights - often very selective - to get them to make decisions or express themselves in the direction of their interests.

The landscape of regional or sub-regional organisations is very mixed. Some regional organisations proselytise their own human rights concepts and want to impose their values worldwide through conversion, such as the specific protection of LGBT+ persons, whom they now refer to as "key persons", while others effectively protect human and people's rights within their sub-region, like ECOWAS, whose Court of Justice has been given jurisdiction in this area by direct appeal from citizens, without the requirement of prior exhaustion of domestic remedies and without worrying too much about what happens outside its geographical area. Others are progressively laying the groundwork for human rights protection, such as CEMAC, through its revised Treaty of 2009, whose preamble reaffirms, inter alia, the commitment of member states to human rights, the rule of law and gender issues, and through the increasingly bold case law of its Court of Justice in this regard.

At this point I would like to call for the enhancement of national and African human rights instruments and mechanisms, because other nations and other regions of the world systematically give priority to their own instruments and mechanisms, which they do not hesitate to give priority to over universal instruments and mechanisms.

As for the greatest powers of our time, they are generally in the unilateralism of empire: it is what they do that is good and they evaluate what others are doing according to their national interest.

The second to last category of human rights actors that I will mention briefly before turning to NHRIs are the bodies created by the human rights treaties, known as "treaty bodies". They speak the law, but sometimes with a great deal of activism, no doubt because of their extensive interactions with CSOs and NGOs, or because of the origin of their funding. Thus, while the treaties state that such and such a body makes recommendations, their rulings are often "judicialized", i.e. structured like court decisions and at the end, one sees the mention: «decides". The authors of the International Treaty on Human Rights, a 1721-page reference work published in Paris in 2018, point out that "[t]he treaty bodies do not have binding decision-making powers. Their decisions and observations are no more than recommendations" (p. 279) and have only "persuasive authority", especially when cited by national, regional or international judicial bodies. Treaty bodies are above all "authorised interpreters of the treaty

they supervise" and their rulings therefore enjoy a certain "interpretative authority", which allows them to play a role "in the contemporary construction of international human rights law" (p. 280).

It is my firm belief that presenting recommendations of treaty bodies as judicial decisions confuses the different categories of rulings of international bodies and weakens the force of truly binding rulings. This uniformity no longer makes it possible to distinguish between a judgment and a recommendation, the conclusions of a study and the position of an expert. Above all, this uniformity serves the noble cause of human rights. The community of human rights defenders repeatedly deplores the non-application of the judgments of the African Court on Human and Peoples' Rights, whose decisions are undeniably binding. On this point, States should do everything possible to give legal force to and bring their counterparts to comply with the decisions of the African Court on Human and Peoples' Rights.

There are also «illegal passengers », untitled travellers «among the members of the human rights community. Political parties are among them. While the existence of human rights focal points within political parties is legitimate, as are specialised bodies for monitoring human and peoples' rights issues, it is harder to understand why a political party would claim to produce a report on the state of human rights in the country, For as Paul Reuter - an eminent French jurist - said during a plea before the International Court of Justice, on the issue of legal construction, the noble cause of human rights requires from all those who commit themselves to it "the clarity and serenity that pushes back interests and passions". However, a political party by definition defends specific interests, with a view to gaining or keeping power; this disqualifies it as such from producing a report on human rights with integrity or from taking up the cause of human rights in any country. It is for this reason that the Code of Conduct for member CSOs of the Cameroon Freedoms Observatory expressly prohibits member CSOs from joining political party platforms or polluting the noble cause of human rights with political positions.

The Representative of the Governor,

The Representative of the Mayor of Bafoussam,

The National Coordinator of OLPC,

Distinguished participants,

Ladies and Gentlemen,

Let us turn to NHRIs in general and especially the CHRC. Their uniqueness lies in their being independent bodies set up by States to ensure the promotion and protection of human rights free from all the biases mentioned above and with integrity. If this is not done effectively, i.e. with measurable results, we will leave the country open to the destructive forces of all networks and powers that manipulate human rights for purposes that have nothing to do with the stated noble cause.

Although the issue of human rights falls within the scope of international cooperation and is used by some countries for ulterior motives, States rightly consider that respect for human rights is a matter of national interest, since respect for human rights - in all sectors of activity - is an important lever for the progress, development and fulfilment of the people for whom they are responsible. Some countries have given their NHRIs very broad mandates, including fighting corruption or acting as national ombudsman. In some neighbouring countries, the NHRI is ranked among the priority institutions for the release of resources, so its funding is always sufficient and available.

The distinctive feature of NHRIs is their pluralist and all-inclusive composition, which reinforces their independence and efficiency in relation to the networks, lobbies and real powers that are often hidden behind CSOs or human rights NGOs. The CHRC thus includes a doctor representing the National Order of Physicians of Cameroon, a lawyer representing the Bar Association, a journalist representing the trade unions of this institution, a representative of persons with disabilities, a representative of women's associations, an expert in prison administration, an expert in trade union issues, a diplomat, an academic specialised in human rights, etc. A strong and effective NHRI is the best way to ensure the effectiveness of respect for human rights in a country, while safeguarding the best interests of the State.

NHRIs are so important that they exist in about two-thirds of the world's states and in 47 out of 55 African countries, and are governed by the Paris Principles adopted on 20 December 1993 by United Nations General Assembly resolution 48/134.

NHRIs are grouped at the global level in the Global Alliance of National Human Rights Institutions which has 117 members with sub-groups in each continent (Africa, Europe, Americas and Asia-Pacific). The Network of African National Human Rights Institutions has been operating since the Yaoundé Declaration adopted at the first meeting of African National Human Rights Institutions in February 1996. It was re-founded in 2007 and is currently housed in the NHRI of Kenya in Nairobi.

The Commonwealth of Nations and the Organisation Internationale de la Francophonie each have their own network of NHRIs, with 46 and 34 NHRI members respectively. I have also heard that a sub-regional network of NHRIs in Central Africa is in the making.

So there are several networks of NHRIs that operate independently, just like national NHRIs. The independence of NHRIs is firstly affirmed from the personal viewpoint of their members, through their mandate which can only be revoked in exceptional circumstances. The independence of NHRIs is also asserted through the system of incompatibilities and taking into account real or apparent conflicts of interest. The organic independence of NHRIs is ensured by the freedom to exercise their mandate: the CHRC does not receive instructions or a roadmap from the Prime Minister as to how to carry out its missions. Its members are not victims of retaliation (arrest or hindrance). The CHRC's budget is adopted by Parliament and experience shows that this budget is easier to release than the one-off allocations granted to the Commission on the instructions of the Government. As an advisor to the Government and Parliament on human rights, the NHRI makes recommendations and can accompany both in their activities to promote or protect human rights. As far as the judiciary is concerned, the NHRI ensures the proper functioning of the public service of justice as part of the respect for the right to a fair trial, from the judicial investigation to the full execution of the court decision. It can be seen that there are significant differences between the other State bodies and the NHRI, although it is also one of the State bodies.

Cameroon's NHRI is currently rated with A status, the status of NHRIs fully compliant with the Paris Principles. However, the CHRC will be evaluated in two years, as part of the accreditation process of the Global Alliance of NHRIs. The challenge is to keep our A status, which is a source of various rights and prestige. This status will only be retained if we meet all or most of the pre-defined criteria.

The Representative of the Governor of the West Region,

Ladies and Gentlemen,

The work of human rights defenders is very complex, in the sense that it involves historical, political, philosophical and, obviously, legal knowledge, with the mobilisation of national law, African regional law and international human rights law. It requires the use of appropriate and sometimes specific intervention methods. However, it is exhilarating, since it contributes concretely to the well-being of the people through the full respect for their individual and collective rights.

To fulfil your missions in the best possible way, you must not only systematically refer to the Constitution, to regional and universal human rights instruments, but also to laws and regulations as well as to jurisprudence, while scrupulously respecting the instruments that govern the OLPC. These laws call for the imperative duty of respect for institutions and legality; they invite you to demonstrate responsibility, probity, impartiality, integrity and transparency. Do not lose sight of the fact that, as professionals in the field of human rights protection, your errors and mistakes in this area are increased by the presumption of bad faith.

If we agree with Anatole France that "the future is the convenient place to put dreams", I would hope that this training will effectively contribute to increasing the operational efficiency of the OLPC, while promoting healthy emulation of the actors called upon to lead the Human Rights Movement in our dear and beautiful country.

Long live the Cameroon Freedoms Observatory

Long live human rights!

Long live national and international cooperation on human rights!

Long live the united and indivisible Cameroon!



COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN
CAMEROON HUMAN RIGHTS COMMISSION

.....
Secrétariat Permanent
Permanent Secretariat



COOPÉRATION CAMEROUN-UNION EUROPÉENNE
CAMEROON – EUROPEAN UNION COOPERATION

.....
FONDS EUROPÉEN DE DÉVELOPPEMENT
EUROPEAN DEVELOPMENT FUNDS

PROJET D'AMÉLIORATION DES CONDITIONS D'EXERCICE DES LIBERTÉS PUBLIQUES AU CAMEROUN – PACEL

PROJECT TO IMPROVE THE CONDITIONS OF EXERCISING FREEDOMS IN CAMEROON-PICEF

**SECOND ANNUAL MEETING OF EXPERIENCE SHARING, BUILDING ON AND PLANNING THE
ACTIVITIES OF CAMEROON FREEDOMS OBSERVATORY**

Kribi, from 23 to 25 August 2021

SPEECH BY THE CHAIRPERSON OF CAMEROON HUMAN RIGHTS COMMISSION (CHRC)

Distinguished Chairpersons of the CHRC Sub-Commissions,

**The Head of the Project to Improve the Conditions for Exercising Freedoms in Cameroon
(PICEF)**

The Coordinator of the Cameroon Freedoms Observatory (OLPC),

Distinguished Regional Secretaries of the CHRC,

Distinguished Heads of the OLPC branches, and representatives of civil society organisations,

Distinguished participants, all protocols observed,

Ladies and Gentlemen,

I am delighted that you are attending the 2nd annual meeting of the Cameroon Freedoms Observatory to share experiences, build on and plan activities, which opens today. I appreciate this, especially since one of the priorities of my action at the head of the Cameroon Human Rights Commission (hereinafter: "CHRC") is to multiply and strengthen the synergies between the National Human Rights Institution (hereinafter: "NHRI") of Cameroon and civil society organisations (hereinafter: "CSOs").

As gratitude is the only thing that cannot be abused, I would like to reiterate the deep gratitude of the members and staff of the CHRC - to which I associate that of the 241 CSO members of OLPC - towards the European Union, as a financial partner of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (hereinafter: 'PICEF'). As Pierre Rosenberg said in response to Philippe Beaussant's speech at the French Academy on Thursday 23 October 2008, the European Union has before it "*an orchestra of violins and violas da gamba, flutes and harpsichords.*"

As you are no doubt aware, PICEF, which is the result of the Grant Agreement signed between the European Union and the Cameroon National Human Rights Institution, aims to establish a strategic partnership between the CHRC and non-state actors involved in promoting and monitoring the implementation of human rights in Cameroon. One of the main achievements of this project is the setting up of a Cameroon Freedoms Observatory (OLPC), which illustrates the strategic partnership and complementarity between the CHRC and CSOs active on the ground as they work to protect and promote human rights in Cameroon.

On this point, I would like to pause to acknowledge the work that has already been done to set up and deploy the OLPC on the ground. The OLPC has basic texts that govern its functioning, namely the Charter and the Code of Ethics and Conduct as well as the letter of commitment that each association must sign to become a member. These OLPC regulations, drawn up with the help of a consultant, were examined in detail during a workshop held in Yaounde on 17 and 18 December 2019, before being adopted by consensus during the inaugural meeting of CSO consultation held in Bertoua from 29 to 30 October 2020.

This first meeting also gave rise to the election of members of the National Coordination of the OLPC, thus completing the structuring of this network of interactions between human rights CSOs and the NHRI of Cameroon, a network that is now made up of a National Coordination and ten regional coordinations. The regulations governing the organisation and functioning of the OLPC will be completed, during the present workshop, by the Procedures Manual, whose draft was submitted to the participants for consideration, duly takes into account the contributions and suggestions of OLPC member CSOs.

Besides the structuring process of the OLPC, capacity building workshops for representatives of CSO members of the Observatory and associations affiliated to the Cameroon Human Rights Commission were organised from 28 January to 7 February 2020 on human rights monitoring during elections, and from 6 to 31 July 2021 on organisational development, with an emphasis on the structure, mandate and functioning of the CHRC, the OLPC and some of its member associations.

To date, each of the OLPC's branches has been provided with the necessary furniture and computer equipment for its operation. Only the delayed establishment of the CHRC's East Branch is still preventing the Eastern Regional Coordination from being equipped. This problem will be resolved soonest.

Provision has also been made for members of the OLPC to cover investigative visits, which will start soon, based on the information-gathering tools and action plans that you will also adopt during this workshop. Everything, therefore, seems to be in place for the Cameroon Freedoms Observatory to take off and be effectively deployed on the ground, to strengthen the rule of law and human rights culture in Cameroon. I have also been informed that, according to your regulations, the annual membership fees have started, although rather timidly. We strongly encourage CSO members of the Observatory to pay their dues, as the Observatory's effectiveness and sustainability depend on it. There is a Danish saying that "money speaks louder than twelve members of parliament". Your membership fees will demonstrate your organisations' interest in the OLPC as an effective tool to promote and protect human rights in Cameroon.

Distinguished Chairpersons of the Sub-Commissions of the CHRC,

The Head of the Project to Improve the Conditions for Exercising Public Freedoms in Cameroon (PICEF)

The Coordinator of the Cameroon Freedoms Observatory (OLPC),

Distinguished Regional Secretaries of the CHRC,

Heads of the OLPC Branches, Representatives of Civil Society Organisations,

The Cameroon people, through the Preamble of the Constitution of 18 January 1996, affirm "*their attachment to the fundamental Freedoms 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*". The Constitution of Cameroon, the internal texts adopted as part of the implementation of the Constitution, as well as the regional and international legal instruments ratified by the State of Cameroon thus guarantee to all persons under its jurisdiction the free exercise of rights 'with respect for the rights of others and the higher interest of the State'. We too often tend to forget this segment of the Preamble of our Constitution, which recalls Article 27 (2) of the African Charter on Human and Peoples' Rights, which states: "*[t]he rights and freedoms of each individual shall be exercised with due regard for the rights of others, collective security, morality and common interest.*" In ignoring these statements, we overlook the warning of Gustave le Bon, a French physician, anthropologist, social psychologist and sociologist - a specialist in behavioural disorder and crowd psychology - who observed that "*the surest way to destroy the principle of authority is to talk to everyone about their Rights and never about their duties*".

Among the rights protected by the Constitution are the right to life and physical integrity, the right to food, the right to health, the right to education, the right to property, freedom of movement, freedom of expression, freedom of association, the rights of minorities and indigenous peoples, freedom of public assembly and demonstration within the legal framework in force, freedom of enterprise, the right to decent housing, the right to a healthy environment, the right to an adequate standard of living for oneself and family members, etc.

Concerning freedom of association, in particular, there is now a profusion of associations and non-governmental organisations active in the promotion and protection of civil and political rights, economic, social and cultural rights and the defence of the rights of vulnerable groups, in particular minorities and indigenous peoples, women, children, persons living with disabilities, the elderly, etc. This swarming of the associative movement in Cameroon can be explained in particular by the strengthening of the legal and institutional framework for the promotion and protection of human rights through the adoption of the Constitution of 18 January 1996 and numerous instruments relating to freedoms since the beginning of the 1990s, as well as through the ratification of relevant regional and international instruments.

Despite the proliferation of human rights associations in Cameroon, many pitfalls still undermine their significant contribution to the culture of human rights in Cameroon. These pitfalls are symbolised in six ways.

- xvi) *The aforementioned bias of focusing on 'Rights' without taking into account duties, even though the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child have stipulations on the duties of man and the duties of the child, as does the Inter-American Charter on the Rights and Duties of Man; it is for this reason that John Fitzgerald Kennedy, one of the most famous US Presidents, said*

in his inaugural address: *"Ask not what your country can do for you, but ask yourself what you can do for your country."*

In a context where we tend to forget that freedom is the right to do whatever is lawful, it is worth remembering an old but widely ignored Latin adage: *ubi jus, ibi onus*. And I translate: *"where there is a right, there is also an obligation"*.

To illustrate this legal adage, let me offer for reflection one of the indents of the Preamble of the Constitution of 18 January 1996, some Articles of the African Charter on Human and Peoples' Rights which was accepted for signature on 27 June 1981 and came into force on 21 October 1986, as well as excerpts from the African Charter on the Rights and Welfare of the Child.

I have already quoted the relevant indent of our Constitution in this regard: *"freedom and security shall be guaranteed each individual subject to respect for the rights of others and the highest interests of the State"*.

As for the Articles of the African Charter, they are Articles 27 to 29, located in its Chapter 2

Article 27

1. Every individual shall have duties towards the family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of every individual shall be exercised with due regard for the rights of others, collective security, morality and the common interest.

Article 28

Every individual shall have the duty to respect and regard his fellow beings without discrimination and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and work for the cohesion and respect for the family; to respect his parents at all times, to maintain them in case of need.
2. *To serve his national community by placing his physical and intellectual abilities at its service.*
3. *Not to compromise the security of the State whose national or resident he is.*
4. *To preserve and strengthen social and national solidarity, particularly when threatened.*
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence under the law.
6. To work to the best of his competence, and to pay taxes imposed by law in the interests of society.
7. To preserve and strengthen African cultural values in his relations with other members of the society *in a spirit of tolerance, dialogue and consultation, and in general; to contribute to the promotion of the moral wellbeing of society*

8. To contribute to the best of his abilities, at all times and all levels, to the promotion and achievement of African unity.

As for the African Charter on the Rights and Welfare of the Child, Article 31 on the «Responsibilities of the child " is quite eloquent.

Every child has responsibilities to his or her family, society, the State and any other legally recognised community as well as to the international community. The child shall, according to his or her age and capacity, and subject to the limitations contained in the present Charter, have the duty to:

- a) to work for the cohesion of his family, to respect his parents, seniors and superiors in all circumstances and to assist them in case of need
- b) to serve the national community by placing his physical and intellectual capacities at its disposal
- c) to preserve and strengthen the solidarity of society and the nation
- d) to preserve and strengthen African cultural values in their relations with other members of society, in a spirit of tolerance, dialogue and consultation, to contribute to the moral well-being of society
- (e) to preserve and strengthen the national independence and integrity of his or her country
- f) to contribute to the best of its ability, under all circumstances and at all levels, to the promotion and achievement of African unity.

This constitutional requirement and these uncontroversial treaty statements call for no comment on my part.

- xvii) *the fund-raising bias* leads them either to exaggerate reality in hopes of obtaining the desired funding or to use language and work on the priority themes of donors and not on their own or on those of the country where they are active. This is how some CSOs, far from acting out of conviction or in the interests of the populations they claim to protect, become relays or parrots who are content to repeat the rhetoric of donors, sometimes lurking in the shadows.
- xviii) *the bias of the search for visas* for their members or their relatives or third parties in exchange for payment, by portraying them as people persecuted by the regime; this phenomenon was denounced on television a few years ago by the famous historian Kum'a Ndumbe III.
- xix) *the bias of unprofessionalism* - not to mention incompetence - which sometimes leads them to wage absurd battles such as that of a CSO which recently denounced "*atrocities and acts of torture*" due to the landslide incident here in Bafoussam, in the West Region where we are sitting, even though no case of torture or cruel, inhuman or degrading treatment was recorded in that natural disaster.
- xx) *the political bias* that leads some CSOs to betray the integrity of the human rights defender by joining political party platforms or by making political demands such as

supporting insurrectionary demonstrations and calling for the overthrow of the regime to set up a transitional government. I would like to seize the opportunity, as recent events lend themselves to it, to recall that Mr Jean-Marie Le Pen, the founder of the extreme right-wing political party, the National Front in France, who has always disputed the French electoral system, which he considered to be unfair, insofar as, with approximately 10% of the validly cast votes throughout the country, he almost always found himself with no MPs in Parliament, has never organised demonstrations abroad against the political system of his country, nor has he ever organised the breaking up of French embassies. Let us also remember that one of the basic rules of political life in the leading democracies we admire is that politicians never talk about domestic politics outside their country's borders, to preserve the independence and sovereignty of their country. The political bias is also illustrated by the fact that many of us have a false conception of the defender of human rights, whom they consider to be an opponent; they wrongly consider that an oppositionist is independent; they come to think and say that to be independent, one must be an oppositionist; whereas an oppositionist is a supporter in the same way as a militant of the majority in power; others are strongly intoxicated by the propaganda of those who consider that it is illegitimate to be on the political side of the majority and that only the speech of the opposition is right; whereas in a democracy, both positions are lawful and if they had to be classified, the majority position would be given priority.

- xxi) *The bias of conscious manipulation*, which often consists in pretending that lawful acts of criminal repression are acts of persecution of a category of citizens (e.g. the case of the Hausa-language columnist for *Radio France Internationale* who was caught in possession of the telephone of the Nigerian State Governor's son who was murdered by Boko Haram, or the case of a journalist who, in an attempt to join his wife in a Western country, insulted the President of the Republic. When he got arrested and he acted as a martyr to freedom of expression and was able to obtain the visa he wanted).

Aware of these difficulties, several programmes have been implemented by technical and funding partners to train Cameroonian civil society. These include the *Programme d'appui à la structuration de la société civile (PASOC)* and the *Programme d'appui à la société civile (PASC)*, all funded by the European Union. The Active Citizenship Support Programme of the same partner is also part of this approach. It aims to contribute to improving the rule of law and governance in our country through promoting and consolidating citizenship.

The Cameroon Human Rights Commission is an institutional beneficiary of this programme in its civil society component. It is as part of this support from the European Union that the Project to Improve the Conditions for Exercising Freedoms (PICEF) is being implemented.

The meeting that opens today aims to clarify all the action plans and modalities of the OLPC's investigative missions. The main expectation is that at the end of the two days of the workshop, all participants should arrive at the same understanding of the mechanism that is being implemented towards the upcoming OLPC field activities. It is therefore essential that each participant becomes familiar with the tools and other working documents that will be made available to him/her and seeks all necessary clarifications for their optimal use. This is the only way to ensure the professionalism, objectivity, probity and effectiveness of the OLPC - and each of its members - in the exciting but delicate mission of promoting and protecting human rights.

OLPC is not intended to be just another CSO network in the Cameroonian associative landscape. The fact that it is technically supported by the Cameroon Human Rights Commission to produce reliable information and data on alleged cases of human rights violations, good practices observed or the

concerns of the population regarding the implementation of human rights, that it has equipped and trained human resources to carry out its missions, the Freedoms Observatory must be able to stand out through the exemplary behaviour of its members, the quality of its work, the effectiveness and relevance of its results and its efficiency in the use of the resources mobilised.

Ladies and Gentlemen,

This meeting is timely because it will enable the Cameroon Human Rights Commission to highlight to partners and officials of the OLPC *the pressing need for them to respect the legal and institutional framework in force in Cameroon.*

Section 4 of the law of 19 December 1990, as amended and supplemented by the law of 20 July 2020 on freedom of association in Cameroon, clearly states that "associations based on a cause or with an aim contrary to the Constitution, laws and morality, and those whose purpose is to undermine security, territorial integrity, national unity, national integration and the republican form of the State are null and void.

This provision is aimed not only at organisations created with condemnable objectives in mind but also at those which, in the course of their existence and during the implementation of their activities, may undermine republican institutions, peace, security or territorial integrity, persons or their property.

As leaders of your organisations and elected officials of the various coordinations of the Cameroon Freedoms Observatory, I expect you and your organisations to show scrupulous respect for Cameroonian positive law. One of the principles set out in the OLPC Charter requires all members to fully observe the country's Constitution, the laws and regulations in force, and the regional and international instruments ratified by the State of Cameroon.

Just because one disagrees with a particular provision of the Constitution does not mean that one should pretend that the country does not have a Constitution and a constitutional legal order that protects Freedoms, which must be brought into everyday life through the combined efforts of all. In the United States, tens of millions of citizens disagree with the 2nd Amendment, which authorises the carrying of weapons, but they respect and adore the Constitution of their country. So much so that Hubert Védrine, the former French Minister of Foreign Affairs, observed that 'in the United States, an NGO is American before it is non-governmental, and no one questions national sovereignty there any more than elsewhere [...]' (cf. *Continuer l' Histoire*, Paris, Fayard, p. 29). Since an American NGO is first and foremost American, I deduce that a Cameroonian CSO must also be first and foremost Cameroonian, i.e. exemplifying the country's motto which is PEACE-WORK-FATHERLAND.

OLPC member associations must demonstrate a high degree of professionalism and impartiality in the performance of their duties, at the risk of personal liability.

Thus, point 2 of the Code of Ethics and Conduct calls on each OLPC member association:

- to avoid making any commitment or promise of any kind in the name and on behalf of the Observatory without prior authorisation from the competent body
- to ensure respect for the Code of Ethics and the values advocated by the Observatory in its founding instruments
- to avoid publicly damaging the image or reputation of the Observatory
- to refrain from any behaviour likely to discredit the Observatory.

You are human rights defenders. As such your organisations' actions must fall within the scope of promoting and protecting human rights. The requirement of professionalism thus formulated must be

reflected, in particular, in your objectivity in dealing with alleged cases of human rights violations brought to your attention, in the reports you prepare and in the steps you take to bring violations to the attention of the authorities, and in your interaction with other actors and partners in promoting and protecting human rights, such as public authorities, social entrepreneurs, religious and traditional authorities, and even all citizens.

The same item 2 of the OLPC's Code of Conduct requires all members to:

- to refrain from any partisan stance in the public arena or any membership of partisan platforms or initiatives that could compromise its neutrality in the assessment of human rights issues
- to maintain a relationship of mutual respect and collaboration with other actors and partners, insofar as the terms of this collaboration do not compromise its independence
- to refuse any funding or institutional link that would run counter to the values and objectives advocated by the Observatory.

Given the above, it is inappropriate and even surprising that an association - which I will not name but which you should recognise - whose *raison d'être* is the defence of the right of the population to participate in elections and management of public affairs, the right to physical integrity and the fight against torture in Cameroon, should call for the overthrow of a democratically elected Head of State and the setting up of a transitional government. Such political bias disqualifies this association and its leaders as human rights defenders in the eyes of other CSO members of the Observatory, the CHRC and the European Union, whose Ambassador has explicitly disassociated himself from such abuses.

The Coordinator of the Cameroon Freedoms Observatory (OLPC),

Distinguished Heads of the OLPC branches,

Distinguished Representatives of Civil Society Organisations,

The requirements of impartiality, probity and professionalism expected of the OLPC and each of its member associations are indispensable for the accomplishment of the legitimate, relevant and salutary missions that the members of the OLPC have set for themselves, such as the following:

- collect data on alleged cases of human and peoples' rights violations in Cameroon
- alerting the Commission and authorities about violations observed
- mobilise actors for a coherent and effective response for better respect for human rights
- Contribute to preparing periodic or thematic reports on the state of human rights in Cameroon
- Communicate on the situation of freedoms in Cameroon, bearing in mind that *no serious report on human rights in Cameroon, i.e. devoid of outrageous and objective terms, can leave anyone indifferent.*

Over the next few days, investigative missions on human rights violations and elements of advocacy for the improvement of the legal and institutional framework for implementing freedoms will be conducted in various parts of the country. Through PICEF, the CHRC is committed to providing you with the necessary technical guidance and support.

In conclusion, I would very much like to:

- the deliberations of this annual meeting on experience sharing, building on and planning the activities of the Cameroon Freedoms Observatory to take place under favourable conditions
- the participants' data collection tools are fully exploited and assimilated for future use
- the early warning system in case of confirmed human rights violations which will be presented during this meeting to be carefully examined to strengthen the protection of victims and the fight against impunity of perpetrators of human rights violations in Cameroon
- the future contributions of the OLPC and their members to the CHRC and the State of Cameroon reports on the human rights situation in Cameroon or their reports on specific cases of human rights abuses or violations, by their quality, objectivity and relevance, attest to the full success of the work of this Workshop and the achievement of the expected results.

Long live human rights!

Long live national and international cooperation on human rights!

Long live the united, upright and indivisible Cameroon!



**Installation Ceremony of the New Head of the Project to Improve the Conditions for Exercising
Freedoms in Cameroon (PICEF)**

Speech by the Chairperson of the Cameroon Human Rights Commission (CHRC)

Yaounde, 3 September 2021

The Vice-Chairperson of the CHRC,

Distinguished Chairpersons of the Sub-Commissions,

Distinguished Commissioners, Ladies and Gentlemen,

The Permanent Secretary,

The Head of the Division of Promotion and Protection (CDPP),

The outgoing Project Head,

The incoming Project Head,

The National Coordinator of the Cameroon Freedoms Observatory (OLPC),

The Coordinator of the Cameroonian Network of Human Rights Organisations represented here,

The Regional Coordinator of OLPC,

The European Union Expert for PICEF represented here,

Dear collaborators, all protocols observed,

Distinguished guests,

Ladies and Gentlemen,

For those who were still in doubt, change is on the way at the CHRC. If I have counted correctly, after the appointment of a new CDPP, a new Head of the General Affairs Service (SAG) following the appointment of a new Head of the Communication Unit, a new Head of the Translation and Interpretation Service, a new Head of the Promotion Unit and three acting Regional Secretaries, after having rehabilitated the Librarian, after releasing a Security Officer who had spent 25 years in the same post, after organising the in-house recruitment of six cadres, after organising a capacity building seminar for the multi-tasking management assistants, after organising a meeting with the staff delegates and the leaders of the trade union sections, after organising another meeting with the cadres, after organising a

Conference of the central and external services of the CHRC in Kribi last week, here comes... *the new Head of PICEF*.

These appointments should remind everyone of two obvious facts that are commonplace in all public and private structures around the world, but which seem to escape some of us. Let me put it this way:

- i) the rank belongs to the employee, the function to the structure
- ii) appointments and postings are *discretionary*, although in principle they are dictated by "*the needs of the service*".

As regards the CHRC, I would add a third requirement, both moral and religious in nature, which I will try to respect as much as possible: that of *family reunion*, by avoiding the dismantling of couples through the untimely posting of married women outside their spouses' places of activity and by bringing those who are separated from their families back close to them, if that is what they want.

On the other hand, it is imperative to remove - at least for a time - a replaced official from the locality where he or she has been working, so as to allow his or her successor to work in peace, especially if there is good reason to believe that he or she will not be able to exercise the extraordinary discretion required in such circumstances.

Therefore, when it comes to those who experience such and such an appointment, such and such an assignment as a kind of melodrama, and who react in desperation, I see, as **Jacques de Bourbon Busset**, a French writer and diplomat, member of the Académie française, does in his preface to Philippe Delorme's book *Les Rois assassinés*, "[*the obstinate refusal that an idea, a principle, a faith can be embodied in a person. This refusal [continues Bourbon Busset], is the mark of an inordinate pride, that is to say, the real sin against the Spirit*]" (end of quote). *All the Masters of life teach that if you are a well-known personality, you must be prepared to feel the effects of this irrationality, to rub shoulders with those who do everything to ridicule the elite*. Thank God my skin is tanned by thousands of battles with the apparatus.

My advice to them and their colleagues, who usually fight the new Vision of the Commission by spreading vicious rumours, is taken from a novel by the famous Brazilian writer **Paulo Coelho**, one of the most widely read authors in the world: "[*It is always necessary to know when a stage is coming to an end. Closing cycles, closing doors, ending chapters - whatever name we give it, what matters is to leave in the past the moments of life that have finished*]" (*Le Zahir*). *That they finally understand that they cannot 'go back and make things go back to the way they were'* (*ibid.*). And **Michaël Aguilar** adds: "[*Nature is the scene of perpetual change, to seek constancy is to fight nature. Nature will reclaim its rights and impose... change.*]"

The Vice-Chairperson of the CHRC,

Distinguished Chairpersons of the Sub-Commissions,

The Permanent Secretary,

The Head of the Division of Promotion and Protection (CDPP),

As I recalled during the 2nd Annual Meeting on Experience Sharing, Building on and Planning the Activities of the Cameroon Freedoms Observatory (OLPC) which took place in Kribi from 23 to 25 August

2021, there is no doubt that the PICEF, which is the outcome of the Grant Agreement signed between the European Union and the National Human Rights Institution of Cameroon, aims, among other things, to *establish a strategic partnership between the CHRC and non-state actors involved in the promoting and monitoring of the implementation of human rights in Cameroon.*

In short, PICEF is a project of the Commission which aims at enabling the institution to better accomplish its missions, including through the establishment of the Cameroon Freedoms Observatory, the realisation of various studies, documentaries and the conduct of actions for the advancement of human rights in the country, such as the missions organised to verify the respect for human rights in several businesses in the country.

However, it must be recognised without delay that *some actors tend to distort the original contract.* PICEF itself often functioned as an institution within an institution. As for the OLPC, an autonomous structure put in place as part of the PICEF *to strengthen the Commission's territorial network*, which for the time being has only regional branches, I have observed that some people are trying to turn it into an independent structure that competes with the CHRC, *which amounts to sabotaging the Commission's performance and ruining efforts to rapidly operationalise the OLPC, like those who were given a platform by Louis XVI and who killed him.*

Twice, I also noticed that an act validated by the Chairperson of the Commission was submitted to the individual appreciation and/or collective deliberation of the CSO members of the Observatory, whereas the opposite should be the case. This is unacceptable.

I urge the entire PICEF team, as well as all current and future CSO members of the Observatory, to collaborate effectively and openly with the new Project Manager. I urge everyone to work with dedication to promote and protect human rights and to prevent torture, while respecting in all respects the duty of confidentiality that is incumbent on all collaborators and partners, whether in the public or private sector.

I would also like to remind you that the CHRC staff is bound by the obligation of discretion and reserve under Article 59(2) of its founding law. According to the website www.service-public.fr, the obligation of reserve "[also requires public officials to avoid in all circumstances behaviour likely to undermine the consideration of the public service by users]". There is no need to translate this into the local language for everyone to understand that any CHRC and/or PICEF staff member who slanders the CHRC, its officials or its members is in serious breach of the duty of confidentiality to which they are bound.

Dear incoming Head of Project,

**Distinguished National Coordinator of the Cameroon Freedoms
Observatory (OLPC),**

The Coordinator of the Cameroon Network of Human Rights

Organisations here represented,

The Regional Coordinator of the OLPC,

The time has come to warmly thank Mr Gabriel Nonetchoupo for the work he has accomplished as part of PICEF and I wish him good luck in his new duties at the Far North Regional Office.

I now take a break to, as is customary, pay tribute to Mr Ferikouop Mamouda, appointed Head of PACEL by decision of 30 August 2021 and shower him with deserved praise. Born on 9 September 1983 in Yaounde, he is married and has a beautiful daughter. He holds a post-graduate diploma in public law (« Diplôme d'études approfondies de Droit public »). He is currently finishing his PhD thesis entitled: *Le principe de la répartition géographique équitable dans le processus de réforme du Conseil de sécurité de l'Organisation des Nations Unies* [The principle of equitable geographical distribution in the reform process of the United Nations Security Council].

Prior to his appointment, Mr Ferikouop Mamouda has been, since December 2016, the Chief of Staff of the Vice-Chairperson of the National Human Rights Institution of Cameroon. He did a nine-month interim period under the late Chairperson, which enabled him to gain in-depth knowledge of handling complaints, preparing the various activities of the Commission – including those of PICEF - and to be initiated in the management of human, material and financial resources. The two Vice-Chairpersons under whose authority he worked for five years unanimously praise his know-how and good manners. There is no doubt that his colleagues will henceforth celebrate his demonstrated expertise... His infinite patience irresistibly reminds me of this Wolof proverb: “[to whoever spends time at the well, one will end up giving a bucket]”.

His background, his versatility, his scrupulous respect for the principles of professional ethics: conscientiousness, dedication, abnegation, endurance and loyalty; his dignity, his natural reserve, his discretion, his restraint, his qualities as a relentless, meticulous, fastidious and demanding researcher, to which must be added his excellent knowledge of the Commission and of the people who work for it, combined with the unanimous approval of his hierarchical superiors to impose him to this position as a *matter of course*.

Dear Project Head,

You now occupy a privileged position of trust and honour. Today, you are giving a scathing rebuttal to those who, witnessing the sad pallor of your working nights and your days and weekends without respite, torn as you so often are between a thousand demands, between a thousand duties which you always carry out with a high level of professional conscience, were tempted to think: Mamouda, “*always struggling, never honoured*”.

Manage PICEF, pursue and achieve all the objectives assigned to you. Treat all your staff and partners with respect and decorum, including those who are rude and unpleasant. Inspire respect, but never try to please everyone, as this is a recipe for disaster. I say to you bluntly and without hesitation: a top manager should not try to please, but to take action.

Ensure that PICEF meets the standards of a NHRI benchmark: you have not been appointed to hurt anyone; never step on others; PICEF must not violate anyone's rights, PICEF must not violate anyone's human dignity; not that of the staff, let alone that of the Commissioners involved in its activities. No one should be held in leash or subjected to cruel, inhumane or degrading treatment. Be warm, humane, compassionate, caring, diligent and welcoming to everyone. Be as transparent as possible with each other and apply the precepts of participatory management.

One management expert (**Richard Templar**, author of *the 100 golden Rules of Management*) specifically recommends staying fresh, i.e. open to new ideas, suggestions and concepts. Never speak ill of PICEF or the CHRC; on the contrary, speak well of PICEF and the CHRC, *actively*; show your institution that you are on its side. Focus on your contribution to PICEF, not on what you get out of it.

You are the Commission's representative to PICEF. Exemplify the cardinal values of the CHRC in PICEF, namely professionalism, integrity, objectivity, efficiency, commitment and performance, which underpin the vision of our Institution, namely, *to make the CHRC the reference structure for human rights in the very competitive human rights movement in Cameroon*. Reciprocally, make PICEF the laboratory of what should be done best at the Commission.

I declare you installed as Head of the Project to Improve the Conditions for Exercising Freedoms in Cameroon.

Long live human rights!

Long live national and international cooperation on human rights!

Long live Cameroon standing tall and indivisible!!



International Day of Peace

21 September 2021

Speech by the Chairperson of the Cameroon Human Rights Commission

Yaounde, 17 September 2021

The Minister of Youth and Civic Education,

The Minister of Women Empowerment and the Family,

The Representative of the UN System,

Ladies and Gentlemen, all protocols observed,

The CHRC feels especially challenged by the celebration of the International Day of Peace because, although Cameroon is at peace with its neighbours and with other countries in the world, the light of peace no longer shines in three of our ten regions. The darkness of conflict shrouds the horizon of human rights.

Human rights are the founding principle of modern societies. The human right to peace, which is the inalienable right to life, dignity and peaceful coexistence of all individuals, groups and peoples, are being flouted by war-mongers and terrorists who kill, behead, amputate, disembowel, torture and dispossess people in the Far North since 2014 and in the NW and SW Regions since 2017, violating all rights, including the right to life, the right to physical integrity, the right to health, the right to food, the right to housing - considering the number of refugees and internally displaced persons, the freedom of movement, the right to education, the freedom of trade and industry, the property right, the right to a fair trial through repeated actions and orders aimed at paralysing the public service of justice in the Regions concerned, the specific rights of women and girls through sexual abuse and slavery, unwanted pregnancies and other forms of gender-based violence.

In quoting the UN Declaration on the Rights of Peoples to Peace approved by the General Assembly in a resolution of 12 November 1984, the National Human Rights Institution which I have the honour to represent strongly affirms that "*life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms*" proclaimed by the Constitution of 18 January 1996 and by all regional and international human rights instruments.

The Cameroon Human Rights Commission recalls once again that since its Resolution 1566 (2004) of 8 October 2004 calling for enhanced cooperation in combating terrorism, the United Nations Security Council "Condemns in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed."

The Commission urges all peace-loving souls, national, sub-regional, regional and international actors and partners, both bilateral and multilateral, of Cameroon to redouble their efforts to seek out, help arrest and bring to book the perpetrators and sponsors of these terrorist acts and all those who instigate, support or condone them, as provided for in international law on the fight against terrorism.

The Commission reiterates its appeal to the armed groups operating in these Regions to seize the outstretched hand of His Excellency Paul Biya, Head of State, peace seeker, or shall I say "beggar of peace" - who has already organised fifteen dialogues in an attempt to bring peace to the North West and South West Regions; they should therefore seize the Head of State's outstretched hand and lay down the weapons which they hold illegally and join the Disarmament, Demobilisation and Reintegration Centres, so that peace may return once and for all to the three battered Regions.

The Commission continues to call on the populations, especially those of the Regions concerned, to collaborate fully with the Defence and Security Forces to bring to book the warlords and their agents.

Finally, the Commission believes that the magnitude, cruelty and outrageousness of the crimes perpetrated by these non-state actors should lead the secessionists, who have unleashed hostilities in the North-West and South-West Regions, to abandon their secessionist project once and for all, and to put an immediate end to the violence and human rights violations and especially the Freedoms of the citizens they claim to be defending. This message also concerns the domestic supporters of Boko Haram.

Women, whether mothers or wives are particularly well placed to advocate for peace. Let us carry this message *urbi et orbi* (to the city and the world). Let us activate our ethical fibre, let us show our firm commitment to peace in Cameroon in season and out of season, in our homes, with our neighbours, with our friends, in social media, let us conceive messages of peace, let us disseminate them to all our contacts, let us relay them with constancy, creativity, tenacity and determination until they soften the hardened hearts of the bloodthirsty terrorists wherever they are, in the forests of the North-West and South-West, or the savannahs of the Far-North.

This is how Cameroon will once again become the oasis of peace it has always been. This is how the "sacred right to peace" will be restored in our dear and beautiful country, how humanity will regain its rights in the four corners of the country and how the world of today will be more equitable and sustainable.

Long live human rights!

Long live Cameroon, standing tall and indivisible!



COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN

CAMEROON HUMAN RIGHTS COMMISSION

.....
Secrétariat Permanent
Permanent Secretariat



COOPÉRATION CAMEROUN-UNION EUROPÉENNE
CAMEROON - EUROPEAN COOPERATION

.....
FONDS EUROPÉEN DE DÉVELOPPEMENT
EUROPEAN DEVELOPMENT FUNDS

PROJET D'AMÉLIORATION DES CONDITIONS D'EXERCICE DES LIBERTÉS PUBLIQUES AU CAMEROUN – PACEL

PROJECT TO IMPROVE THE CONDITIONS OF EXERCISING FREEDOMS IN CAMEROON-PICEF

**TRAINING WORKSHOP FOR MINDCAF STAFF MEMBERS ON ISSUES OF ACCESS TO LAND
FOR VULNERABLE GROUPS (WOMEN, YOUTH, INDIGENOUS PEOPLES) IN CAMEROON**

MINDCAF conference room, 30 September 2021

Speech by the representative of the Chairperson of the Cameroon Human Rights Commission

The Minister here represented,

The Representative of the European Union

The distinguished staff of the Ministry of State Property, Surveys and Land Tenure,

Distinguished guests all protocols observed,

Dear participants,

Ladies and Gentlemen,

I am deeply honoured to speak at this capacity building workshop for the staff of the Ministry of State Property, Surveys and Land Tenure on the Right of Access to Land for Women, Youth and other Vulnerable Persons in Cameroon.

As gratitude is the only virtue that cannot be abused, I would like once again to reiterate the gratitude of the Cameroon Human Rights Commission (CHRC) to the European Union, as a financial partner for the Project to Improve the Conditions for Exercising Freedoms in Cameroon (PICEF).

As you are no doubt aware, PICEF's objective is, among others, to contribute to the promotion and protection of human rights in public administrations through the involvement of the Human Rights Focal Points of these administrations. Updating the directory of Human Rights Focal Points, which currently has 74 Focal Points, strengthening their capacities and carrying out field activities together with the Focal Points will contribute to the progressive achievement of this objective.

I would like to seize this opportunity to express the satisfaction of the Cameroon Human Rights Commission towards the MINDCAF Human Rights Focal Point who, in consonance with the PICEF terms of reference, has shown initiative and commitment in organizing this activity. His sense of initiative and commitment to promote and protect the right of access to pieces of land of women, youth and other vulnerable people in Cameroon is a credit to MINDCAF. As MONTESQUIEU taught, "one must reward virtue and blame vice".

I would now like to once again encourage the trainers of the day and the participants here today. Please accept our sincere thanks for having responded favourably to our invitation. Your presence here reflects your commitment to respect human rights as the foundation of our democracy and the rule of law in our country.

Ladies and Gentlemen,

Access to land is a Fundamental Right for the autonomous development of vulnerable people. It is therefore the basis of their economic livelihoods and a source of their cultural and social identity. However, the obstacles they face in accessing land very often constitute violations of their right to access land, which is enshrined in national, regional and international instruments. The Preamble of the Constitution of the Republic of Cameroon of 2 June 1972, as revised by Law No. 96/06 of 18 January 1996, states that *"ownership shall mean 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 absence of specific formal recognition of the rights of women, youth and indigenous people to land ownership is generally a source of discrimination.

This exclusion undermines their ability to invest and requires clarifying their situation in terms of access to land ownership.

Although land laws do not specifically address women's, young people's and indigenous people's access to land, practice and sometimes traditional rights are characterised by more or less significant restrictions on their rights to enjoy land ownership or to make secure use of it.

However, bearing in mind the efforts that MINDCAF makes every day as part of your various activities to ensure access to land for vulnerable groups in our country, I am convinced that today's workshop will enable us to move the lines further in the direction of improving the conditions of women, young people, minorities and other groups vulnerable to access to land.

I hope that this meeting will be an unprecedented success!

Long live the collaboration between the CHRC and the Public Administrations!

Long live an upright, united and indivisible Cameroon!

I thank you all.



COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN

CAMEROON HUMAN RIGHTS COMMISSION

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PROJET D'AMÉLIORATION DES CONDITIONS D'EXERCICE DES LIBERTÉS PUBLIQUES AU CAMEROUN – PACEL

PROJECT TO IMPROVE THE CONDITIONS OF EXERCISING FREEDOMS IN CAMEROON-PICEF

**MEETING TO SHARE EXPERIENCES AND GOOD PRACTICES AMONG HUMAN RIGHTS FOCAL
POINTS OF PUBLIC ADMINISTRATIONS**

Yaounde, 14 October 2021

Speech by the Chairperson of the CHRC

**The Governor of the Centre Region,
The Representative of the European Union,
The Attorney General to the Court of Appeal of the Centre Region,
The President of the Centre Regional Council,
The Mayor of the City of Yaounde,
Distinguished Human Rights Focal Points of Public Administrations,
Distinguished guests, all protocols observed,
Distinguished participants,
Ladies and Gentlemen,**

You are gracing this opening ceremony with your intense, attentive and inspiring presence on the Meeting to Share Experiences and Good Practices between the Human Rights Focal Points of Public Administrations, organised as part of the activities of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (PICEF in short), which is the substance of the grant contract signed on 22 January 2019 as part of the European Development Fund between the National Commission on Human Rights and Freedoms (NCHRF), now the Cameroon Human Rights Commission (CHRC), on the one hand, and the European Union, on the other hand.

Your massive presence here is a meaningful expression of your commitment to respect human rights as a vector of democracy and the rule of law in Cameroon, and I am delighted.

As gratitude is the only virtue that cannot be overemphasised, I feel that this is the right occasion to express once again the deep gratitude of the Cameroon Human Rights Commission to the European

Union, as a financial partner of the PICEF Project. As Pierre Rosenberg said in response to Philippe Beaussant's speech at the French Academy on Thursday 23 October 2008, the European Union has before it "[an orchestra of violins and violas da gamba, flutes and harpsichords.]"

I would also like to express my deep gratitude to the heads of the various administrations here represented, who did not hesitate for a second to respond favourably to the invitation of the Cameroon Human Rights Commission.

Finally, my deep gratitude goes to each of you, authorities and media representatives, who are present at today's activity. By your presence, you are demonstrating your commitment to the noble cause of human rights.

I would like to thank the facilitators and resource persons here present, who have promptly made themselves available to participate in the running of this meeting. It goes without saying that the success of this workshop depends very much on them.

As most of you are aware, one of the objectives of the PICEF is to strengthen collaboration in the promotion and protection of human rights between the CHRC and Cameroonian public administrations, as part of exercising the mandate of the National Human Rights Institution (NHRI) of Cameroon, by virtue of the law of 19 July 2019, relating to its establishment, organisation and functioning. Section 4 of this law provides that:

[t]he Commission contributes to developing a human rights culture based on the ideals of peace, equal rights and duties, mutual respect and sustainable development, particularly [...] by popularising human rights legal instruments, raising public awareness on various human rights topics, including gender issues, as well as the rights of vulnerable groups, research, education and training in the domain of human rights; through cooperation in the domain of human rights, and by advocating the improvement of the legal and institutional framework for human rights promotion.

According to Section 3 of the Commission's founding law, it may call on Ministries and other public institutions as part of its mandate to promote and protect human rights and prevent torture. The reverse is also true, as Ministries and the Prime Minister's Office regularly request the Commission for specific reports, such as:

(i) the Report requested by the Ministry of Labour and Social Security a few months ago on the worst forms of child labour in Cameroon

ii) the Commission's contribution to the Report of the State of Cameroon to the Committee against Torture at the request of the Ministry of Justice or

(iii) a summary of the country's NHRI actions between October 2020 and September 2021 and prospects for 2022, at the request of the Office of the Prime Minister as part of preparing the presentation

of the Government's action programme to the National Assembly during the November parliamentary session.

The Commission can also - and often does - carry out studies in this area for administrations that request them. The most recent one was the "*Bilan des actions menées par le Cameroun dans le domaine des Droits de l'Homme de 2018 à 2021*" – Review of Cameroon's actions in human rights from 2018 to 2021— a study requested by MINREX as part of the preparation of Cameroon's participation in the 18th Summit of the *Organisation Internationale de La Francophonie*, which was submitted during the first week of the current month.

The holding of this meeting to share experiences and good practices between the human rights focal points of public administrations in this sumptuous room of the Merina Hotel bears witness to the firm commitment of Ministries and local authorities to support the National Human Rights Institution in performing its duties, which was established by the State, and which is the State's advisor on human rights.

This is very welcome as this commitment, which is demonstrated by your massive presence, fuels the flame of faith that our human and peoples' rights actions will be much more effective than in the past.

Today's meeting gives us the opportunity to educate the Focal Points on the Human Rights-Based Approach, on human rights best practices and on ways to strengthen collaboration between the Cameroon Human Rights Commission and the public administrations.

The human rights-based approach that underpins the PICEF activities is a demonstrated strategy for promoting a human rights culture in all human activities, both individual and collective. It aims to ensure the well-being of persons and sustainable development for all, through the full respect for human rights and the progressive and optimal achievement of all human rights, which are universal, indivisible and interdependent. The human rights-based approach implies that the State must not only demonstrate respect for the human rights enshrined in its domestic legal framework and in the regional and international conventions it has ratified, but must also be accountable for their implementation. In this light, human rights are no longer on the periphery of public action, but must be at its core.

Originally, the human rights-based approach emerged as an "answer to the development failures of the 1980s, which focused more on technical poverty reduction than on improving the Rights [...] of marginalised populations". This has led to a paradigm shift in development cooperation. Thus, the original development approach based on the needs of the people in the least developed countries has given way to a human rights approach. From this standpoint, people are no longer simply the object of aid programmed upstream by decision-making bodies, but are considered to be full-fledged actors in development. As a result, public action is no longer conceived in terms of compensation or "assistance", but from the viewpoint of implementing Freedoms.

The application of the human rights-based approach beyond its original framework has resulted in a partial redefinition of its contours. Initially formulated as part of development cooperation, this approach was then mobilised in the 2000s by UN bodies also for the implementation of the right to education and the right to food, among others. It then concurred with a reflection on the features of these human rights, such as their full effectiveness being based on the availability, acceptability, accessibility and adaptability of the right in question. The human rights approach has also been applied in recent years to issues related to State sovereignty, such as migration management, security or penal policies.

The presentations and discussions that will follow will surely enable us to gain more knowledge about this approach.

The Governor,

Ladies and Gentlemen,

Let me remind you that the Cameroon Human Rights Commission has been hosting the Project to Improve the Conditions for Exercising Freedoms in Cameroon since February 2019. This project has since made possible:

- the setting up of the Cameroon Freedoms Observatory, which to date has 241 organisations for human rights promotion and defence
- the conduct of a study on the mapping of associations for the promotion and defence of human rights in Cameroon
- the organisation of numerous technical and organisational capacity building workshops for various stakeholders in freedoms in Cameroon
- the organisation of activities, including field visits in collaboration with the Human Rights Focal Points of public administrations.

As an independent State institution promoting and protecting human rights, and specifically in its quasi-judicial function, the Commission deals with alleged violations of human rights and the prevention of torture, sometimes involving public administrations or their branches. To play this role effectively, the CHRC is required to strengthen ties with the headquarters and branches of such administrations, to develop a synergy of actions for the rights of workers and users of public service to be respected, and hence the respect for the rights of the entire Cameroonian public. The renewal of Human Rights Focal Points within public administrations is one of the answers to this concern.

The mainline of PICEF actions concerning Human Rights Focal Points in Public Administrations has so far recorded:

- 74 Human Rights Focal Points, assigned by various administrations and ministries and their branches;

- the conduct of five investigative visits by joint teams of CHRC members and Focal Points of the concerned administrative authorities
- the holding of six training or awareness-raising workshops in various public administrations with the involvement of the human rights focal points of the said administrative authorities
- the organisation of two important capacity building workshops for Human Rights Focal Points.

In the same vein, the Cameroon Human Rights Commission is today organising, in collaboration with the Human Rights Focal Points of the 40 public administrations, a meeting that aims to educate the participants on the Rights-based approach and strengthen ties between the CHRC and the public administrations.

I invite the participants to pay close attention to the work of this workshop, to contribute to the achievement of all its objectives.

It is true that failure to recognise human rights and ensure respect for them is an obstacle to the essential prerogatives of the State, which has recognised and regulated the exercise of these rights through its internal legal system and the regional and international legal instruments that it has freely ratified.

However, we must constantly bear in mind that human rights are inherent to every human being, regardless of his or her social status or political, religious or philosophical convictions, as long as the full enjoyment of these rights does not undermine the Freedoms of others or public order, let alone the imperatives of public security.

In the context of one-upmanship where certain Human Rights are presented as absolute dogmas and where freedoms border on anarchy in social media and outside social media, a context also where we tend to forget that freedom is the right to do whatever is lawful, it is useful to recall an old Latin adage, largely unrecognized: *ubi jus, ibi onus*. And I translate: where there is a right, there is also an obligation.

In order to illustrate this legal adage, let me offer for your reflection an indent of the Preamble to the Constitution of 18 January 1996, and some articles of the African Charter on Human and Peoples' Rights, signed on 27 June 1981 and entered into force on 21 October 1986.

The relevant indent of our Constitution reads as follows: "*the freedom and security are guaranteed to every individual with respect for the rights of others and the best interests of the State*".

The Articles 27 to 29 of the African Charter run thus:

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to *the rights of others, collective security, morality and common interest*.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need.
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral wellbeing of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

This constitutional prescription and such uncontroversial statements of convention call for no comment on my part.

Ladies and gentlemen,

Bearing in mind the efforts that you daily deploy as part of your respective activities, to preserve peace and protect goods and persons, I remain convinced that this meeting will contribute significantly to improving the well-being of populations and full respect for their fundamental rights.

With that, I wish every success to the Meeting to Share Experiences and Good Practices between the Human Rights Focal Points of Public Administrations.

Long live the cooperation between the CHRC and the Public Administrations!

Long live international cooperation!

Long live Human Rights!

Long live an upright, one and indivisible Cameroon!

I thank you for your kind attention.



**TECHNICAL CAPACITY BUILDING WORKSHOPS FOR CIVIL SOCIETY
ORGANISATIONS ON THE PROMOTION AND DEFENCE OF HUMAN AND PEOPLES' RIGHTS**

Nationwide

Speech by the Chairperson of the Cameroon Human Rights Commission

Yaoundé

Hôtel Aurélia Palace (Bastos)

17 November 2021

**The Representative of the President of the Constitutional Council,
The Representative of the Attorney General to the Supreme Court,
The Representative of the Minister of Territorial Administration
The Representative of the Delegate General for National Security,
The Governor of the Centre Region here represented,
The Ambassador, Head of the European Union delegation in Cameroon,
The Coordinator / Manager of the Active Citizenship Support Programme
The Vice-Chairperson of the Cameroon Human Rights Commission,
The Representative of the United Nations Centre for Human Rights and Democracy in Central
Africa,
Distinguished Commissioner, Member of the Cameroon Human Rights Commission,
The Permanent Secretary of the Cameroon Human Rights Commission
The Head of the Project to Improve the Conditions for Exercising Freedoms in Cameroon
(PICEF),
Distinguished trainers,**

**The Regional Coordinator of the Centre Freedoms Observatory,
Distinguished Representatives of Civil Society Organisations,
Distinguished guests, all protocols observed,**

Dear participants,

Ladies and Gentlemen,

I am honoured this day to speak at the official launch here in Yaoundé of the series of regional workshops aimed at building the technical capacity of the member associations of the Cameroon Freedoms Observatory (hereinafter: "CFO"). This is the 14th workshop organised by the CHRC with Civil Society Organisations since the beginning of the year and by the end of the series, we shall have organized 23 workshops for the year 2021.

I wish to recognize the presence of the representative of the Governor of the Centre Region and all the partner administrations here represented. Your participation is a meaningful expression of your commitment to respect for human rights as the foundation of our efforts to strengthen the rule of law in our country.

I would also like to pay a warm tribute to the United Nations Centre for Democracy and Human Rights in Central Africa, which has always contributed to the success of our activities, through its multifaceted support to the CHRC.

I equally wish to reiterate the deep gratitude of the members and staff of the Cameroon Human Rights Commission (hereinafter: 'CHRC') to which I join that of the 241 civil society organisations (hereinafter: 'CSOs') members of the CFO towards the European Union, here represented at the highest level, in their capacity as a financial partner of the Project to Improve the Conditions for Exercising Freedoms in Cameroon (hereinafter: 'PICEF'). Mr Ambassador, as Pierre Rosenberg said in response to Philippe Beaussant's speech at the French Academy on Thursday, 23 October 2008, "*you have before you an orchestra of violins and violas da gamba, flutes and harpsichords.*"

Finally, I would like to express my gratitude to the facilitators and resource persons here present, who have been quick to participate in the organisation of this meeting. The success of this workshop depends very much on them.

One of the components of this project is to foster a better structuring of the human rights organisations working with the Cameroon Human Rights Commission and build their technical capacity in human rights promotion and protection. The series of workshops that opens today addresses one of the central concerns identified during the *Consultation on the State of the Human Rights Movement in Central Africa* that took place in Kampala, Uganda, from 5 to 7 April 2017. The meeting was organised by the *International Commission of Jurists (ICJ)*, the *Foundation for Human Rights Initiative (FHRI)*, the *International Federation for Human Rights (FIDH)*, the *Open Society Foundations (OSF)* and the *Pan-African Human Rights Defenders Network (PAHRDN)*. The purpose of that meeting was to conduct a thorough reflection on the situation and future of the Human Rights Movement in Central Africa, with a focus on the issues of legitimacy, legality, appropriation, sustainability, relevance and impact of the Movement in our sub-region, to remobilise it through new strategies, based on creative, lucid, practical and incisive recommendations.

It was agreed in Kampala that the public and private actors of the Human Rights Movement in Central Africa mostly need *to build their capacities* so that the sub-region benefits from a more effective, competent and professional Human Rights Movement. Concerning the technical capacity building that interests us here, it was recommended that all parties should lead by example, by:

- i) favouring specialisation, as a guarantee of optimal efficiency for the smallest CSOs as well as for the magistrates and lawyers in charge of human rights issues
- ii) establishing and respecting fundamental rules of work methodology such as respect for the principle of contradiction in handling alleged cases of human rights violations or abuses, and thorough investigation to avoid biased reporting)
- iii) organising seminars and workshops for initial or ongoing training to update their knowledge and, finally
- iv) building their capacity on professional conduct and integrity of human rights defenders.

The technical trends observed in the Central African human rights movement thus far are largely mirrored in Cameroon. Indeed, the CHRC, in its day-to-day interactions with CSOs, has identified many problems:

- Some CSOs send complaints to the CHRC alleging human rights violations without sufficient evidence to prove the allegations are accurate; this contributes to misinformation, which can undermine their credibility
- Some CSOs limit themselves to ostentatiously displaying, often through social media, their indignation at a supposed or confirmed violation of human rights; they do not always know how to proceed methodically to summon the necessary legal means to back up their claims. They also do not know how to act to prevent such violations, put an end to them, and obtain guarantees from the competent authorities that they will not be repeated. Worse, they do not even know how to obtain remedies for victims. Such shortcomings encourage ostracism and impunity, and maintain the sense of injustice that the victims feel;
- Some actors in the Cameroonian human rights movement, fortunately, a minority of them, but regrettably the most vocal ones, tend to denounce abuses and spread allegations of human rights violations that are sometimes wrongly attributed to the State alone. Yet, it was stated at the Colloquium of 23 and 24 May 2019 organised on the topic "*L'application des droits et libertés par les personnes privées : la liberté d'expression en droit comparé*", that *the former dogmatic individual / public power is outdated, as relations have become multipolar*. The Centre de Droit public comparé of the University of Paris II Panthéon Assas, an institution hosting the best Law Faculty in France, said the responsibility to respect, to protect and implement human rights at the national level is the responsibility of both the State, as a signatory or otherwise adherent to the relevant regional and international instruments, and of various non-State actors, whether natural or legal persons, legally constituted or not, especially as statistics from the National Human Rights Institution of Cameroon have established that 2/3 of the allegations of non-respect for human rights in our country in 2019 were attributable to non-State actors, whether natural or legal persons, legally constituted or not... *Non-state actors, be it Boko Haram terrorists or independence fighters in the North-West and South-West who kill, slit the throats of and butcher men in uniform and civilians, including women and children, who violate physical and moral integrity by maiming or torturing those who do not obey their orders, who violate the right to health on a massive scale by burning hospitals. They violate the right to education on a massive scale and*

compromise the future of those they claim to be fighting for through repeated attacks against schools, teachers, students and non-teaching staff in training facilities, from primary to higher education. They undermine the freedom of movement with the slogans calling for a ghost town or lockdowns, they undermine the freedom of trade and industry by attacking businesses and investors and by being responsible for the insecurity that prevents investors from making a profit on their investment, or whether they are parents who deliver their young girls to be cut, exposing them to unwanted pregnancies, to prostitution, or who shatter their dream of going to school through early marriages, or they are employers who violate workers' rights, all actors, therefore, have an important role to play in the appropriation, promotion and strengthening of the respect for human rights

- Most of the investigative reports on human rights violations produced by certain human rights organisations are difficult for the CHRC to use because of the ambiguities and weak arguments raised by the authors. Knowing how to identify and correctly describe human rights violations are competencies that have to be mastered. Any human rights defender may feel overwhelmed by the number of violations that should eventually require to be investigated. At that juncture, it becomes critical to identify priorities by focusing on particularly serious or systematic violations, such as summary executions, arbitrary detentions, torture, enforced disappearances. The CHRC has an exclusive mandate to visit all detention facilities, to demand that those responsible put an end to the violations observed and engage in a constructive dialogue with them
- most CSOs do not know or do not respect the administrative organization of the State. They refer cases to the CHRC which do not always raise an issue of human rights violation or which do not fall within the competence of the Commission. Let me therefore underline that you can contact the public authorities for any guidance and advice for all questions falling within their area of competence
- the intervention of many CSOs in Human Rights promotion is generally characterized by isolated actions with little visibility and whose scope is too limited to bring about behavioural changes or lead to major reforms. Very few CSOs, for example, organize activities on Human Rights Memorial Days -- I call on you to seize the opportunity offered by such commemorative days to raise public awareness on the Human Rights attached to the subjects of concern.

As we can see, the challenges in terms of the promotion and protection of Human Rights, which challenge the Human Rights Movement in Africa, are many and multifaceted. Human rights defenders as emerging actors in the democratic game should properly grasp the fundamentals of human rights, both in concepts and related notions and the often complex legal procedures surrounding their profession. As per the recommendations of the Kampala consultation, the discussions of this workshop should make your complex but exhilarating task easier for you.

[fin de la partie du discours en anglais]

Ladies and gentlemen,

Although the issue of human rights falls within the scope of international cooperation and is used by some countries as an instrument for ulterior motives, States rightly consider that respect for human rights is a matter of national interest, since respect for human rights - in all sectors of activity - is an important lever for progress, development and the fulfilment of the populations under their responsibility.

Since the Vienna World Conference on Human Rights, which led to the adoption of the Vienna Declaration and Programme of Action on 25 June 1993, CSOs have been formally recognised as important actors likely to foster the entrenchment of a human rights culture in society. Thus, CSOs are nowadays an essential link in the chain of promotion and protection of human rights.

We are pleased to share with you the observation that there is an abundance of associations and non-governmental organisations in our country, whose diverse fields of action cover both civil and political rights and economic, social and cultural rights. The dynamism of Cameroonian CSOs is today unanimously recognised. Your organisations take and relay the pulse of individuals, groups, communities and victims whose demands they bear and for whom they act daily, sometimes being, as the poet Aimé Césaire would say, "*The mouth of those calamities that have no mouth*". They denounce abuses and other violations of human rights, sometimes calling on the authorities to take action, making your voice "*the freedom of those who break down in the prison holes of despair*".

All this, it should be recalled, was made possible following the promulgation by **His Excellency Paul Biya, the President of the Republic**, of the Cameroonian Constitution of 18 January 1996, Law No. 90/053 of 19 December 1990 - recently amended and supplemented by Law No. 2020/009 of 20 July 2020 on the freedom of association - and Law No. 99/014 of 22 December 1999 governing non-governmental organisations in Cameroon.

This means that our civil society is nowadays a catalyst for great hopes of expressing the interests of the people who aspire to full respect for their rights. However, there is no doubt that only CSOs that show probity, professionalism and abnegation can accompany public authorities in the implementation of the State's commitments in terms of respect for human rights. It is therefore worth underscoring that improving the situation of human rights and freedoms in Cameroon requires a well-structured, professional and credible civil society.

This is PICEF's ambition, implemented by the National Commission on Human Rights and Freedoms, which became the Human Rights Commission of Cameroon, by Law No. 2019/014 of 19 July 2019, which establishes it, organizes it and governs its functioning and whose members were sworn in office before the Combined Chambers of the Supreme Court on 29 April 2021.

Distinguished participants,

CSOs are "*active minorities*", "*self-appointed forces*" (Hubert Védérine, *Les Cartes de la France à l'heure de la mondialisation*, p. 21) that operate at the level of each country. Any citizen who decides in the privacy of his or her room to create a CSO and surrounds himself or herself with a few relatives or acquaintances can become a household name overnight, *in the absence of any democratic mandate and without his or her expertise in the field having been attested to by any academic or professional body*. Accordingly, you will not be surprised to hear that one of the promoters of a Cameroonian CSO that regularly operates in the area of the defence of the right to physical integrity, the right to participate in the management of public affairs (elections) and that calls for the overthrow of the Head of State to establish a transitional period is a mechanic by training who, above all, does not have the required expertise around him. You will further not be surprised to find that some CSOs that have given themselves a general mandate to protect all human rights end up limiting their action to 5 or 10% of human rights, carefully selecting those that are likely to harm the state and institutions, ostentatiously

neglecting those rights that are likely to directly benefit a large number of Cameroonians and the entire nation.

CSOs *campaign* for human rights with their own methods; but their action is often ensnared by some biases, which distort understanding and sometimes undermine the noble cause of human rights in our country:

- xxii) The deliberate manipulation that often consists in posing as acts of persecuting a category of citizens through legitimate criminal repression (the case of the Radio France Internationale columnist in the Hausa language caught in possession of the telephone of the son of the governor of a Nigerian state assassinated by Boko Haram, or the case of a journalist who, wishing to join his wife in a Western country, insulted the President of the Republic, two decades ago. When he was arrested, he started acting as a martyr for freedom of expression and was thus able to obtain the coveted visa).
- xxiii) The preposterous idea that the State is the sole holder of human rights obligations, since it is the sole signatory of treaties, thereby implying that the State is the designated culprit and the sole party responsible for the failure to respect human rights in a country. Such reasoning omits the horizontal dimension of human rights -- if this is the case, why do Security Council resolutions denounce the atrocities and attacks committed by Al Qaeda, the Islamic State or Boko Haram? Why do these same NGOs devote reports to human rights abuses committed by such and such a terrorist group, to violence against women or parents' violations of children's rights? Why does the African Charter on the Rights and Welfare of the Child explicitly refer to parents or other caregivers as the "primary caregiver"? Why is the theme of "business and human rights" promoted by the Francophone Organisation of National Human Rights Commissions and by all of the world's NHRIs?
- xxiv) iii) The misconception that the rulings of regional and universal non-judicial human rights mechanisms are nonetheless binding, as these mechanisms have been created by binding treaties or as certain treaty provisions oblige states to implement existing treaties. The authors of the International Human Rights Treaty, a 1721-page reference work published in Paris in 2018, underscore that 'the International Human Rights Treaty bodies do not have binding decision-making power. Their decisions and observations are no more than recommendations' (p. 279) and only have "persuasive authority", especially when cited by national, regional or international judicial bodies. Treaty bodies are above all 'authorised interpreters of the treaty they supervise' and their utterances, therefore, enjoy some 'interpretative authority, which allows them to play a role 'in the contemporary construction of International Human Rights Law' (p. 280). It is my firm belief that presenting recommendations of treaty bodies as judicial decisions confuses the different categories of rulings of international bodies and dilute the force of binding statements. This uniformity no longer makes it possible to distinguish between a judgment and a recommendation, the conclusions of a study and the position of an expert; above all, it serves the noble cause of human rights. The community of human rights defenders repeatedly deplores the non-application of the judgments of the African Court on Human

and Peoples' Rights, whose decisions are undeniably binding. On this point, States should do everything possible to give legal force and bring their peers to demonstrate respect for the decisions of the African Court on Human and Peoples' Rights.

- xxv) The idea that human rights standards are absolute dogmas that apply uniformly in all countries and admit no exemptions or exceptions, or that the State must implement them or else would be treated as a rogue state. This is in total disregard of the "*national margin of appreciation of national authorities*" enshrined in the case law of the European Court of Human Rights. This utterly disregards that even the Western conception of human rights is not uniform, and in the United States, for example, in matters of respect for private life, freedom takes precedence over dignity; the reverse is true in Europe.

At this juncture, let me launch an appeal to the appropriate stakeholders to enhance our national and African human rights instruments and mechanisms. Other regions of the world systematically boost their instruments and mechanisms, and they certainly do not shy away from considering such above the universal instruments and mechanisms.

Ladies and Gentlemen,

According to section 4 of Law No. 2019/014 of 19 July 2019, establishing it, organising it and governing its functioning, the Cameroon Human Rights Commission (CHRC) "shall contribute to developing a human rights culture based on the ideals of peace, equal rights and duties, mutual respect and sustainable development". The development of a human rights culture encompasses not only the promotion of knowledge and skills to protect such rights and apply them beneficially in everyday life, but also the protection of the rights of the most vulnerable groups (women, children, persons with disabilities, the elderly, minorities, indigenous peoples, refugees, internally displaced persons, persons deprived of liberty, etc.).

As you will appreciate, a human rights culture cannot be decreed. It is acquired progressively through bold initiatives and a determined commitment to long-term awareness-raising, education and training. Respect for human rights and the necessity to implement them require us to familiarise ourselves with the instruments and mechanisms that govern them.

I therefore urge you to sharpen your discernment by considering both the rules and their exceptions, the principles and derogations, what is necessary for a legitimate purpose and what is not, the rights, duties and responsibilities of rights-holders and duty-bearers, and the principles of necessity and proportionality.

I cannot encourage enough the leaders of the OLPC and, through them, all the CSO members of this Observatory to make the most of this series of workshops. In this way, you will contribute effectively, usefully and efficiently to develop a culture of human rights, promote the rule of law and strengthen Cameroonian democracy.

**Distinguished guests,
Ladies and Gentlemen,**

The main components of this training will also enable the CSO members of the OLPC to become credible and effective partners of the public authorities. You will be given the practical tools to collect information on human and peoples' rights, including methods for processing such data to ensure that it is credible, reliable and usable. You will also learn about early warning techniques, as the OLPC will now be the eyes and ears of the CHRC on the ground. Your activities at the end of this training should contribute to strengthening the rule of law in Cameroon. They should reflect the values of patriotism, justice, impartiality, equity, transparency, and respect for the institutions and those who embody them.

Furthermore, you should systematically refer to the Constitution, regional and universal human rights instruments, not forgetting the relevant case law, to best carry out your duties. Do not lose sight of your role as professionals in promoting and protecting human rights, as the presumption of bad faith would compound your errors and mistakes. In this regard, the coefficient of presumption of bad faith is added to the charges. However, in all circumstances, you can count on the CHRC as an actor and partner of reference in matters of human rights in Cameroon.

There is no doubt that this new series of CSO training workshops, the fourth of its kind, will kindle the flame of faith that our actions for human and peoples' rights will be much more effective than in the past. If we agree with Anatole France that "the future is the convenient place to put dreams", I would hope that this training will indeed contribute to increasing your skills in promoting and defending Human and Peoples' Rights to make our dear and beautiful country a Human Rights high ground.

Long live human rights!

Long live national and international cooperation on human rights!

Long live a united, upright and indivisible Cameroon!



SEMINAR FOR STAFF MEMBERS OF CAMEROON HUMAN RIGHTS COMMISSION ON THE USE OF THE SOFTWARE "UWAZI" FOR HANDLING COMPLAINTS ON HUMAN RIGHTS VIOLATIONS

SPEECH BY THE CHAIRPERSON OF CAMEROON HUMAN RIGHTS COMMISSION

Yaoundé, Agence universitaire de la Francophonie

Thursday 18 to Friday 19 November 2021

Distinguished members of the Cameroon Human Rights Commission,

Representative of the NGO HURIDOCS,

Dear staff of the CHRC,

Distinguished guests,

Ladies and Gentlemen,

It is with great pleasure and honour that I speak this day at the opening ceremony of the **Seminar on the use of the Software for Handling Human Rights Violations, "UWAZI"**.

Let me begin by expressing my deep gratitude to the Organisation Internationale de la Francophonie (OIF) and the NGO HURIDOCS (Human Rights Information and Documentation Systems) for providing the Cameroon Human Rights Commission (CHRC) with the opportunity to improve its complaint management procedures.

Ladies and Gentlemen,

The Seminar that opens today marks an important milestone in the cooperation between the Government of Cameroon through the CHRC, the OIF and the NGO HURIDOCS.

It reveals the Commission's determination to play a part in the symphony of the development of the digital economy in our country, which His Excellency Paul BIYA, the President of the Republic, wishes to see.

Accordingly, his words, delivered on 31 December 2015, resonate with their challenging and mobilising echo. I quote: *"We must catch up as soon as possible in the development of the digital economy. This is a real growth accelerator in addition to being a real job niche for our youth. We can take full advantage of it."* End of quote.

The transition from manual to computerised and integrated handling of complaints has the advantage of promoting speed and efficiency in that sensitive area of the Commission's work. It marks the beginning of a new era in complaints management related to human rights violations at the CHRC.

The UWAZI tool to which the members and staff of the Commission will be introduced during this seminar will not only enable the large influx of data on complaints registered by all the Commission's territorial branches to be centralised on a single platform but will also provide a rich source of statistical data on complaints, which will also be used for preparing the Commission's reports.

Let me remind you that the introduction of the UWAZI software developed by HURIDOCS with the support of the OIF is part of a capacity-building programme for National Human Rights Institutions (NHRIs) in the Francophone area, launched by the OIF in 2019.

The CHRC enthusiastically embraced this timely proposal that matched its needs. Its application was accepted and, once the software was developed by HURIDOCS, the NHRI of Cameroon was again selected to be trained in the use of this tool.

Ladies and gentlemen,

The organisation of this training certainly meets the objective of building the capacities of CHRC actors in handling CHRC complaints through the UWAZI software. Above all, digital technology and speed will be integrated into the follow-up of alleged cases of human rights violations by the Commission.

Digital technology has brought in innovation in Cameroon: whether it is the mobile phone that facilitates banking transactions and bill payments, the internet that enables the availability of the latest products, the clearance of goods or the payment of taxes, electronic air tickets, online reservations or purchases, from now on, every citizen can benefit from certain privileges of digital transformation. This should be extended to human rights, and access to UWAZI software is a gateway to this.

I, therefore, urge all participants to demonstrate interest and curiosity during the seminar, to acquire mastery of the components of the UWAZI database, develop the ability to create and use the templates that are included in this platform, as well as the ability to manage attachments and master the use of filters to perform calculations and analyses.

I thank Mr CHAMRID KPADONOU, the expert sent by HURIDOCS to conduct this training.

I am sure that this seminar will enable the Commission to be more effective and efficient in tackling human rights violations in Cameroon.

Wishing great success to this meeting, I solemnly declare open **the Seminar on "UWAZI" for handling complaints on human rights violations.**

Long live the collaboration with the International Organisation of the Francophonie and HURIDOCS!

Long live the Cameroon Human Rights Commission!

Thank you for your kind attention.



DAY OF PARLIAMENTARY ACTION FOR PEACE
Organised by the International Association of Parliamentarians for Peace
The Assembly Chamber - Conference Centre

Yaoundé, 22 November 2021

ADDRESS BY THE CHAIRPERSON OF THE CAMEROON HUMAN RIGHTS COMMISSION

The Right Honourable Speaker of the National Assembly,
The Minister of Territorial Administration,
The Minister of Sports and Physical Education,
The Minister of Arts and Culture,
The Representative of the Director of the United Nations Centre for Human Rights and Democracy in Central Africa
The Secretary-General of the National Assembly,
The President of the International Association of Parliamentarians for Peace,
Honourable parliamentarians, all protocols observed,
Distinguished experts, facilitators and resource persons,
Distinguished guests,
Ladies and Gentlemen,

I have the great honour to speak this day on behalf of the Cameroon Human Rights Commission (CHRC), in this meeting, called Parliamentarians for Peace Day. On this solemn occasion, I would like to express my deep gratitude to the International Association of Parliamentarians for Peace for having associated the Cameroon Human Rights Commission with this important activity. It is worth mentioning that the collaboration between the International Association of Parliamentarians for Peace (IAPP) and the National Human Rights Institution of Cameroon was strengthened this year, when an important delegation composed of honourable deputies and senators, members of this Association visited the CHRC, last 22 June, headed by the Honourable EMABOT Brigitte, the President of the Association, and assisted by the Honourable NGUENKAM TCHOUGA Marie-Louise and NGANGOUBE Aminatou, respectively advisor and deputy treasurer at the AIPP

This meeting enabled us to discuss subjects of common interest and to envisage avenues of collaboration, including the joint implementation of certain activities of common interest, and I am pleased about that.

On the same day, in the morning, the Cameroon Human Rights Commission had the honour of being invited by the members of the National Assembly's Law, Justice, Legislation and Rules Committee

to a briefing session. This session, which was held at the Conference Centre, also provided an opportunity to take steps towards defining a permanent cooperation framework between the CHRC and the National Assembly in human rights, with the Belgrade Principles on the relationship between national human rights institutions and parliaments, adopted in Serbia on 22 and 23 February 2012, as well as Law No. 2019 / 014 of 19 July 2019 relating to the establishment, organisation and functioning of the CHRC, as working documents. The main areas of cooperation identified on this occasion include:

- information sharing on human rights
- human rights education, training and awareness-raising
- monitoring the implementation of recommendations and decisions of regional and international human rights monitoring mechanisms
- improving the legal framework relating to human rights issues
- the presentation of the CHRC's annual reports to Parliament, which is a requirement of the Paris Principles concerning the status and functioning of national human rights institutions; and
- the allocation of adequate resources to the CHRC.

Honourable Members, Excellencies, Ladies and Gentlemen

The CHRC feels particularly challenged by the theme of today's meeting, that is, *the contribution of sport and culture in maintaining sustainable peace in times of crisis and the Covid-19 pandemic*, because although the country is at peace with its neighbours and other countries of the world, the light of peace no longer illuminates three of its ten regions. The darkness of conflict obscures the horizon of human rights.

Human rights are the founding principle of modern societies. The human right for peace, which is the inalienable right to life, dignity and peaceful coexistence of all individuals, groups and peoples, are being flouted by warlords and terrorists who have been killing, beheading, amputating, eviscerating, torturing and depriving in the Far North since 2014 and the North-West and South-West regions since 2017, violating all rights, including the right to life, the right to physical integrity, the right to health, the right to food the right to shelter given the number of refugees and internally displaced persons, the freedom of movement, the right to education, the freedom of trade and industry, the property right, the right to a fair trial through repeated actions and orders aimed at paralysing the justice of the public service in the regions concerned, the specific rights of women and girls through sexual abuse and slavery, unwanted pregnancies and other forms of gender-based violence.

By quoting the Declaration of the United Nations on the Rights of Peoples to Peace approved by the General Assembly in a resolution of November 12, 1984, the National Human Rights Institution, which I am honoured to represent strongly states that "the absence of war is, at the [national, regional and] international levels, a primary condition for the well-being, material prosperity and progress of States, as well as for the full realization of fundamental human rights and freedoms", as proclaimed by the Constitution of January 18, 1996, and all regional and international human rights instruments. Peace is also a condition for the survival of the nation.

The Cameroon on Human Rights Commission reiterates that since its resolution 1566 (2004) of 8 October 2004 calling for tighter cooperation in the fight against terrorism, the Security Council of the

United Nations United (UN) "strongly condemns all acts of terrorism [...] whatever the motives, wherever they are committed and whomever the perpetrators".

The Commission urges all souls of peace, national, sub-regional, regional and international actors and partners, both bilateral and multilateral, of Cameroon to redouble their efforts to seek out, help arrest and bring to justice the perpetrators, the sponsors of these terrorist acts and all those who are the instigators, who support them or who advocate them, as per international law against terrorism.

At the African regional level, the African Charter on Human and Peoples' Rights (ACHPR) adopted in 1981, which entered into force on 28 October 1986, refers to the right to peace from a collective perspective. Thus, article 23, paragraph 1 of the ACHPR states that "*All peoples shall have the right to national and international peace and security...*". This consecration of the Right to Peace calls for the adoption of measures both nationally and internationally, on the one hand, to prevent conflicts and, on the other hand, to preserve, maintain and consolidate peace.

Peace is indeed one of the expressions of African soul and culture. The luxuriance of our landscapes, the musicality of our rivers and forests, our aesthetic emotions as well as our dispute resolution mechanisms constantly call for conviviality and elevation towards our traditional values.

As the Gabonese academic Bonaventure Mvé-Ondo recalled, in Africa, "*before belonging to himself, the individual belongs to the family, to the lineage, to the village community and the ethnic group*" (Le Point, "References" collection, *The Soul of Africa / Epics, tales and legends*, November-December 2012, p. 72). May the families, lineages, village communities and ethnicities, therefore, request our brothers to lay down the arms they have taken up against the state in a hopeless battle. Let them appeal to them for them to respect the Bigger Picture of the founding fathers of this country. They should appeal to them to drink the African cultural sap through The Mandé Charter, the Mandingo Declaration of Human Rights which enjoins everyone: "that everyone watches over the country of their fathers".

On a universal scale, *the Charter of the United Nations of 1945* and *the Universal Declaration of Human Rights of 1948* were adopted in a context marked by the appalling and massive violations of human rights to which the Second World War gave rise. Subsequent developments concerning the theme of peace and human rights resulted in the aforementioned Declaration on the Right of Peoples to Peace, which the United Nations General Assembly approved on 12 November 1984.

In the same vein, in 2001, the United Nations Commission on Human Rights, now the Human Rights Council, adopted a specific resolution on the "right of peoples to peace".

It is in this perspective that the former Secretary-General of the United Nations, the Egyptian Boutros Boutros-Ghali, in 1992 proposed his famous *Agenda for Peace* which was based on international solidarity in three mainlines, as follows:

- conflict prevention or peace-building diplomacy in peaceful areas
- peacekeeping in conflict-prone areas
- peacemaking (or peace enforcement) in war zones.

Unfortunately, such an Agenda did not obtain a favourable response from certain great powers, members of the United Nations Security Council and the African continent is still paying the heavy price of wars from elsewhere against a backdrop of exacerbation of cultural differences (ethnic, linguistic, religious, etc.) that are inherent in any human society.

It is therefore easy to understand why culture and sports were chosen by the organizers of this meeting as suitable levers to activate the peace machine in Cameroon where the security situation in

some regions is still a concern on the eve of the African Cup of Nations CAN TotalEnergies 2021 to hold in Cameroon. It is therefore a question, through meetings like these, to lay the groundwork for the necessary return to peace, the only framework conducive to the development of human beings and the exercise of their fundamental rights.

Indeed, the current security situation in Cameroon is still exerting serious repercussions on human rights. For example, the CHRC data collected between January and November 2021 concerning the human rights situation indicate that:

- 107 civilians were killed during conflicts, including 11 children, 6 women, 4 old people and 5 state agents
- 59 people were injured during conflicts, including 7 women and 4 children
- 87 people were kidnapped, including 8 children and 24 women
- a total of 711,056 internally displaced persons from the North-West and South-West regions and 341,535 due to Boko-haram attacks in the Far North Region were identified
- Nigeria has recorded a total of 452,420 Cameroonian refugees since the start of the crises
- 4,293 schools have been shut down due to the conflicts, ie 3,220 in the North West region, 69 in the Far North region and 1004 in the South West region
- a total of 3,403 cases of women and girls victims of gender-based violence were brought to court in the North-West, South-West and Far-North regions.

Your Excellencies, Ladies and Gentlemen,

As you will have understood, given the dramatic data mentioned above, the search for peace in our country should provoke deeper thought, for us to contribute to the several initiatives of the Head of State, the most famous beggar for peace in the world, in favour of dialogue, humanitarian assistance and comfort to victims of conflicts.

The words of His Excellency Paul BIYA, the President of the Republic of Cameroon, this follower of the truth, which he declared before his peers on 22 September 2017 during the seventy-second session of the United Nations General Assembly, deserve to be cited:

For Cameroon, as for most of our States, peace is a sine qua non for the survival of humanity and any sustainable development. This peace remains dangerously threatened, in particular by terrorism, conflicts, poverty and climatic disturbances. Today we are all, I would say, beggars for peace. And these persistent threats challenge us all at the highest level.

The strength of this verb has translated “what is to be said” to “what is to be done”. This vibrant appeal was thus reflected internally by what has been called the Head of State's Peace Offer, stated in his inauguration speech to the Presidency of the Republic on 6 November 2018.

This extended hand to those who have taken up arms against the nation has materialized in:

- the creation, on November 30, 2018, of a National Committee for the disarmament, demobilization and reintegration of ex-combatants
- the presidential pardon granted in September 2019 to secessionist fighters from the North West and South West wishing to lay down their arms and join the peace process initiated by the Government
- the organization of the Major National Dialogue from September 30 to 4 October 2019. The Major National Dialogue having resulted in resolutions that are implemented gradually, but

at an accelerated pace, more than 80 of them were fully implemented at the end of October 2021

- the establishment of Regions with special systems in the North-West and South-West Regions
- adoption of a reconstruction and development plan for the North-West and South-West regions
- the establishment of humanitarian emergency plans for the Far North, North West and South-West regions
- the appointment of Public independent conciliators for the North-West and South-West regions, etc.

As far as the CHRC is concerned and to continue the peace efforts thus initiated, it recommends that secessionists and other warlords who are rife in these regions should:

- take hold of the outstretched hand of His Excellency Mr Paul Biya, Head of State, peace seeker, and what more? "Beggar of peace" - who has already organized 16 formal dialogues of different formats and in various places in an attempt to bring peace to the North-West and South-West Regions - they, therefore, should take hold of the outstretched hand of the President of the Republic and lay down the weapons they illegally hold, and integrate the Disarmament, Demobilization and Reintegration Centers, so that peace can finally return to the three wounded regions
- the Commission considers that the scale, the cruelty and the revolting character of the crimes perpetrated by these non-state actors must lead the secessionists who started the hostilities in these two regions of the North-West and South-West to give up their project and to put an immediate end to the violence. They should stop the Human Rights violations and especially the violations of the fundamental rights of the citizens that they claim to defend. This message equally concerns the local henchmen of Boko Haram.
- the Commission is still urging the people, particularly those in the regions concerned, to collaborate fully with the defence and security forces, to get their hands on the warlords who are hostile to any compromise and their agents.

The Commission recommends that the Government should:

- focus on conflict prevention in regions experiencing stability, by promptly de-escalating social tensions which, taken together, could serve as a breeding ground for conflict
- ratify the Arms Trade Treaty to prevent the spread and illicit circulation of small arms and light weapons, ammunition and other components used in their manufacture
- continue implementing UN Resolution 1325 (2000) entitled Women, Peace and Security by adopting the second generation of the related national action plan, and finally
- promote access to remedy for victims of conflict.

With less than two months to go for the African Cup of Nations, the CHRC expresses the fervent wish that the magic of football which is more than a sport, the unparalleled fervour that this sports triggers and the communion that it spontaneously spreads in the hearts will contribute in a miraculous way to bring back peace in our dear and beautiful country.

Long live Cameroon as a haven of peace!

Long live human rights!

Long live an upright, united and indivisible Cameroon!



Cameroon Human Rights Commission (CHRC)
Commission des Droits de l'homme du Cameroun (CDHC)

STRATEGIC MEETING TO PRESENT THE PRIORITY NEEDS AND MULTI-YEAR PLANNING DOCUMENTS OF THE CHRC

Speech by the Chairperson of the CHRC

Yaoundé, Hilton Hotel

30 November 2021

The Minister of Labour and Social Security,
The Coordinator of the Disarmament Demobilisation and reintegration (DDR) Centres,
The Vice-Chairperson of the National Anti-Corruption Commission (CONAC),
Distinguished representatives of public administrations,
The Resident Representative of the United Nations Development Programme (UNDP),
Your Excellencies, Heads of Diplomatic Missions,
The Coordinator of the Technical Secretariat of the Peace Building Fund in Cameroon,
The Technical Secretary of the Peace Building Fund in Cameroon,
Distinguished Representatives of the UN System Agencies,
Distinguished Representatives of International Organisations and Development Partners,
Distinguished Commissioners, Members of the CHRC,
Distinguished representatives of civil society organisations,
Distinguished partners, all protocols observed,
Distinguished guests,
Dear participants,

It is a great honour for me to speak this day at this strategic meeting, on behalf of the Cameroon Human Rights Commission (CHRC) to present the priority needs and multi-year planning documents of the Cameroon Human Rights Commission (CHRC).

The overwhelming presence of the participants in this meeting gives me confidence that the objectives to strengthen the synergies between the Commission and its various partners in the public and para-public administrations, UN agencies and other international organisations, non-governmental organisations and civil society will be achieved.

I approach this meeting with humility and enthusiasm, because it is an opportunity to tell you that we need your precious support to make the CHRC the reference structure for human rights in Cameroon, Central Africa, Africa and, why not, the world. This is also an opportunity to remind you that, despite the disturbing human rights situation in the country, mainly due to the security situation in three regions of the

country, all the Member Commissioners of the CHRC are convinced supporters of permanent cooperation and constructive dialogue with all the actors, as levers for progress in human rights.

We are gathered here to prepare and strengthen the CHRC's contribution to the consolidation of peace in certain regions of Cameroon. The African Charter on Human and Peoples' Rights (ACHPR) adopted in 1981, which came into force on 28 October 1986, refers to the right to peace from a collective perspective. Paragraph 1 of Article 23 states that "*All peoples shall have the right to national and international peace and security*". Such enshrinement of the right to peace calls for the adoption of measures at both the national and international levels, on the one hand, to prevent conflicts and, on the other hand, to preserve, maintain and consolidate peace.

However, since it is still not easy for some of you to identify the unique role of National Human Rights Institutions, let us specify in a nutshell that they are bridging institutions between the Government, Parliament and civil society.

Cameroon's new NHRI is being set up in a troubled security context, often characterised by terrorist attacks of absolute horrors, such as the one that occurred on 24 November 2021 in Ekondo Titi, in the South West Region. The memory of our children murdered by lawless persons in their classrooms requires us to **observe a minute of silence**.

I heard your silence...

Ladies and Gentlemen, distinguished guests,

In this troubled security context, all human rights are at risk: the right to life, the right to physical and moral integrity, the right to food, the right to shelter given the number of refugees and internally displaced persons, the right to education, the right to health, freedom of movement, the right to property, the right to work, the freedom of trade and industry the right to access to justice and a fair trial, the right to dignity, the right to an adequate standard of living, the right to identity, and the special rights of women and girls whose repeated violations such as sexual abuse and slavery, unwanted pregnancies and other forms of gender-based violence that hit vulnerable groups hardest.

So I ask: how can a child without a birth certificate, which got destroyed in the course of displacement in search of safety - thus violating his or her right to an identity - enjoy his or her right to education when innocent peers pay for their thirst for knowledge with their lives when they are not amputated, beheaded, severely injured, stripped or beaten up? When he is forced to hide his student identity for fear of retaliation, when he sees his parents and teachers killed, kidnapped or his house burned down? When playing by the side of a pathway, he may lose a limb or his life to improvised explosive devices?

The Commission urges all souls of peace, national, sub-regional, regional and international actors and partners of Cameroon, both bilateral and multilateral, to intensify their efforts, according to the International Law on the fight against terrorism, to seek out, arrest and bring to book the perpetrators, sponsors, instigators and all those who blight the banner of human rights by advocating abuses and violations of human rights. In this regard, I commend the heroic action of a local vigilante group that recently (last week) arrested about 20 secessionist terrorists at the PAMOL Plantations PLC agro-industrial plantations, after the terrorists attacked and killed one person at the company's facilities. The attackers, two of whom were killed, were handed over to the authorities.

I long for peace to return! Peace through the individual and collective appropriation of Human Rights and the progressive and complete acceptance by all of their indivisibility as well as their...

universality. This requires respect for the rule of law and human rights, as opposed to the barbarity and terror imposed by the makers of chaos who flagrantly flout the human right to peace, which is the inalienable right to life, dignity and peaceful coexistence of all individuals, groups and peoples.

I hope that peace will return, to bring everyone to respect human rights, according to the clear and firm determination of His Excellency Paul Biya, the President of the Republic, the most renowned beggar of peace in the world and adept at telling the truth, who hammered home to the Defence and Security Forces, at the graduation ceremony of the 37th Batch of the Yaoundé Combined Military Services Academy, on 24 January 2020, that "*in performing [their] duty, [they] must respect human rights*". The force of this statement turned 'words' into 'action'. It is an unequivocal statement by a humanist who wants to make the country a genuine land of human rights by speaking out against enforced disappearances on the ground, torture, summary executions and all cruel, inhuman or degrading treatment in detention centres or outside such facilities.

May peace return because of the determined action of women human rights defenders who play a crucial role in the effort to prevent human rights violations, resolve conflicts, and assist in the recovery and peace-building processes. This is why the CHRC has recently adopted a *gender action plan* that will serve as a compass in the years to come, especially in the North West and South-West Regions, two Regions where the horizon of human rights is darkened by clashes, attacks and bombings.

Members of the Government,

Dear Partners,

Distinguished representatives of civil society,

Peace is our collective responsibility. This humanitarian objective requires us to cooperate with well-informed and effective human rights defenders at the national level, and requires us to recognise that our Government is increasingly responsible for the respect for its human rights commitments: Everyone has seen the promptness with which appropriate measures are now taken each time a serious violation of human rights occurs. It is also important to note that Cameroon is the only country on the continent that is up to date in submitting all its reports to the African Commission on Human and Peoples' Rights.

We need to protect human rights while constantly reminding ourselves of the duties that are too often neglected, even though the Constitution of Cameroon and the domestic laws adopted as part of implementing regional and international legal instruments ratified by the State of Cameroon guarantee to all persons under its jurisdiction the free exercise of rights '*subject to respect for the rights of others and the higher interest of the State*'. Unfortunately, there is a tendency to forget this part of the Preamble of our Constitution, which recalls Article 27 (2) of the African Charter on Human and Peoples' Rights, as follows: '*The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest*'. By ignoring these statements, we overlook the warning of Gustave le Bon, a French physician, anthropologist, social psychologist and sociologist - a specialist in, among other things, behavioural disorder and crowd psychology - who observed that "*the surest way to destroy the principle of authority is to talk to everyone about their Rights and never about their duties*".

Ladies and Gentlemen,

Distinguished guests,

We are gathered here to request your support for the full functioning of the CHRC We are gathered here to request your support for the full functioning of the CHRC by virtue of its founding law No. 2019/014 of 19 July 2019, seven months to the day after its inception, as evidenced by the assumption of office by its 15 new permanent members following their swearing-in before the combined chambers of the Supreme Court on 29 April 2021, after setting up the three permanent working sub-commissions, namely the sub-commission in charge of Human Rights Promotion, the sub-commission in charge of Human Rights Protection and the sub-commission in charge of Torture Prevention, and also after the adoption of its Strategic Performance Framework supported by the National Development Strategy 2020-2030 (NDS30).

The balance sheet of this phase of making our NHRI operational, which now acts as the National Mechanism for the Prevention of Torture in all detention centres throughout the national territory, with improved facilities for carrying out its missions and reinforced investigative powers and new prerogatives, including acting as *amicus curiae* before all competent jurisdictions, our balance sheet shows that despite the fact that we operated in 2021 on the modest budget provided for the former National Commission on Human Rights and Freedoms, which had only two permanent members and a two-pronged mission, we were able, without being exhaustive, to:

- organise three training workshops for new members (induction workshop, training on African human rights mechanisms and training on business and human rights),
- build the technical and organisational capacities of civil society organisations as part of the Project to Improve the Conditions for Exercising Freedoms in Cameroon, implemented with funding from the European Union and which we hope will be renewed once the results have been evaluated
- prepare two thematic reports on the resurgence of violence against civilians in the Far-North, North-West, South-West, West and Adamaoua Regions from January to June 2021, and compensate victims of arbitrary pre-trial detention and abusive police custody,
- visit 16 police custody units, nine prisons and one psychiatric hospital in July and August 2021. The CHRC teams are currently deployed throughout the country to visit 73 detention facilities in the 10 regions of the country, including nine central prisons, 12 main prisons, 30 security rooms in gendarmerie brigades, 21 security rooms in police units and one security room in the prosecutor's office. As of 29 November 2021, 21 detention facilities had already been visited, i.e. three central prisons, five main prisons, four security rooms in gendarmerie brigades, eight security rooms in police units and a security room in the public prosecutor's office. The Commission would like to express its deep gratitude to the Minister of State, Minister of Justice, Keeper of the Seals, the Delegate General for National Security and the Secretary of State for the Gendarmerie, who took the necessary measures to facilitate this vast fieldwork for the protection of human rights and the prevention of torture. Thanks to these good arrangements, by the end of December, 52 more detention facilities will be visited, including six central prisons, seven main prisons, 26 security rooms in gendarmerie brigades and 13 security rooms in police units.

- Handle 425 of the 633 complaints registered in 2021 at Head Office and branches,
- issue five press releases on serious human rights violations perpetrated by both state agents and private individuals and 15 statements to mark regional or international human and peoples' rights days on issues as varied as victims of the Holocaust, female genital mutilation, police violence, labour, refugees, victims of torture, victims of torture, and women and children, female genital mutilation, police violence, labour, refugees, victims of torture, indigenous peoples, attacks on education, mental health, children, and most recently on the International Day for the Elimination of Violence against Women on 25 November,
- The CHRC has participated in 19 activities organised by CSOs since January; I was personally able to participate in four out of the five activities I agreed to, the last one being the closing ceremony of the Looking Beyond Prison project, carried out by the Centro Orientamento Educativo (COE), with funding from the Italian Agency for Development Cooperation (AICS) on 17 November 2021 here in Yaoundé.

While these efforts are a promising start to our mandate, there is still a long way to go to fulfil all our mandates, but we know we can count on you. We have been working since April 2021 to raise awareness of our mandate and new missions, to fully play our advisory role to the Government and Parliament, and we have strengthened our collaboration with CSOs, particularly with the 241 CSO members of the Cameroon Freedoms Observatory and the hundreds of CSOs affiliated to the CHRC, and with our main partners.

I take this opportunity to extend my deep gratitude to the Government for the efforts made to provide additional - even though very inadequate - budgetary resources to the CHRC, at a time when the COVID pandemic and the security situation are weighing heavily on public finances.

Ladies and Gentlemen,

I would like to especially thank MINEPAT and UNDP for involving the CHRC as an implementing actor of the project on Strengthening the Participation of Community Mechanisms and the Role of Human Rights Defenders in the Peacebuilding Process in the North-West and South-West Regions of Cameroon, carried out under the cooperation agreement between Cameroon and the UN Secretariat General, through the UN Peacebuilding Fund. Please be assured of our strong commitment to implement the activities included in the project.

It is to strengthen our operational capacity that the priority needs for the optimal functioning of the Commission have been assessed. These needs will be presented to you shortly. No need to reiterate that without your technical and financial support, these needs will never be met.

I can already tell you that this evaluation has revealed that we will have to gradually conquer spaces to hoist the banner of human rights, including through the ongoing decentralisation process, and to communicate more about our actions to get sufficiently close to survivors and other victims of human rights violations.

The strategic planning documents that will also be presented to you, foresee activities that respect the strategic guidelines of the State in terms of sustainable development, without evading our unique nature of the CHRC, which justifies the broad mandate that has been entrusted to us. I invite you to pay attention to the following presentations, to shop around in our basket of needs and activities and, above all, not to hesitate to approach us for further details.

It is well known that civil society has high expectations of the CHRC. The Coordinator of the OLPC and the President of the Cameroonian Network of Human Rights Defenders (RECODH) have expressed their satisfaction at having open and attentive partners to the concerns of CSOs. I would like to assure you that we will continue in this direction.

I would like to urge you once again to always demonstrate a high degree of professionalism and patriotism. I like to quote Hubert Védrine, the former French Minister of Foreign Affairs, who wrote that "an American NGO is first of all American before being non-governmental"; therefore, a Cameroonian CSO must also, first of all, be Cameroonian and magnify each of the three components of the country's motto: Peace-Work-Fatherland.

I would like to close my remarks by urging all of us to demonstrate generosity for human rights and work together to direct our actions towards achieving mutually agreed objectives. Such collaboration will be beneficial to all when our common human rights aspirations converge so that the light of peace may once again shine on the ten Regions of the country, such that:

Long live human rights!

Long live national and international cooperation on human rights!

Long live an upright, united and indivisible Cameroon!



Cameroon Human Rights Commission
Commission des Droits de l'homme du Cameroun

69th SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

15 November to 5 December 2021

Statement by the Cameroon Human Rights Commission (CHRC)

**The Chairperson of the African Commission on Human and Peoples' Rights,
Honourable Commissioners,
Distinguished Representatives of States,
Distinguished Representatives of National Human Rights Institutions,
Dear Representatives of Non-Governmental Organisations and Civil Society Organisations,
Ladies and Gentlemen, all protocols observed,**

I am honoured to be given the floor at the 69th Session of the African Commission on Human and Peoples' Rights, following the effective establishment of the Cameroon Human Rights Commission (hereinafter: "CHRC") and I am delighted as this gives me the opportunity to take stock of the actions undertaken by the CHRC to implement its mandate and to inform you of the current human rights situation in Cameroon.

Concerning the actions, the CHRC has taken to implement its mandate,

Since the 68th session of the ACHPR last April, the CHRC has, with the support of various partners such as the UN Centre for Human Rights and Democracy in Central Africa and the Network of African National Human Rights Institutions (NANHRI) - before the newly promoted members were deployed in the field - benefitted from an *initial training* for the members and some of the staff members (25 - 28 May 2021) and a workshop on *litigation before African regional human rights bodies* (15 - 16 June 2021). A special workshop to train CHRC members and staff on the national torture prevention mechanism is already scheduled for December 2021. The CHRC reiterates its wish to be able to count on the technical support of the Committee for the Prevention of Torture in Africa to accomplish this mission.

I would also like to mention the CHRC Statement that was released on 21 October, which marked the African Human Rights Day and the 40th anniversary of the African Charter on Human and Peoples' Rights. The Statement recalled the steady progress in achieving the rights enshrined in the Charter, while not shying away from the ongoing challenges hindering their full implementation. The CHRC also recommended that *the Charter be given greater visibility as a regional instrument that takes the specific*

features of African peoples on board so that they can appropriate it and make use of it for the protection of their rights.

This is just an example of the CHRC's promotion activities since the completion of its transformation in February 2021. Since that date, the CHRC has strengthened its visibility and its advocacy methods with various actors, through releasing statements on 30 regional and international human rights days that the CHRC decided to celebrate. The recommendations resulting from the 13 statements and 4 press releases already published are echoed in the public administrations to which they are directed, insofar as they are approaching the institution to better address the human rights issues raised.

Furthermore, as prescribed by law, the three Sub-Commissions of the CHRC, that is, the Sub-Commission on Promotion, the Sub-Commission on Protection and the Sub-Commission on the Prevention of Torture, have been set up and each has a track record. These include:

- the adoption of a gender action plan
- the drafting of two theme-based reports on The Resurgence of Violence against Civilians in the Far North, North West, South West, West and Adamaoua Regions from January to June 2021 and on Compensation for Victims of Arbitrary Pre-trial Detention and Abusive Police Custody
- the visit to 16 police custody units, 9 prisons and a psychiatric hospital. It should be stated that the CHRC teams will again visit detention facilities in the 10 regions of the country between 15 November and 10 December 2021.

In terms of collaboration with CSOs, the CHRC daily strives to strengthen such cooperation, recognising their dynamism and by strengthening the organisational capacities of the 241 CSO members of the Cameroon Freedoms Observatory (OLPC), as part of the Project to Improve the Conditions for Exercising Freedoms in Cameroon, which the European Union is funding.

Let me equally inform you that the CHRC, to perfect ties with regional human rights monitoring mechanisms, has submitted its application for affiliation to the African Committee of Experts on the Rights and Welfare of the Child and hopes that the application will be favourably handled.

Finally, the CHRC remains attentive to the publication of the concluding observations of the ACHPR, following the submission by Cameroon of its combined 4th, 5th and 6th periodic report (2015-2019) under the African Charter on Human and Peoples' Rights.

Concerning the general human rights situation in Cameroon,

The situation is still disturbing and mainly shaped by the security problems in the Far North, North West and South West regions. Many hundreds of thousands of people are internally displaced. Violations of the right to live in the two troubled regions are unfortunately increasing because of the frequent fighting between the Defence and Security Forces (FDS) and non-state armed groups, and direct attacks on civilians by these combatants.

In the Far North Region, the most striking events of recent months were the destruction by fire of entire villages in the Mayo-Tsanaga and Logone-et-Chari Divisions by *Boko Haram* terrorists, forcing the populations of these villages into internal displacement. In the same region, the use of *improvised explosive devices* is common and several children were victims during the reference period.

The good news is that more than 1,000 Boko Haram repentants have moved to the Disarmament, Demobilisation and Reintegration Centre in Meri, where a special site has been created to accommodate a number of them, as the initial capacity of the centre is 150 persons.

In the **South West and North West Regions**, attacks and human rights violations continue unabated. Without being exhaustive, apart from the right to education, the CHRC equally observed the use of *improvised explosive devices* by the secessionist terrorists, thus endangering the lives of children and, in a perfidious manner, the lives of the Defence and Security Forces dedicated to the noble task of defending the territorial integrity of Cameroon and protecting goods and persons.

The CHRC is concerned about the impact of such insecurity and *Ghost Town* actions imposed by the separatists on the people's right to health and the right to food in these areas. Humanitarian organizations are now talking about the food insecurity of 40,000 people who could not receive assistance between January and August 2021. Furthermore, repeated cases of **sexual and gender-based violence (SGBV) have been reported in these two regions, with 1,205 cases reported** in August 2021 only, according to the Office for the Coordination of Humanitarian Affairs in Cameroon.

As part of responding to terrorist attacks, some law enforcement officials have sometimes failed in their duty, exposing some people to arbitrary arrest and detention or to torture and cruel, inhuman and degrading treatment. Some unprofessional practices also undermine access to the rights to justice, to a fair trial and to identity for the inhabitants of these areas, who end up suffering reprisals from the protagonists, suspected of complicity with non-state armed groups on the one hand, and of intelligence with the FDS on the other.

Human rights violations as part of the troubled security situation in these two Regions are multiplying **despite the repeated efforts of the Government to restore peace** and offer mediation to the secessionist fighters in the North-West and South-West Regions. They stubbornly maintain their intransigent stance. It is worth mentioning that the State has already organised 16 dialogues of different formats and brought together various actors to find a peaceful solution to this situation.

The CHRC urges all peace-loving souls, national, sub-regional, regional and international actors and partners, both bilateral and multilateral, of Cameroon to redouble their efforts to seek out, help arrest and bring to justice the perpetrators and sponsors of such terrorist acts and all those who instigate, support or condone them, according to the international law against terrorism.

Honourable members, dear participants, in conclusion, the CHRC expresses the wish to see the fulfilment of the ACHPR objectives to promote and to protect Human Rights, and I hereby reiterate the firm and resolute support of the CHRC in this regard.



**1st and 2nd ORDINARY SESSIONS OF THE GENERAL ASSEMBLY OF COMMISSIONERS OF
CAMEROON HUMAN RIGHTS COMMISSION (CHRC)
21 and 22 December 2021, Yaoundé**

SPEECH BY THE CHRC CHAIRPERSON

The Vice-Chairperson of the Commission,

Distinguished Chairpersons of the Sub-Commissions,

Distinguished Commissioners of the CHRC,

The Permanent Secretary,

The Head of Division of Promotion and Protection,

The Head of the Project to Improve Conditions for Exercising Freedoms in Cameroon (PICEF),

Dear collaborators, all protocols observed,

Distinguished representatives of the press,

Ladies and Gentlemen,

I am greatly honoured to take the floor at the first ordinary session of the General Assembly of Commissioners of the Cameroon Human Rights Commission, to be followed by the second ordinary session of the same Assembly.

Further to the presidential decrees of 19 February 2021 appointing the main officials and members of the Cameroon Human Rights Commission (CHRC), the swearing-in ceremony of the 15 Commissioners before the Assembled Chambers of the Supreme Court on 29 April 2021 marked the inauguration of the new national human rights institution of Cameroon, an institution of sovereignty entrusted with the missions of promotion and protection of human rights, and of prevention of torture.

The National Human Rights Institution of Cameroon underwent two changes of name, configuration and powers between 1990 and 2019. The former National Commission on Human Rights and Freedoms set up by Presidential Decree of 8 November 1990 was replaced by the National Commission on Human Rights and Freedoms following the enactment of the law of 22 July 2004 as amended and supplemented by the law of 13 April 2010. It is through the promulgation of the law of 19 July 2019 which establishes it, organises it and governs its functioning that the CHRC was born from the ashes of the defunct Commission, with a wider and stronger mandate.

Immediately the day after the solemn swearing-in ceremony of the members of the new institution, the process of establishing the Commission was initiated with the constitution of the three standing Sub-

Commissions, the election of the Chairpersons of the Sub-Commissions and the immediate assignment of duties to each of the three Sub-Commissions. Provisional offices were also set up at the Head Office, to enable the Commissioners to start work immediately.

This impetus was also translated into a series of initial trainings for CHRC members. The training sessions came as the fruit of cooperation between the Commission, the networks of National Human Rights Institutions (NHRIs), certain privileged partners and UN system agencies. These are the following three events:

- The Induction Workshop for Members and Staff of the CHRC held from 25 to 28 May 2021 at the Mont-Fébé Hotel in Yaoundé physically and in virtual mode, in collaboration with the Global Alliance of National Human Rights Institutions (GANHRI), the *Association francophone institutions nationales des Droits de l'homme* (AFCNDH) the Network of African National Human Rights Institutions (NANHRI), the *Organisation internationale de la Francophonie* (OIF), the United Nations Centre for Human Rights and Democracy in Central Africa (UNCHR-AC), honoured by the presence of the Chairperson of the National Council for Human Rights of Côte d'Ivoire
- The Training Workshop on Litigation before African Regional Human Rights Bodies was held from 15 to 16 June 2021 in Mbankomo, with the support of the Network of African National Human Rights Institutions
- The consultation workshop to implement an action plan on business and human rights, held at the Merina Hotel in Yaoundé from 30 June to 1 July 2021, with the support of the UN Centre for Human Rights and Democracy in Central Africa (UNCHR-AC)

The Training Workshop on the functioning of the National Mechanism for the Prevention of Torture, initially scheduled for 14-16 December 2021, to better acquaint the CHRC members and staff with this new mandate under the 2019 Law, was postponed to a later date due to the closure of the borders of the country of origin of the main speaker of the Workshop.

Distinguished Commissioners,

Ladies and Gentlemen,

The solemn inauguration of this first General Assembly of the CHRC offers me the opportunity to extend to all our partners the deep gratitude of the Commission.

Considering the foregoing, you will easily agree with me that this year the first ordinary session of the General Assembly of Commissioners could not take place in May, as provided for in paragraph 1 of Section 25 of the law establishing the Commission, The Commission's normal schedule of activities was disrupted by the work overload due to the dual need to continue the work of promoting and protecting human rights, while at the same time being actively involved in making the new structure operational. Some staff members experienced difficulties during this phase, as annual leave and other leave were suspended.

Before mentioning the main items submitted to the consideration of the '*guiding and deliberative organ of the Commission*', I would like to dwell on the human rights situation in Cameroon in 2021, the major actions of the CHRC, promotion, protection and cooperation activities, meetings and consultations, which the CHRC either organized or participated in.

You may have noticed that, like many experts in the field, I prefer the expression “*Droits de l’homme*” to “*Droits humains*”, “*Droits fondamentaux*” and “*Droits de la personne humaine*”, because of its historical and philosophical significance.

With regard to the human rights situation in Cameroon in 2021, it can be observed that it is still mainly affected by security problems and, to a lesser extent, by the resurgence of attacks on the dignity of persons on social media and by the new corona virus pandemic.

With regard to security problems, they are once again reflected in the area of interest to us by the numerous atrocities committed by Boko Haram in the Far North and by terrorist armed groups in the North-West and South-West Regions, not only against civilians, but also against members of the Defence and Security Forces carrying out their duty to safeguard the integrity of the territory and protect persons and goods.

The CHRC notes that, as at 20 December 2021:

- That approximately 3 million people have been killed, injured, internally displaced, made refugees, deprived of the right to education, the right to protection of their health, the right to property and the freedom to come and go, or the freedom of trade and industry, as a result of the security situation in the North-West and South-West Regions
- Due to the security situation in the North-West, South-West and Far-North Regions, 851,840 internally displaced persons (IDPs) were recorded
- that 4,293 schools were closed due to armed conflicts, including 69 in the Far-North Region, 3,220 in the North-West Region and 1,004 in the South-West Region.

The CHRC once again strongly condemns the backward and barbaric acts of armed independence groups and Boko Haram.

The CHRC also notes that in 2021 there was an upsurge in violations of people's dignity on social media due to the irresponsible use of social media, including personal attacks, the promotion of hate speech and xenophobia, and the use of stigmatising language.

In addition, social media was flooded with shocking images and videos of naked and/or abused persons without their consent. These include:

- the video (released in June 2021) of a young woman taken hostage and tied up by an individual wearing a balaclava, obviously under the influence of psychotropic substances, who, after having molested and stripped her naked with a knife, uttered death threats against her,
- the video of a young girl filmed having sex in a journalist's office, which was widely disseminated on social media, from 16 June 2021,
- the video of a young woman stripped naked, molested and insulted by a group of individuals who accused her of being involved in the theft of a mobile phone and locks of hair in a shop located in Nkomkana quarter of Yaoundé,
- the video showing a group of naked young women and men being molested by some members of the Forces of Law and Order in a house in the Bonamoussadi quarter of Douala, which has been widely circulated on social media since 6 July 2021,
- several videos, the so-called “sex tapes”, showing students having ‘sex parties’, especially in Yaoundé, Kribi, Douala, etc.

The CHRC therefore condemned in the strongest terms the dissemination of indecent and violent images on the Net, which violate human dignity, the right to privacy, the right to an image, the presumption of innocence, modesty, public morality, the right to physical integrity and public decency. The Commission reiterates the call to parents, as those with the "*primary responsibility for the upbringing and development of the child*", according to Article 20 (1) of the African Charter on the Rights and Welfare of the Child, to be more rigorous and vigilant in their supervision, by instilling in them values likely to enable them to contribute effectively to the moral well-being of society as a whole.

Similarly, the Covid-19 pandemic, which broke out in Cameroon in March 2020, has contributed considerably to the worsening of the human rights situation, which had already been made serious by the insecurity affecting mainly three regions of the country. The response measures taken by the State against this pandemic have led to the restriction of certain freedoms which, combined with the budgetary adjustments imposed by the economic crisis caused by the pandemic, have ultimately affected several of the people' Freedoms: the right to life, the right to security of persons and property, the right to education, the right to health protection, the right to shelter, the right to food, etc. As of 20 December 2021, 107,662 cases of Covid-19, including 1,836 deaths, have been recorded since the onset of the pandemic.

However, all is not bleak in the area of human rights in Cameroon. The CHRC welcomes the effectiveness of the measures taken by the public authorities to fight the New Coronavirus pandemic as well as continuing measures to support certain sectors of the economy deeply affected by the pandemic. We also welcome the reintegration into school of 2,545 children who were previously out of school in the Far North Region for the 2021-2022 school year.

The Commission finally welcomes the new approach of the authorities in dealing with allegations of human rights violations, in particular in the field of military operations as well as on the premises of law enforcement bodies, although there is still room for improvement in that respect.