

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

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DE LA PROMOTION DES DROITS DE L'HOMME**

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**CAMEROON HUMAN
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**STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION
TO MARK THE AFRICAN HUMAN RIGHTS DAY**

The full achievement of economic, social and cultural rights in Africa

21 October 2022

The Cameroon Human Rights Commission (hereinafter: "the Commission"), established by Law No. 2019/014 of 19 July 2019 and set up on 29 April 2021, following the swearing-in of the members of the Commission before the Supreme Court sitting in Joint Chambers,

Recalling that the African Charter on Human and Peoples' Rights (hereinafter, the African Charter) was adopted on 27 June 1981 in Nairobi, Kenya, at the 18th Conference of the Organization of African Unity (OAU) and entered into force on 21 October 1986, after 25 States ratified the Charter,

Considering that the African Charter is the founding treaty of the African system to promote and protect human and peoples' rights, freedoms and responsibilities, and it promotes freedom, equality, justice, peace and dignity as essential objectives for achieving the legitimate aspirations of the African peoples,

Considering further that the African Charter is not only the culmination of the fusion of human and peoples' rights, but also lays the foundation for the struggle for respect for human and peoples' rights based on the fundamental values of African culture,

Recalling that the OAU became the African Union (AU) during the 36th Ordinary Summit of OAU Heads of State and Government in Lomé in July 2000,

Recalling further the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights, which was adopted on 10 June 1998 and entered into force on 25 January 2004

Considering that, under Article 63 (3), the Charter is binding on all States Parties, thereby constituting a decisive lever in promoting and protecting human and peoples' rights in Africa¹,

Observing that four protocols have been adopted to supplement the Charter, namely the Protocol Establishing the African Court on Human and Peoples' Rights (9 June 1998), the Protocol on the Rights of Women (11 July 2003), the Protocol on the Rights of Older Persons (31 January 2016) and the Protocol on the Rights of Persons with Disabilities (29 January 2018),

Observing that the African continent presents several vulnerabilities that negatively affect the achievement of socio-economic rights, and that this Day is an opportunity to mark significant achievements in the promotion and protection of human and peoples' rights in Africa, and reflect on the major challenges facing Africa², including those related to *the full achievement of economic, social and cultural rights in Africa*, which is the theme of the 41st celebration,

Recalling the Pretoria Declaration on Economic, Social and Cultural Rights in Africa, adopted by the African Commission on Human and Peoples' Rights on 17 December 2004, wherein the Commission expresses concern about the marginalisation of economic, social and cultural rights, despite the consensus on the indivisibility of human rights,

Considering that, according to the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and People's Rights, "peoples are [...] groups or communities of persons having an identifiable common interest based on shared ethnic, linguistic or other factors" and that "the term people is not simply equivalent to the term nation or state",

Considering that Civil and Political Rights are inseparable from Economic, Social and Cultural Rights both in their conception and in their universality, and that *the satisfaction of Economic, Social and Cultural Rights guarantees the enjoyment of Civil and Political Rights*,

Recalling that the African Charter recognises both the civil and political rights of the human person in Articles 2 to 18 and the economic, social and cultural rights of peoples in Articles 19 to 24,

Recalling also that the economic, social and cultural rights relating to individual rights recognised by the African Charter are the right to property, the right to work, the right to health, the right to education, the right to culture, the right to shelter, the right to social security, the right to food, the right to water and sanitation, and the right to social protection and to family,

Recalling further that the African Charter recognises and expressly guarantees, in addition to individual Rights and Freedoms, Rights of Peoples, namely: equality in dignity and rights, the right to exist and to self-determination, the right to assistance from States Parties to this Charter, the right to free themselves from colonial domination or oppression by all means recognised by the International Community, the right to the free disposal of their natural wealth and resources

¹https://www.achpr.org/fr_news/viewdetail?id=90#:~:text=Dans%20sa%20toute%20premi%C3%A8re%20R%C3%A9solution,des%20droits%20de%20l'homme, accessed on 7 September 2022.

²World Bank, <https://www.banquemondiale.org/fr/country/cameroon/overview>, accessed on 14 October 2022.

and, if plundered, the right to the lawful recovery of the plundered property and to adequate compensation, *the right of peoples to their economic, social and cultural development*, the right to peace and security and, finally, the right to a decent and favourable environment for their development,

Bearing in mind that the Pretoria Declaration reminds States Parties of their obligation to achieve at least the minimum essential level of each of the economic, social and cultural rights contained in the African Charter by adopting all appropriate measures to meet their obligations for the full achievement of economic, social and cultural rights, as well as to address related constraints, such as:

- (i) lack of good governance and planning
- (ii) failure to allocate sufficient resources to achieve economic, social and cultural rights
- (iii) corruption
- (iv) misuse and misappropriation of financial resources
- (v) failure to ensure equitable distribution of the proceeds of natural resources
- (vi) privatisation of basic services.

Considering the Preamble of the Constitution of 18 January 1996 whereby the People of Cameroon "*Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto, in particular, to the following principles*",

Considering that Cameroon signed the African Charter on Human and Peoples' Rights on 23 July 1987, ratified it on 20 June 1989 and deposited its instruments of ratification on 18 September 1989,

Recalling the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, adopted on 31 January 2016 in Addis Ababa, Ethiopia, and ratified by Cameroon on 28 December 2021, which, in its Article 7 (5), calls on States Parties to "*adopt legislative and other measures that facilitate the rights of older persons to access services from service providers*",

Aware of the new challenges related to the response to the war in Ukraine and peacekeeping faced by African States and particularly by Cameroon³,

Aware also that as a consequence of this combination of aggravating circumstances coupled with a near-existent crisis that combines the qualifiers of food, climate, energy and health

³ Speech at the F15 Panel of AU Finance Ministers by Dr. Akinwumi A. Adesina President, African Development Bank Group - Washington DC, 21 April 2022

crisis, "Africa could be home to 90 per cent of the world's poor by 2030"⁴, whereas Africa's share of the world's poor declined from 56 per cent in 1990 to 43 per cent in 2012⁵ and 34 per cent in 2021⁶,

The Commission is greatly concerned to note that there are several factors hindering the full achievement of socio-economic rights, such as:

- sub-Saharan Africa becoming *the hub of global jihadist activity*, especially in Burkina Faso, Mali, Western Niger, the Lake Chad Basin (in Nigeria, Niger, Cameroon and Chad)⁷
- *terrorism*, ranking Cameroon the 5th most affected African country, with 129 terrorist attacks in 2021 according to the latest *Jihadist Terrorism Yearbook* published by the International Observatory on Terrorism Studies (OIET)⁸
- *inflationary pressures* and *structural vulnerabilities* caused by the conflict in Ukraine, hampering Africa's economic recovery, especially that of Cameroon⁹
- *unemployment rate* in Cameroon, which according to the International Labour Office(ILO) is at 7.4 per cent in the second quarter of 2022.

The Commission reiterates its belief that a prosperous, inclusive and emerging society requires respect for people's economic, social and cultural rights,

The Commission commends Government efforts and that of the African Commission on Human and Peoples' Rights to promote and protect socio-economic rights, as follows:

- the Working Group on Economic, Social and Cultural Rights organised the Second High Level Continental Seminar on the Right to Health and Social Protection in Africa. This was organised together with the Special Rapporteur on the Rights of Women of the African Commission, from 27 to 29 June 2022 in Windhoek, Namibia. The seminar aimed at reminding States Parties of their obligations to provide adequate social services
- the definition of the year 2022 as a year of "*Strengthening resilience in nutrition and food security on the African continent: Strengthening agro-food systems, health and social protection systems for the acceleration of human, social and economic capital development*"¹⁰, through the establishment of an emergency food crisis response

⁴ *Ibidem*

⁵ <https://www.banquemonddiale.org/fr/region/afr/publication/poverty-rising-africa-poverty-report>, accessed on 13 October 2022

⁶ https://www.sijafinance.com/marches/afrique-le-taux-de-pauvrete-estime-a-34-selon-la-bad_34905, accessed on 13 October 2022

⁷ Message from Moussa FAKI MAHAMAT, the Chairperson of the AU Commission to mark Africa Day, 25 May 2022.

⁸ *Idem*.

⁹ Opening address by Minister Salaheddine MEZOUAR, Minister of Economy and Finance, at the Retreat of the 15 Finance Ministers of the AU (Rabat, 13-14 June 2022) organised under the topic "Beyond COVID-19 pandemic and Russia- Ukraine Conflict: Enhancing the Resilience of African Economies and Financial Sustainability of the African Union".

¹⁰ Message by Moussa FAKI MAHAMAT, Chairperson of the AU Commission to mark Africa Day, 25 May 2022

mechanism¹¹ and a series of initiatives by the AU, of which the most important is the Comprehensive Africa Agriculture Development Programme (CAADP)

- the development of Security Indexed Investment Bonds, SIIBs, by the African Development Bank in close collaboration with the AU, which was endorsed at the AU Heads of State and Government Summit in February 2022. It consists of the following:
 - o raise funds on the financial markets to support African countries, to address the root causes of conflicts,
 - o repair damaged infrastructure in conflict-affected areas
 - o improve access to basic services and upgrade social infrastructure¹².
- the inclusion of Cameroon among the eight African countries ready to freely trade 96 products with preferential duties to launch the African Continental Free Trade Area (AfCFTA) under the new "Guided Trade Initiative" on 7 October 2022, an initiative that aims to increase intra-African trade threefold by the end of the year 2023
- enacting Law No. 2022/008 of 27 April 2022 relating to medical research involving human subjects in Cameroon
- enacting Law No. 2022/010 of 14 July 2022 to authorize the ratification of the Multilateral Convention on Social Security of the Inter-African Conference on Social Security (CIPRES), adopted in Dakar, Senegal on 26 January 2006
- enacting Law No. 67/LF/18 of June 1967 organizing social security in Cameroon.
- signing Decree No. 74/733 of 19 August 1974 laying down the modalities of application of Law No. 69/LF/18 of 10 November 1969 to establish an insurance scheme for old age pension, invalidity and death
- signing Decree No. 77/495 of 7 November 1977 on conditions for the establishment and operation of private welfare agencies
- launching the National Strategic Plan for Community Health by the Minister of Public Health (MINSANTÉ) in Bikok, Mefou and Akono division, Centre Region, on 27 July 2022
- adopting the National Strategic Plan for Digital Health 2020-2024 aimed at ensuring universal access to quality health services for all social groups by 2035, with the full participation of communities
- implementing the joint MINSANTÉ-AFD-KFW programme in 2014, aimed mainly at improving access to quality healthcare and health governance in Cameroon¹³
- officially launching a mass birth certificate issuance campaign by Order No. 000107/MF/MINDDEVEL/SG/DSL/SDSLB of 1 April 2022 by the Minister of Decentralisation and Local Development

¹¹ Speech by Dr AKINWUMI A. Adesina, President, African Development Bank Group, delivered at the AU F15 Finance Ministers' Retreat, 21 April 2022

¹² *Idem*

¹³ <https://www.minsante.cm/site/q=fr/content/programme-conjoint-minsat>, accessed on 7 September 2022.

- building classrooms, monitoring students' education at the primary and secondary level in remote areas with indigenous communities by technical and financial partners such as *Plan International Cameroon* and the *Foundation for Environment and Development in Cameroon* (FEDEC)
- officially launching the free distribution of school books by the Minister of Basic Education at *Complexe scolaire de Bastos*, Yaounde, on 7 October 2022
- the Ministry of Social Affairs' development of "*Plan national de développement des peuples autochtones à l'horizon 2035 (PNDPA) [National Indigenous Peoples Development plan (NIPDP) by 2035]*" aimed at promoting the fundamental rights of indigenous peoples, facilitating their access to basic social services and actively involving them in Cameroon's development actions
- launching the registration of house workers by the General Manager of the National Social Security Fund (NSIF) on 9 September 2022, aimed at protecting the socio-economic rights of this category of workers.

The Commission rejoices over the Chairperson of the African Commission on Human and Peoples' Rights' congratulatory letter addressed to the President of the Republic of Cameroon, owing to the State of Cameroon's submission of the combined 4th and 6th periodic reports during the 67th Ordinary Session of the African Commission in Banjul, GAMBIA, from November to December 2020, making Cameroon the only member State of the African Union to have reported on the measures taken as part of implementing the provisions of the Convention of Kampala,

The Commission recommends that the State of Cameroon disseminate the African Charter and intensify actions aimed at promoting and protecting human and peoples' rights, thereby strengthening the African system for the protection of human and peoples' rights,

The Commission recommends that the State of Cameroon take necessary measures to ratify the Protocol to the African Charter on Human and Peoples' Rights on the rights of citizens to social protection and security,

The Commission recommends that the State of Cameroon take necessary measures to ensure the effectiveness of social protection policies and strategies and promote coordination in implementing programmes,

The Commission recommends that the State of Cameroon take necessary measures to strengthen public healthcare services as the first point of contact for vulnerable people,

The Commission recommends that the State of Cameroon empower Civil Society Organisations to play their role in communities through partnerships with the Government, to support social groups that do not have easy access to quality healthcare services,

The Commission recommends that the State of Cameroon prioritise the adoption of a socio-economic development model based on human rights,

The Commission recommends that Civil Society Organisations contribute to the State's efforts of raising awareness and fighting corruption as part of implementing the right to social protection,

The Commission urges African States to take all necessary measures to promote and protect human and peoples' rights and create a peaceful atmosphere, and inclusive and participatory development,

The Commission appropriates an excerpt from the Message of Mr Moussa FAKI MAHAMAT, the Chairperson of the African Union Commission, to mark the African Union Day on 9 September 2022, to call on all Africans to "join in the collective effort to build the Africa we want through a constant desire to surpass oneself, which is the guarantee of excellence, whatever the field of activity in which one works. With the firm conviction that it is the sum of small rivers that make great rivers."

As for *the Commission*, no effort will be spared to continue promoting and protecting human rights, particularly through training workshops, awareness-raising campaigns, advocacy, fact-finding missions, handling petitions, self-initiated investigations, and as part of the prevention of torture, through visits to all detention facilities and the use of its toll-free number, 1523.

Yaounde, on... 20 OCT 2022

