

The State and Human Rights NGOs In Cameroon: A Critical Overview of The Relationship

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Abstract: In Cameroon, there is a vibrant civil society which makes clear the idea that organisations in this sector have important roles to play in the society. This can be attributed to the fact that there are legislations such as the law on freedom of association which allows for the simple creation of associations in the country. Also, there is a good sense of collaboration between the government and the civil society which is a precursor to the fact that the State is aware of the benefits of such collaboration. There is failing obligation of the government to fully promote and protect human rights, as the State is the primary body to promote and protect human rights. Also, despite the move towards cooperation, the State has maintained a stronghold on the civil society with legislations which gives public authorities leverage over human rights defenders, especially. This paper embarks on an analysis of the working relationship between the various State institutions and human rights civil society organisations. As a result, we look at the cooperation and the areas for improvement.

Key words: Human rights; civil society, NGOS, national human rights institutions.

Overview of the Relationship

The State of Cameroon has moved to improve the state of human rights in the country over the years. Looking at the fact that the country has followed up on several recommendations by the Universal Periodic Review Working Group (UPR-WG) as well as those by Committees of the various international human rights covenant to which Cameroon has ratified. The State has further created institutions for the promotion and protection of human rights such as the National Commission on Human Rights and Freedoms, the Department of Human Rights and International Cooperation in the Ministry of Justice, Inter-Ministerial Committee for the Follow-up of Decisions and/or Recommendations of International and Regional Human Rights Promotion and Protection Mechanisms at the Prime's Minister Office.² Also, the various government ministries especially the Ministry of Women Empowerment and the Family and the Ministry of Social Affairs have been empowered to strengthen the promotion and protection of women's rights, child rights and rights of disabled persons. Apart from these, the government has put in place a legal framework to strengthen the state of human rights in the country.

The law on freedom of association saw an 'unprecedented proliferation' of civil society organisations in Cameroon.³ Given that the government could not provide all that the people needed, due to the economic crisis, people started looking for ways to help themselves.⁴ The cooperation between civil society and the state has been assessed over the years by various authors. Most criticising the government of not allowing civil society organisations to reach their full potential. This has been due to several laws and legislations which have tightened the government's grip on this sector.⁵

In the promotion and protection of human rights, the government has maintained cooperation with civil society organisations. This becomes indispensable as the government cannot 'do it alone.' Civil society

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² National Action Plan for the Promotion and Protection of Human Rights in Cameroon (2015-2019). p. 4.

³ Ewumbue, M. C. The Right to Inform and the 1990 Press Law in Cameroon. *Africa Media Review*, 6(3). 1992

⁴ Fonjong, L. N.. *The Challenges of Nongovernmental Organisations in Anglophone Cameroon*. (New York: Nova Science Publishers Inc, 2007).

⁵ See, J. W. Forje. "Political Leadership, State-Civil Society Relations and the Search for Development Alternatives" in E. Y. Vudo (ed.) *Civil Society and the Search for Development Alternatives in Cameroon*. Oxford: African Books Collective; O.T. Mbuagbo & Fru, C. N. (2003). Civil Society and Democratization: The Cameroonian Experience. *Journal of Social Development in Africa*, 18(2). See also, G.W. Nkwi, (2006), The Dilemma of Civil Society in Cameroon Since 1990: Which Way Forward? *African Journal of International Affairs*, 9(1 And 2), 91-106.

organisation in this field especially as it has to do with protection of right of detainees, have become very instrumental. These organisations are the ones in the grassroots and thus can be able to identify the various areas that need attention and that require immediate actions. Also, they can move to promote and protect these rights even before the government get involved.

The realisation of the importance of cooperation with civil society cannot be overemphasised. The Department of Human Rights and International Cooperation created by Decree No. 2005/122 of 15 April 2005 on the Organization of the Ministry of Justice is commended to liaise inter alia with non-governmental organisations.⁶ The National Commission on Human Rights and Freedoms as well, has been enabled with the capacity to work where necessary, with non-governmental organisations in the field of human rights.⁷

National Commission on Human Rights and Freedoms (NCHRF)

The Commission was established by Law No. 2004/16 of 22 July 2004, replacing the National Committee on Human Rights and Freedoms set up by Decree No. 90/1459 of 8 November 1990. Since its creation, the Commission has been instrumental in the promotion and protection of human rights in the country. It is an “independent institution for consultation, monitoring, evaluation, concerted action, promotion and protection in the area of human rights.”

In line with the Paris Principles,⁸ the Commission has cooperated with civil society organisations in carrying out sensitisation campaigns, receiving complaints on violations from these organisations, training members of the NGOs community and has also moved to protect members of NGOs in carrying out their duties. The Commission cites cooperation as one of its assets in promoting and protecting human rights. Working with NGOs in human rights, to receive and process complaints of violations has proven to be a positive result of collaboration. These NGOs have been instrumental in bringing several cases to the attention of the Commission which has led to a considerable increase in the level of protection of human rights in the country.⁹ Human rights NGO have so far served as an access point for the Commission to reach and meet the needs of the people at the grassroots. Given that the Commission has a limited number of staff in comparison to the population which needs attention. As of 2014, the Commission had a total number of 120 worker serving a population of more than 21 million persons, which gives a ratio of 179,167 persons per 1 NCHRF staff.¹⁰ Also, the Commission is not present in some Regions of the country and it has only one office available in each Region which makes it almost impossible for persons in the interior to benefit from its activities and services. As such, these organisations which have access to the grassroots have therefore been instrumental.

As part of its cooperation with CSOs the Commission organises activities for the promotion and protection of human rights across the national territory. In his opening address at the Twentieth Ordinary Session of the NCHRF, Dr Chemuta Divine stated that there is a continuous increase in the number of complaints which the Commission handles throughout the national territory.¹¹ However, it should be stated that a bulk of these complaints are from human rights NGOs such as Amnesty International as well as other local organisations.¹² As such, in the protection of human rights, NGOs have been essential in bringing complaints of victims to the Commission for further investigation.

⁶ Article 56(1) para. 4 of Decree No. 2005/122 of 15 April 2005 on the Organization of the Ministry of Justice.

⁷ Article 2 para. 9 of Law No. 2004/16 of 22 July 2004 to set up the National Commission on Human Rights and Freedoms (NCHRF).

⁸ Principles relating to the Status of National Institutions (The Paris Principles.) General Assembly Resolution 48/134 of 20 December 1993. The Principles on the Methods of Operation provides in Paragraph (g) that “In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.”

⁹ Interview with Mr. Njome Ekeke Mathias, Rapporteur for the South West Regional Office of the NCHRF on 8th August 2018.

¹⁰ 2016 Study on the State of National Human Rights Institutions (NHRIs) in Africa. United Nations Development Programme (UNDP) 2016. p. 53.

¹¹ 2016 Activity Report of the National Commission on Human Rights and Freedoms. pp. 10

¹² Protectors or Pretenders? Government Human Rights Commissions in Africa, Human Rights Watch.

https://www.hrw.org/reports/2001/africa/cameroon/cameroon5.html#P1121_254638. Accessed on the 20/03/2018.

In promoting human rights, the Commission carries out field awareness campaigns and seminars with CSO as well as took part in the activities organised by these organisations. The Commission, in collaboration with the NGO, Respect Cameroon organised an awareness campaign on the right to identification and the right to education in the East Region from the 19th – 21st January 2016.

Also, the Commission organised a seminar on the Generalisation of the teaching of human rights in Primary and Secondary Schools in Cameroon in collaboration with *Réseau Camerounais des Organisations des Droits de l'Homme* (RECODH), Cameroon Youths and Students Forum for Peace (CAMYOSFOP) including participants from the Ministry of Basic and Secondary Education and the United Nations Development Programme (UNDP). The seminar was from 9th -10th March 2016 in Mbalmayo and was it advocated for the teaching of human rights in primary and secondary schools to further the promotion of human rights in the country.

In a capacity building workshop on the Rights of Persons with Disability organised by the Commission on June 27, 2016, the NCHRF educated stakeholders on how CSOs protect persons with disabilities. Also, CSOs present were exposed to the procedure for the creation of a Disability Card. This was carried out in a bid to promote the rights of persons with disability, in line with Law No. 2010/002 of 13th April 2010.

In terms of protection, the Commission carries out field visits and conducts investigations upon complaints submitted by human rights NGOs. Prison visits are carried out and recommendations made for improvement, as well taking stock of situation and aiding where possible.

In a bid to improve its cooperation with CSOs, one of the resolutions at the 21st Ordinary Session of the Commission was to ensure that all subsequent annual reports of the Commission on the state of human rights should be validated by CSO in the domain of human rights.

The Commission always finds ways to improve its collaboration with the civil society to improve the promotion and protection of human rights in the country.

The Ministry of Women's Empowerment and the Family (South West Regional Delegation)

This Ministry was created by Decree No. 2004/320 of December 2004 to organize the Government of Cameroon and advocates for the preservation of the woman and the girl child within the family. Some of the missions of the Ministry is to empower the woman and the family, socially, economically, politically, culturally and otherwise. Also, to educate the general population on the rights of women and children especially as it has to do with gender-based violence and to lead the fight against discriminatory practices that targets women. Decree No. 2012/638 of 21 December 2012 on the Organisation of the Ministry of Women's Empowerment and the Family stipulates that this ministry targets women, widows, families, children and communities.

As it relates to cooperation with Civil Society Organisations, the Division for Studies, Planning and Cooperation has as one of its responsibilities to create "national and international cooperation with bodies for the advancement of women, family and children's rights."¹³ As part of fulfilling the missions of the Ministry, the Regional Delegation of Women's Empowerment and the Family cooperates with close to 31 CSOs and other women's groups in the region for the promotion of women's rights.¹⁴

The Ministry of Women Empowerment and the Family, with the support of national and international partners, has elaborated and adopted the National Plan of Action for the Integration of Women in Development, with focus on seven out of the twelve priority areas retained by the Beijing Conference¹⁵ and which aims at: improving the living standards and legal status of women; including women in decision-making; fighting against violence on women; educating young girls; improving the living conditions of women and; improving the institutional framework and the protection of women by the courts.

The Regional Delegation forms partnerships with CSO as part of forming a coalition to better protect the rights of women and the girl child in the country. It should be said at this point that due to the low budget

¹³ <http://www.minproff.cm/the-ministry/administration-centrale/directions-et-divisions/division-des-etudes-de-la-planification-et-cooperation>. Accessed on the 29/07/2018.

¹⁴ Interview with Ms Tangwa Angela, Chief of Service for Statistics at the South West Regional Delegation of the Ministry of Women's Empowerment and the Family carried out on 16th August 2018.

¹⁵ Convention on the Elimination of All Forms of Discrimination against Women.

at the disposal of the Ministry, most of the projects are intensified and carried out in collaboration with the civil society. These organisations facilitate the work by reporting cases of violations against women to the Delegation. The delegation then handles these cases with its focal points in the military, judiciary, health sector as well as with the CSOs. In addition to this, through these partnerships, the Delegation has been able to secure financial and legal aid for women who are victims and survivors of violence. Human rights associations such as Reach Out Cameroon, Martin Luther King Memorial Foundation (LUKMEF) work with the Delegation to provide loans and other financial aids to survivors of violations, widows, and other impecunious women to further the empowerment of women in the community. Again, the Delegation reaches out to these organisations in cases where the victim wishes to file charges against the violators but are impecunious. Some NGOs such as International Federation of Female Lawyers Cameroon (FIDA) provide legal assistance as well as handles *pro bono* cases on behalf of survivors of human rights violations.

In the area of human rights promotion, the Regional Delegation organises in collaboration with CSOs, campaigns for the promotion of rights of women, child rights as well as fight against gender-based violence especially during commemorative days.¹⁶ When such sensitisation campaigns, training seminars, workshops, talk shows are organised, member of the Civil Society Organisations act as resource persons and educate women and girls on their rights and freedoms protected by international and domestic instruments and how to enforce them through the institutional frameworks available in the country. For example, on the International Women's Day commemorated on the 8th of March annually, the Regional Delegation teams up with Reach Out Cameroon, to give talks and carryout free screenings for HIV/AIDS.

Also, radio programmes, flyer, slogans are created around such areas as right to inheritance, widows' rights, disadvantages of gender-based violence, empowering the girl child in the family, amongst others.

To strengthen the fights against gender-based violence, Task Forces have been formed with the various women's groups and human rights groups. These task forces are charged with carrying out sensitisations campaign through several media in the different cities. Also, they are tasked with identifying and directing cases of gender-based violence to the Regional Delegation.

Challenges to the Cooperation

Despite the desire of government and its institutions to move towards effective cooperation with the Civil Society regarding the promotion and protection of human rights, there is much to be done in terms of such cooperation. This can be justified by the fact that despite the legal frameworks for the freedom of association and assembly, there has been a move to hamper on those freedoms with other legislations. Some of these legislations include, Law No. 90/54 of 19 December 1990 relating to the Maintenance of Law and Order, Law No. 90/55 of 19 December 1990 to Lay Down Regulations Governing Public Meetings and Processions.

Sections 3(2) and 6 (1) of Law No. 90/55 of 19 December 1990 to Lay Down Regulations Governing Public Meetings and Processions requires every public meeting, public processions, demonstrations, parades, march and rallies must be declared through the District Head or the Sub-Divisional Officer. However, Section 8(2) provides that if the administrator "deems that the planned procession is likely to seriously disturb the peace, he may, as the case may be: schedule another venue or route for it; prohibit it by order which he shall immediately notify to the signatory of the declaration at the elected domicile." This in affect gives the administrator the discretion whether to allow a public meeting, procession, or demonstration to take place or not. This can be said to defeat the purpose of the laws of freedom of association and assembly. Also, Section 2 of Law No. 90/54 of 19 December 1990 Relating to the Maintenance of Law and Order provides that "administrative authorities may, at all times and depending on the circumstances, take the following measures within the framework of operations for the maintenance of law and order...control the movement of persons and goods."

¹⁶ The Ministry organises and launches various sensitisation campaigns during such days as International Day against Female Genital Mutilation on 6th February; International Women's Day on 8th March; International Day of the Family on 16th June; International Day of Widows on 23rd June; Day of the African Woman on 31st July; International Day of the Girl Child on 11th October; International Day of the Rural Woman on 15th October; and 16 Days of Activism against violence towards women and girls in Cameroon organised between 25th November to 10th December.

This has inevitably led to the banning or suspension of public meetings, rallies, demonstrations for the demand of certain rights from the government. There have been several cases of rallies public meetings being denied by administrators or abruptly ended.

A drawback in cooperation also stems from the fact that some civil society organisations are uncoordinated. There is an absence in a network of civil society organisations as a means of liaising with government institutions in an organised manner. For example, some human rights associations are not affiliated to the National Commission on Human Rights and Freedoms. As such, the Commission is not able to protect the human rights defenders who are not affiliated to it. Consequently, most of the associations are not apprised with the institutional and legal frameworks available for the protection of victims. This in effect taints the level of protection which can be offered to victims.

Conclusion

The duty to protect and promote human rights rests primarily with the State. However, to ensure the enforcement of this duty, the State is obliged to cooperate with Civil Society Organisations. This cooperation not only increases the potential of both actors to strengthen this duty, it also allows for checks and balances on the accountability of each actor. Also, there is a need for cooperation amongst the various members of the CSOs which will further the protection of human rights by having a collective and convergent standpoint on certain issues. This will increase the lobbying power of these organisations.

References

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