

An Overview of Human Rights Protection and Promotion in Cameroon by Key Institutions

Ndille Ndille Njume*¹ Pefela Gildas Nyugha (Ph.D.)²

¹Heritage Higher Institute of Peace & Development Studies (HEHIPEDS)

²Centre for Scientific Research, Human Rights & Development (CENSREHURD)

*Corresponding Author

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ABSTRACT

The Second World War was not only characterised by human sufferings but equally exposed mankind's cruelty, prompting the international community to make a commitment to uphold dignity and justice for humans. This shifted the paradigm of the notion of human rights from being regarded as a domain of national sovereignty, to an issue warranting global action. As a result, states were, through legal instruments, obliged to protect these rights in their respective frameworks. Cameroon, being a member of the international community, was not left out, she has, through legal frameworks and institutions, ensured the protection of human rights. This paper examines some key institutions tasked with protecting and promoting human rights in Cameroon, by highlighting their competences, limitations and proposes recommendations to optimise the human rights landscape in the country.

Keywords: Human Rights, Human Rights Protection, Human Rights Promotion, Cameroon, Institutions.

RESUME

La Seconde Guerre mondiale a non seulement été marquée par des souffrances humaines, mais a également mis en évidence la cruauté de l'humanité, poussant la communauté internationale à s'engager à défendre la dignité et la justice pour les humains. Ceci a changé le paradigme de la notion des droits de l'homme, passant d'un domaine de souveraineté nationale à une affaire nécessitant une action mondiale. En conséquence, les États ont été, par le biais d'instruments juridiques, obligés de protéger ces droits dans leurs cadres respectifs. Le Cameroun, en tant que membre de la communauté internationale, n'a pas été en reste, il a, par le biais de cadres juridiques et d'institutions, assuré la protection des droits de l'homme. Cet article examine certaines institutions clés chargées de protéger et de promouvoir les droits de l'homme au Cameroun, en mettant en évidence leurs compétences, leurs limites et en proposant des recommandations pour optimiser le paysage des droits de l'homme dans le pays.

Mots Clés : Droits de l'Homme, Protections des Droits de l'Homme, Promotion des Droits de l'Homme, Cameroun, Institutions.

INTRODUCTION

According to Hugo Grotius, human rights are those moral claims human beings invoke in the society in which they find themselves; they are those values and attributes that human beings possess by virtue of their humanity.¹ Several mechanisms have been put in place both internationally and nationally to ensure the respect of these

¹ Jeremy Seth Greenert, "Hugo Grotius and the Modern Theory of Freedom: Transcending Natural Rights". *New York, Routledge, 2017, p.3.*

rights, in Cameroon for instance, human rights are protected nationally in the Preamble of the Cameroon Constitution of January 18th, 1996.²

In obeying its obligation to fulfil human rights, the State of Cameroon has established several institutions charged with promoting and protecting human rights. National Human Rights Institutions (NHRIs) are, therefore, state-mandated bodies with a broad constitutional or legal mandate to protect and promote human rights at the national level. They are one of the key components of national and international human rights protection systems, advising governments and promoting and protecting human rights, thus acting as a bridge between civil society and the state, linking the responsibilities of states to the rights of citizens.³ According to the African Commission on Human and People's Rights;

They are statutory bodies established by governments in Africa and are responsible for promoting and protecting human rights in their respective countries. The establishment and functioning of these institutions should be in accordance with the United Nations Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (Paris Principles).⁴

Main National human rights institutions in Cameroon include the Cameroon Human Rights Commission (CHRC), Courts, most government Ministries like the Ministries of Education (Basic, Secondary and Higher Education) and Non-Governmental Organizations (NGOs).⁵ Some of the duties performed by these institutions include protecting and promoting human rights by: handling individual complaints of human rights violations; identifying protection gaps in national human rights systems and providing recommendations on how to address them; conducting human rights education; and engaging with international human rights mechanisms. Many citizens have lost confidence on the effectiveness of such institutions because of their impartiality in rendering decision on human rights violations.⁶ This paper identifies national and international institutions tasked with the promotion of human rights in Cameroon as well as point out their competences, and challenges faced in the discharge of their duties.

RESEARCH OBJECTIVE

The main objective of this paper is to profile key human rights institutions in Cameroon, outline their competences, challenges faced and propose remedies to the human rights framework in Cameroon.

METHODOLOGY

This research makes use of a descriptive approach to profile human rights institutions in Cameroon with the aid of documentation from national and international actors. Challenges faced by these institutions are backed by reports, findings from other studies, opinions and the personal observation of the authors.

THEORETICAL FRAMEWORK

Several competing bases have been asserted for universal human rights⁷ such as the Social Contract Theory by Jean Jacques Rousseau which at its most basic level, states that human beings give up certain rights they have

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

³ Organisation for Security and Cooperation in Europe, "National Human Rights Institutions", <https://www.osce.org/odihr/nhri>

⁴ African Commission on Human and People's Rights, "National Human Rights Institution", <https://achpr.au.int/en/network/nhrs>

⁵ Ayuk Nkwa Pascal, "The Role of National Human Rights Institutions in The Promotion and Protection of Human Rights", Research Gate (December 2022), https://www.researchgate.net/publication/366445202_THE_ROLE_OF_NATIONAL_HUMAN_RIGHTS_INSTITUTIONS_IN_THE_PROMOTION_AND_PROTECTION_OF_HUMAN_RIGHTS

⁶ Pefela Gildas Nyugha. The Protection of Individual Rights and Freedoms in Cameroon's Legal Order: Prospects for an Emerging Country. *Journal of Human Rights Law and Practice*. 2018; 1(2): p.31.

⁷ Andrew Heard. "Human Rights: Chimeras in Sheep's Clothing?". *Simon Fraser University (1997)*, <https://www.sfu.ca/~aheard/intro.html>

in a state of nature in order to obtain the securities and rights provided by civilization.⁸ Another proponent of the social contract theory is John Locke, who posits that government exists only by the consent of the people in order to protect basic rights and promote the common good of society.⁹ Thomas Hobbes further adds that human beings give up their freedoms to avoid living in the state of nature which is characterised by fierce competition, through a social contract, they come to a collective understanding that it is in everyone's interest to enforce rules that ensure safety and security for everyone, even the weakest.¹⁰

In a nutshell, these rights mentioned above are surrendered to governments, who in return sign a contract with the populace in the form of a constitution in contemporary times, in which are enshrined, protection of basic rights such as the right to live, work, own property, just to name a few. In the Cameroonian context, the preamble of its 1996 Constitution (social contract) with amendments through 2008, makes provision for the protection of these rights, which is consolidated through institutional endeavours.

CONCEPTUAL FRAMEWORK

Human Rights

The Office of the High Commissioner for Human Rights, the leading United Nations entity in the field of human rights, with a unique mandate to promote and protect it defines human rights as rights we have simply because we exist as human beings. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status. They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty.¹¹

James Nickel and Adam Etinson add that Human rights are norms that aspire to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to education. The philosophy of human rights addresses questions about the existence, content, nature, universality, justification, and legal status of human rights.¹²

In Marek Piechowiak's paper on the concept of human rights and its extra-legal justification, he buys the idea of Hersch by defining Human Rights as rights which belong to any individual as a consequence of being human, independently of acts of law. In stating the existence of human rights, we state that every human being, simply because he or she is a human being, is entitled to something.¹³

Human Rights Protection

According to the Law Insider, human rights protection means ensuring that the rights of a person are not ignored or infringed upon.¹⁴ It refers to the mechanisms, laws, and practices that are established to safeguard the fundamental rights and freedoms inherent to all individuals. Scholars have defined this concept in various ways, emphasizing its importance in promoting dignity, justice, and equality. In Cameroon, this protection is fundamentally ensured by national and international instruments like the Constitution, Universal Declaration of

⁸ Jean Jacques Rousseau. "The Social Contract (1762)", available at <http://www.constitution.org/jjr/socon.htm>; <http://www.iep.utm.edu/soc-cont/>, *Internet Encyclopaedia of Philosophy*

⁹ Maegan Nation. "Locke's Social Contract: Is It Legitimate?". *CLA Journal* 7 (2019) pp. 85-95, <https://uca.edu/cahss/files/2020/07/Nation-CLA-2019.pdf>

¹⁰ BC Open Text Books, "Ethical Systems", <https://opentextbc.ca/ethicsinlawenforcement/chapter/social-contract-theory/#:~:text=For%20Hobbes%2C%20the%20solution%20is,for%20everyone%2C%20even%20the%20weakest>.

¹¹ United Nations Human Rights Office of the High Commissioner, "what are human rights", <https://www.ohchr.org/en/what-are-human-rights>

¹² James Nickel and Adam Etinson, "Human Rights", *Stanford Encyclopaedia of Philosophy* (May 2024), <https://plato.stanford.edu/entries/rights-human/>

¹³ Marek Piechowiak. "What are Human Rights? The Concept of Human Rights and their extra-legal justification". *Institute for Human Rights* (1999), <https://philarchive.org/archive/PIEWAH>

¹⁴ The Law Insider. "Protecting Rights", <https://www.lawinsider.com/dictionary/protecting-rights>

Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and international Covenant on Economic, Social and Cultural Rights (ICESCR), supporting legal elements that also contribute to the protection of these rights as include;¹⁵

The Penal code: (sections 275, 276, 277, 293, 296, 302, 305, 318 and 320) condemning murder, torture, rape, slavery, defamation, sexual harassment and theft respectively.

Criminal Procedure Code: It lays down the procedural rules in criminal proceedings, starting from criminal investigation (searches and seizures, interrogations and questioning, to pretrial rights (right to a speedy and public trial, by an impartial jury of the State, and to be informed of the nature and cause of the accusation), trial rights (right to be heard, presumption of innocence, right to counsel) and post-trial rights (right to appeal).¹⁶

The Cameroon Labour Code: (Section 2(1) of the 1992 Labour code notes that “the right to work shall be recognised as a basic right of each citizen”. The state is mandated to take all necessary steps to assist its citizens to secure employment)

The Cameroon Electoral Code: Section 2 (1) of the Electoral code notes that, “elections shall be by universal suffrage and by equal and secret ballot”. This provision encourages participation in political affairs as laid down in article 21 (1) of the UDHR, saying “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”¹⁷

The International Service for Human rights posits that the respect of human rights is not the role responsibility of the state as individuals have a moral obligation, it is of the opinion that or each of us have a role to play in understanding, respecting and defending human rights.¹⁸ It however spreads the responsibility of human rights protection across five layers of society;

States: as in governments represented by ministers, diplomats etc, have the primary responsibility to protect, human rights. They have this responsibility to anyone within their territory or who may be subject to their jurisdiction, control or influence. It opines that governments have a huge impact on the realisation (or denial/violations) of human rights through the laws they make and the court systems are meant to provide avenues for citizens to seek justice and redress for violations.¹⁹

The United Nations: it has various functions and forums that help maintain the agreed global standards for human rights, identify violations and pursue remedy and encourage improvement.²⁰

Regional human rights bodies: such as the African Commission on Human and Peoples’ Rights, provide additional avenues for people and communities to seek accountability.

Businesses and other “non-State” actors: Business has a significant impact on human rights – for better and for worse. Strong and enforceable laws and regulations are essential, but businesses have a duty to respect rights and can also proactively follow human rights guidelines and ensure they have robust systems to ensure access

¹⁵ Benjamin Mekinde Tonga, “The state of Human Rights Protection in Cameroon; Prospects and Challenges”, *Research Gate* (April 2021),

https://www.researchgate.net/publication/351097872_The_state_of_Human_Rights_Protection_in_Cameroon_Prospects_and_Challenges

¹⁶ Law N°2005 of 27 July 2005 on the CRIMINAL PROCEDURE CODE, https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

¹⁷ Article 21 of the Universal Declaration of Human Rights

¹⁸ International Service for Human Rights, <https://ishr.ch/about-human-rights/who-protects-human-rights/>

¹⁹ International Service for Human Rights, “States – Governments and public authorities”. <https://ishr.ch/about-human-rights/who-protects-human-rights/states/>

²⁰ Emmaline Soken-Huberty, “What’s the Role of the UN in Protecting Human Rights?”. *Human Rights Careers*, <https://www.humanrightscareers.com/issues/whats-the-role-of-the-un-in-protecting-human-rights/>

to remedy for disputes or violations. Other non-state actors, include organised militias, associations, clubs or groups of people that are likely to impact – for better or for worse – on people’s human rights.²¹

Human rights defenders and the human rights movement: We all have the right to defend and promote human rights and this can take a variety of forms. People who take time to promote or protect human rights, whether it’s part of their job or in their own time, are part of the human rights movement – the broad collection of people and organisations that want to see a commitment to freedom, respect, equality and dignity protected in our laws and reflected in the very systems and structures that our societies rely on.²²

Human Rights Promotion

Human rights promotion refers to the efforts and actions taken to advocate for, protect, and enhance the understanding and implementation of human rights principles at local, national, and international levels. “They are activities aimed at disseminating and raising awareness on the respect for human rights through workshops, information sharing, advocacy,”²³ just to name a few.

Institutions

According to Havanur Ergün Tatar, an institution is an established organisation or system that serves a specific purpose and can influence the public opinion.²⁴ North further elucidates by defining institutions as organs that have formal and informal rules that organise social, political and economic relations²⁵ while Hodgson corroborates that they are the systems of ‘established and prevalent social rules that structure social interactions.’²⁶ Anuradha Joshi and Becky Carter have identified the following as key features of institutions;²⁷

- They are reproduced through routine actions—they live through enactment;
- They provide relative certainty and predictability for everyday social, economic and political interactions;
- They tend to persist over time but can change incrementally and in rare instances, suddenly;
- They are often internalised and unconscious, in that social actors may not even recognize that they are following institutionalized ways of interacting;
- They shape behaviour and thus affect developmental outcomes.

Institutions operate in all spheres of life and can affect access to economic, legal, political, and social rights and opportunities.

²¹ Alan S. Gutterman. “Businesses’ Responsibilities for International Human Rights”. *ABA Press (December 2023)*, <https://www.linkedin.com/pulse/businesses-responsibilities-international-human-rights-gutterman-mgdsc/>

²² International Service for Human Rights, <https://ishr.ch/about-human-rights/who-are-human-rights-defenders/>

²³ Human Rights Bureau of Japan. “Awareness Raising Activities”, <https://www.moj.go.jp/ENGLISH/HB/activities/index.html#:~:text=The%20human%20rights%20awareness%20raising,activities%20C%20excluding%20human%20rights%20education.>

²⁴ Havanur Ergün Tatar, “IMF, World Bank, and the European Union with the Perspective of New Institutional Economics”. *IGI Global Scientific Publishing (2020)*. <https://www.igi-global.com/dictionary/imf-world-bank-and-the-european-union-with-the-perspective-of-new-institutional-economics/48070>

²⁵ North, D, “Institutions, institutional change, and economic performance” *Cambridge University Press (1990)*, <http://www.cambridge.org/gb/academic/subjects/politics-international-relations/political-economy/institutions-institutional-change-and-economic-performance>

²⁶ Hodgson, G. “What are Institutions?” *Journal of Economic Issues (2006)*, 40(1), 1-25. <https://www.geoffrey-hodgson.info/user/bin/whatareinstitution.pdf>

²⁷ Anuradha Joshi and Becky Carter, “Public Sector Institutional Reform”. *GSDRC Applied Knowledge Services (May 2015)* <https://gsdrc.org/topic-guides/public-sector-institutional-reform/concepts/what-are-institutions/>

NATIONAL HUMAN RIGHTS INSTITUTIONS

The Cameroon Human Rights Commission

The National Committee on Human Rights and Freedoms was established in 1990²⁸ with a clear aim to protect and promote human rights in Cameroon. It was later renamed the National Commission on Human Rights and Freedoms.²⁹ More recently, the name was changed to the Cameroon Human Rights Commission.³⁰ Created by the law n°2019/014 from July 19 2019, the Cameroon Human Rights Commission (CHRC) is the Cameroonian institution in charge of the Promotion and the Protection of Human Rights, including also the Prevention of Torture.³¹ The CHRC ensures full coverage of the entire national territory thanks to its 10 regional branches and a network of more than 715 civil society organisations. This position gives the Commission exclusive access to data on the protection of human rights in Cameroon.

Competences

The CHRC has 3 main missions; promotion of human rights, protection of human rights and prevention of torture. As such, it can ask to any administration a study or a report on matters related to its mission and also instigate studies in the field of Human Rights to the benefit of administrations requesting them. Except for contradictory terms within the law, all authorities have the obligation to provide to the Commission every data and information, alongside any documentation that it might request as part of their investigation process.

Some Successes

Resolution of the bakweri land saga

The Commission's South West Region branch was instrumental in resolving the Bakweri land saga in Fako Division. In this matter, large portions of C.D.C. surrendered lands to Fako indigenes were reportedly grabbed by local administrative officers with the connivance of some traditional rulers, thereby depriving many Bakwerian of their rights to own parcels of land on which to build.³²

Strangely, in the face of this ugly situation, some Fako elite who were in positions to protest against such land rights violations against their kin and kith instead looked helpless. It was the Commission's branch in the South West Region headed by Tambe Tiku, retired U.N. Legal Consultant Barrister Ikome Ngongi and CRTV Buea Press Club Moderated by Senior Journalist Matute Menyoli who sounded the alarm bell repeatedly until the matter became a national concern. Despite threats, the Commission stood its ground and was even bolder and more outspoken, citing names of high-profile Fako administrators such as Fako S.D.O Zang III and South West Governor Bernard Okalla Bilai, who was reportedly implicated in the land-grabbing scandal.³³

So vigorous was the Commission-led anti-land grabbing campaign that the Government could not stay indifferent, as it set a commission of inquiry to investigate the alleged abuses, the Minister of State Property and Land Tenure even went a step further by signing an order suspending any C.D.C. land surrender to applicant villages pending the finding of official investigations.

²⁸ Commonwealth Forum of National Rights Institutions, "Cameroon: National Commission on Human Rights and Freedoms", <https://cfnhri.org/members/africa/cameroon/#:~:text=The%20National%20Commission%20on%20Human,1459%2C%20then%20by%20law%20No.>

²⁹ Pursuant to Law No. 2004/016 of 22 July 2004, as amended in 2010.

³⁰ Law No. 2019/014 of 19 July 2019, relating to establishment, Organization and Functioning of the Cameroon Human Rights Commission.

³¹ CHRC. "THE CHRC IN A NUTSHELL". <https://www.cdhc.cm/index.php?lang=eng>

³² Molua Patrick Ewange (Ph. D), Ekombo R. J. "Land Restitution/Surrender Saga in Fako Division: The Nefarious Role of Government Administrators and Fako Chiefs in the CDC Land Restitution/Surrender Policy". *International Journal of Trend in Scientific Research and Development (February 2023)*. <https://www.ijtsrd.com/papers/ijtsrd52661.pdf>

³³ The Recorder Newspaper, "How Tiku Tambe shot into prominence", *Cameroon Web (April 2015)*, <https://www.cameroonweb.com/CameroonHomePage/features/How-Tiku-Tambe-shot-into-prominence-321773>

Criminal repression of rape

On November 2, 2022 at 1:31 p.m., Mr. ASSIGA ONANA Fulbert appeared before the Cameroon Human Rights Commission (CDHC) to denounce the violation of the right to justice of his daughter, ASSIGA Antoinette, aged seven, a victim of rape. Informed of the facts, the President of the Sub commission in charge of the Protection of Human Rights instructed field visits which were carried out at the Minkoameyos Gendarmerie Brigade by the Commission's Observation, Investigation and Alert Unit (OIA) on November 15 and December 23, 2022, where a complaint had been filed by Mr. ASSIGA ONANA, father of the victim.

The actions carried out by the OIA Unit (hearings and investigative raids), in close collaboration with the leaders of the aforementioned Brigade, resulted in the arrest, hearing and then referral of Mr. ONANA Paulin, aged 30, to the Prosecutor's Office of the Court of First Instance of the Administrative Centre of Yaoundé on Monday, December 26, 2022. They also allowed the latter to be identified by Ms. ASSIGA ONANA as her attacker. The procedure is now following its course before the competent court. Ms ASSIGA's right to justice has been preserved thanks to the actions taken by the Commission in this case.³⁴

Respect of workers' rights by Dangote cement Cameroon

The Cameroon Human Rights Commission, in collaboration with the Ministry of Labor and Social Security (MTSS) represented by its focal point, Mr. Martin MENDJANA, carried out an investigative raid on Dangote Cement Cameroon from October 21 to 23, 2020. The mission was led by the Acting President of the Cameroon Human Rights Commission, Professor James MOUANGUE KOBILA. Indeed, the President had received an alert from one of the employees of a subcontractor of the company Dangote Cement Cameroon who denounced massive violations of workers' rights, in particular their right to remuneration. The mission led by Professor James MOUANGUE KOBILA aimed to assess the reality of respect for Human Rights among the subcontractors of the Dangote Cement Cameroon.

The results of this mission, in terms of protection of Human Rights, were convincing. Before the investigation mission, the staff members of the subcontractors of the Dangote Cement Cameroon company received an irregular monthly salary of fifty-one thousand (51,000) FCFA, or only three weeks of paid work out of the four worked, and Sunday work was not paid. After the commission's visit to Dangote Cement Cameroon, workers' salaries were revised upwards and paid on a regular monthly basis from the 1st to the 30th of each month at the rate of eighty-one thousand (81,000) FCFA, representing an increase in the monthly salary of thirty thousand (30,000) FCFA. For those who work overtime, the monthly salary increased to ninety-three thousand (93,000) FCFA, representing an increase of forty-two thousand (42,000) FCFA.

In addition, a system for verifying the effectiveness of payment was put in place and three subcontractors previously implicated were changed by the management of Dangote Cement Cameroon, to take into account the commission's recommendations aimed at improving respect for workers' rights.³⁵

Respect of the right to life and the right to physical and moral integrity of a young pregnant lady

On December 11, 2022, the Cameroon Human Rights Commission (CDHC) became aware, through social media, of the allegations of violation of the right to physical and moral integrity of Miss NGUEDE Francisca Ernestine, aged 17 and heavy with child. While the young girl was already four months pregnant, her parents wanted her to have an abortion. To do this, she had been sequestered in a room by her guardians who allegedly tried, at the same time, to make her drink, against her will, traditional potions to induce the abortion. Mr. ONDENE ZOBO Elizée, the author of this pregnancy requested the intervention of the Cameroon Human Rights

³⁴ Cameroon Human Rights Commission, "La Commission des Droits de l'homme du Cameroun fait respecter le droit à la justice de la petite ASSIGA ONANA Antoinette, âgée de 7 ans, victime d'abus sexuels", <https://www.cdhc.cm/index.php?page=news&post=SUCCESS-STORY&id=85%20class=>

³⁵ Cameroon Human Rights Commission, "DANGOTE CEMENT CAMEROON : VALORISATION DES DROITS DES TRAVAILLEURS", <https://www.cdhc.cm/index.php?page=news&post=DANGOTE-CEMENT-CAMEROON--VALORISATION-DES-DROITS-DES-TRAVAILLEURS&id=44%20class=>

Commission, to preserve the life of his child. Informed of the facts, the President of the Sub-Commission in charge of the Protection of Human Rights instructed a field visit. This was carried out by the commission's Observation, Investigation and Alert Unit (OIA) at the family home of Miss NGUEDE Francisca located in Nkolondom, in the Centre Region.

Implementing its protection missions, as part of a conciliation procedure between the two families in conflict and opposed on the relevance of letting the pregnancy go to term or not, the commission informed the parties on the provisions of the Cameroonian Penal Code, in particular paragraph 2 of article 337 which states that "anyone who, even with her consent, procures an abortion for a woman shall be punished with imprisonment of one (1) to five (5) years and a fine of one hundred thousand (100,000) to two million (2,000,000) francs" and the harmful consequences that this act could have on the reproductive health of the young girl. The conciliation session resulted in an agreement between the two families, materialized on the one hand by the abandonment of the abortion plan and, on the other hand, by the commitment of the family of the applicant, Mr. ONDENE ZOBO, to take charge of the pregnancy and to look after the child from birth.³⁶

Limitations

Influence of the executive arm of government

The Commission is not an independent body in reality. This is because the President of the Republic appoints the Members, and the amount of the monthly remuneration of the Chairperson, Vice-Chairperson, Commissioners, and Permanent Secretary, as well as the nature of their benefits, are determined by decree of the President of the Republic.³⁷ Commissioners and the Permanent Secretary are entitled to session and mission allowances, fixed by decree of the President of the Republic. This means that to enjoy the trust of the Head of State for reappointment, Members must ensure they do not offend the Government in carrying out their activities, even if it means ignoring human rights violations. A Commissioner (Member) may choose not to speak in the face of human rights violations to maintain his/her cordial relationship with the Government.

Inability to cover the national territory

Another obstacle to the Commission's efficiency is its failure to cover the entire National territory, another setback is the absence of a compelling Mechanism in the Commission's decision. The Commission acts through opinions, recommendations, and reports, which are not binding documents. Section 41 of the Commission's organic texts provides that the Chairperson shall immediately forward the Commission's recommendations and opinions on the human rights situation in its special or thematic reports to the relevant competent authorities for review and follow-up.³⁸ There is, therefore, no way to ensure that the deliberation of the Commission will be respected as it has no mechanism to make enforcements.

Uncooperative attitude of some government agencies

Another weakness faced by this organ is the unwillingness of government institutions to provide it with reports on human rights. This often hinders its smooth functioning as a human rights monitor.³⁹

³⁶ Cameroon Human Rights Commission, "*La Commission des Droits de l'homme du Cameroun fait respecter le droit à la vie ainsi que le droit à l'intégrité physique et morale d'une jeune fille enceinte et contrainte de se faire avorter par des membres de sa famille*" (August 2023), <https://www.cdhc.cm/index.php?page=news&post=La-Commission-des-Droits-de-l%E2%80%99homme-du-Cameroun-fait-respecter-le-droit-%C3%A0-la-vie-ainsi-que-le-droit-%C3%A0-l%E2%80%99int%C3%A9grit%C3%A9-physique-et-morale-d%E2%80%99une-jeune-fille-enceinte-et-contrainte-de-se-faire-avorter-par-des-membres-de-sa-famille&id=106%20class=>

³⁷ Presidency of the Republic. "Décret N°2021/110 du 19 février 2021 portant nomination des Membres de la Commission des Droits de l'Homme du Cameroun". <https://www.prc.cm/fr/actualites/actes/decrets/4937-decret-n-2021-110-du-19-fevrier-2021-portant-nomination-des-membres-de-la-commission-des-droits-de-l-homme-du-cameroun>

³⁸ Ayuk Nkwa Pascal. "The Role of National Human Rights Institutions in The Promotion and Protection of Human Rights." Research Gate (December 2022)

³⁹ Rapport Annuel Sur La Situation Des Droits Humains Au Cameroun Janvier – Décembre 2021, https://upr-info.org/sites/default/files/country-document/2023-11/JS2_UPR44_CMR_F_Annexe3.pdf

The Courts

The Judicial Organization of Cameroon as contained in the law of December 29, 2006 as amended in 2011 on judicial organization comprises the following courts: Customary Law Courts; Courts of First Instance; High Courts; Military Courts; Lower Courts of Administrative Litigation; Lower or Regional Audit Courts; Courts of Appeal; The Supreme Court. There are various actors involved in the judicial system such as magistrates; lawyers; bailiffs; notaries; registrars; judicial police officers. The law on Judicial Organization states that Justice shall be administered in the name of the people of Cameroon.⁴⁰

Competences

Courts and tribunals must enforce human rights in court and tribunal proceedings. For example:

- right to recognition and equality before the law
- right to a fair hearing
- rights in criminal proceedings

Courts and tribunals protect these rights by making sure everyone can access the legal system. In Cameroon, the state pays lawyers on behalf of litigants when the latter is unable to afford one. Generally, in criminal or civil matters, where a person is too poor to afford a lawyer, he can apply to the Legal Aid Commission for a lawyer to be appointed to represent his interest. The Legal Aid Commission will only grant the application in fit cases as required by law. Where an accused is below 18 years and has no lawyer, the presiding magistrate or judge must assign one to him or her. The appointed lawyer is paid by the State.

Limitations

Judicial institutions in Cameroon have faced numerous challenges in the protection of human rights, including political interference, corruption, and inadequate resources. These challenges have eroded public trust in the judiciary and make it challenging to hold perpetrators of abuses accountable.⁴¹ The following paragraphs further expatiate;

Excessive and overbearing executive powers over the Judiciary

In Cameroon, judicial appointments, promotions, demotions, transfers, and sanctioning of administrators of justice are placed under an organ called the “Higher Judicial Council” viz Law No. 89/016 of 28th July 1989 as modified by Law No. 82/14 of 26th November 1982 on the organization and functioning of the Higher Judicial Council. Going by Section 1 of the law supra, the council is headed by His Excellency the Head of State and has as Vice President the Minister in charge of Justice who is an appointee of the Head of State.⁴² Some magistrates/judges have taken to placing the effigy of the Head of State on the wall directly behind their seat with the image staring menacingly at the judge and litigants sitting in court. Justice in this case seems to be rendered in the name of the Head of State rather than in the name of the people, as prescribed by law. The presiding judge looks completely fragilized and compromised in these circumstances. Section 10 states that the independence of the judiciary is guaranteed by the President of the republic.

⁴⁰ Justice And Peace Commission Archdiocese of Bamenda. “The Judicial System in Cameroon”. <https://www.justiceandpeacebamenda.org/attachments/article/24/The+Judicial+System+in+Cameroon.pdf>

⁴¹ Bobuin Jr Valery Gemandze Oben. “Judicial Independence and Transitional Justice in Cameroon: A Pathway to Sustainable Peace in the ongoing Anglophone Crisis”. *AfricLaw* (May 2023), <https://africlaw.com/2023/05/10/judicial-independence-and-transitional-justice-in-cameroon-a-pathway-to-sustainable-peace-in-the-ongoing-anglophone-crisis/#:~:text=However%2C%20in%20Cameroon%2C%20judicial%20institutions,hold%20perpetrators%20of%20abuses%20accountable.>

⁴² Access to Justice: Emerging issues and challenges in Justice Administration – Case study – Cameroon, <https://afribar.org/wp-content/uploads/2023/08/PP-Th-01-Access-to-Justice-Emerging-issues-and-challenges-in-Justice-Administration.pdf>

Powerful political personalities

In a typical traditional African setting, the people are ruled and governed by chiefs, the Sultans, Lamidos, Fons. These are very powerful and highly respected personalities in their community. In modern times we see the growth of another category of persons who use their political clout to influence the administration and access to justice. These are the local party leaders, mostly of the ruling party CPDM.

Prisons jam-packed with non-convicts

The Fako Lawyers Association (FAKLA) in collaboration with the Human Rights Commission in Cameroon carried out a census in a local prison in 2013.⁴³ The major findings were that 75% of the persons in prison were awaiting trial. The African Commission on Human and Peoples Rights has defined pre-trial detention as torture. Some persons outlive the term of imprisonment for the alleged offense committed awaiting trial. This is a worrying development with ordinary citizens not readily getting access to justice

Lack of information

For the populace to have reliable access to justice, there must be clearly defined and protected access to information.⁴⁴ Legal issues are complex and technical. However, they invariably affect the living conditions and well-being of the population ranging from health, education, housing, and in some cases basic survival. To be able to exploit the laws, users should be first and foremost aware of their existence, then, avenues to seek redress. This is a tall order for most Africans and Cameroonians who have no established official channel where a compendium of all existing laws can be readily consulted.

Corruption

Corruption in the administration of justice is not limited to the exchange of funds, which is comparable to goods sold over the counter. There is an emerging trend of magistrates and judges artificially creating a Demi-God status for themselves.⁴⁵ There is just no respect for the time employed by litigants seeking justice. Some of their unwelcome practices include inexplicably long adjournments, pompous interference with proceedings in a bit to show off, and arriving at the court late without the courtesy of any apology or simply staying away with no explanations.

Government Ministries

The Government of Cameroon has over 30 ministries, each of which is headed by a political and presidential appointee entitled “minister” or “minister of state” (a more senior level). All ministries are broken down further into directorates and departments. In line with the constitution, the position of minister or minister of state should be exclusive and cannot be taken with any other form of employment – this also means MPs and senators cannot be ministers. Ministers, however, have access to parliament and can participate in deliberations. Within each ministry one may find a “delegated minister” (French “ministre délégué”) – which is a third-ranking political appointee after minister of state and minister. The secretary-general in each ministry is the highest-ranking civil servant.⁴⁶ The goal of every Ministry is to provide public goods and services to citizens ranging from education, employment, agricultural sustainability (food) to health, all of which are human rights.

⁴³ Stanislaus Ajong. “Access to Justice: Emerging issues and challenges in Justice Administration – Case study – Cameroon.” *African Bar Association*, <https://afribar.org/wp-content/uploads/2023/08/PP-Th-01-Access-to-Justice-Emerging-issues-and-challenges-in-Justice-Administration.pdf>

⁴⁴ Morine Tanyi, “Reports reveals lapses in access to information in Cameroon.” *The Guardian Post (June 2024)*, <https://theguardianpostcameroon.com/post/3169/en/report-reveals-lapses-in-access-information-in-cameroon>

⁴⁵ In July 2017, President Biya dismissed Pascal Magnaguemabe, a 4th grade notorious magistrate. Pascal Magnaguemabe was fired from the Cameroonian magistracy for abuse of powers of attorney and corruption over a family succession affair. <https://www.cameroonintelligencereport.com/yaounde-magistrate-dismissed-for-misconduct-corruption/>

⁴⁶ Commonwealth Network. “Government Ministries”. https://www.commonwealthofnations.org/sectors-cameroon/government/government_ministries/

Competences

The Ministries of education (primary, secondary and higher) for instance are responsible for the development and implementation of Government policy on basic education, which is a fundamental human right in relation to article 26 of the Universal Declaration of Human Rights. These Ministries liaise between the Government and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in liaison with the Ministry of Arts and Culture and the Ministry of External Relations.⁴⁷

The Ministry of Public Health is responsible for developing and implementing the Government's public health policy. In this capacity, it is responsible for:

- ensuring the organization, management and development of public health facilities;
- ensuring the technical control of private health facilities;
- ensuring the extension of health coverage in the Territory

It ensures the liaison between the Government and the World Health Organization (WHO) as well as with international organizations within its area of competence in relation to the Ministry of Foreign Affairs. It exercises technical supervision over public administrative establishments in the public health sector.⁴⁸ Good health guarantees long life; thus, the Ministry of Health makes provisions for the respect of article 3 and article 25 of the Universal Declaration of Human Rights.

The Ministry of Employment and Vocational Training, under the authority of a Minister, is responsible for the development and implementation of the Government's policy on employment, training and professional integration.⁴⁹ This is in conformity with article 23 of the Universal Declaration of Human Rights on the “right to work”. This ministry supervises the National Employment Fund and intervention agencies in the field of job prospecting.

In conformity with the article 3 of the universal declaration of human rights, which stipulates that everyone has the right to life, liberty and especially security, the ministry of defence is responsible for the study of defence plans, the implementation of defence policy, the coordination and control of the Defence Forces and the organization and operation of Military Jurisdictions.⁵⁰

Other Ministries ensuring human rights protection and promotion include; the Ministry of Labour and Social Security, National Social Insurance Agency, Ministry of Social Affairs, Women Empowerment and the Family, Justice, Environment, Natural Protection and Sustainable Development,⁵¹ with a mandate to guarantee works, remuneration and social security, protect women, children and the physically challenged, access to justice and a healthy environment respectively.

Limitations

Like most African governments, Cameroon is faced with common challenges hindering the smooth functioning of its duties such as;

Corruption: according to Reverend Dieudonne Massi Gams, head of the National Anti-Corruption Commission, corruption costs Cameroon 114b fcfa in the year 2023 alone.⁵²

⁴⁷ Ministry of Basic Education, “Assignment”, <https://www.minedub.cm/en/assignment/>

⁴⁸ Ministère de la Sante Publique, « Le Ministre », <https://www.minsante.cm/site/?q=en/node/365>

⁴⁹ Decree N ° 2011/126 of 23 May 2011 on the organization of the Ministry of Employment and Professional Training

⁵⁰ Ministry of Defense. “Les missions du MINDEF”, <https://mindef.gov.cm/en/missions/>

⁵¹ See

⁵² Business in Cameroon. “Corruption Costs Cameroon CFA 114bn in 2023, Worst Loss in Five Years”. <https://www.businessincameroon.com/public-management/0110-14193-corruption-costs-cameroon-cfa-114bn-in-2023-worst-loss-in-five-years>

An overcentralised system of government: delays decision making, thus failing to meet pressing public needs.⁵³

Inadequate resources: lack of qualified personnel in some ministries as most public servants are trained by the National School of Administration and Magistracy without proper knowledge of some technicalities in certain fields.⁵⁴

The Human Rights and Freedoms Commission of The Cameroon Bar Association

The Human Rights and Freedoms Commission of the Cameroon Bar Association is created by decision of the Bar President. This internal Commission of the Bar Association is an organization for consultation, observation, evaluation, dialogue, consultation, defence of defenders, promotion and protection of Human Rights and Freedoms. It has no legal personality. The Commission can only act through the Bar Association.⁵⁵

Competence

The Commission's main mission is to promote the protection of human rights and freedoms.

As such, it:

- When seized of a case of violation of human rights (violation of the right of the child, violation of the right of the woman or all other violations of human rights), it proceeds to investigations and gives its report.
- Receives all information concerning cases of violation of human rights and freedoms.
- Study all questions relating to the promotion and protection of human rights and freedoms.
- May make proposals to the government and to international organizations on measures to be taken in cases of violations of human rights and freedoms.
- Seize all national or international authorities of cases of violation of Human Rights and Freedoms.
- To popularize, by all means, the instruments relating to Human Rights and Freedoms and to ensure the development of a culture of Human Rights and Freedoms within the society: through teaching, information and the organization of seminars and conferences throughout the national territory.
- Collects and disseminates national and international documentation related to Human Rights and Freedoms
- Maintains and signs partnerships or any other relations with national and international organizations in the framework of its mission.

Limitations

Despite its numerous reports on human rights violations, there is often a lack of commitment from government officials to uphold human rights standards. This can lead to inadequate enforcement of laws designed to protect human rights, making it difficult for the Cameroon Bar Association to advocate effectively.⁵⁶

⁵³ Valery Ferim, "The Centralisation of Political Power as an Impediment to Peace and Security in Cameroon", Academia https://www.academia.edu/1911625/The_Centralisation_of_Political_Power_as_an_Impediment_to_Peace_and_Security_in_Cameroon

⁵⁴ O.N, "Dieudonné Essomba dénonce la médiocrité des diplômés de l'ENAM", *Le Bled Parle* (October 2023). <https://www.lebledparle.com/dieudonne-essomba-denonce-la-mediocrite-des-diplomes-de-lenam/>

⁵⁵ Cameroon Bar Association. "Human Rights and Freedoms Commission". <https://barreaucameroun.org/fr/en/human-rights-and-freedoms-commission/>.

⁵⁶ Me NGO MINYOGOG Anne Yolande. "Report Of Policy Symposium on The Rule of Law and The Cameroon National Development Strategy 2020-2030: Perspectives". Cameroon Bar Association (March 2023), <https://barreaucameroun.org/fr/en/2023/03/23/report-of-policy-symposium-on-the-rule-of-law-and-the-cameroon-national-development-strategy-2020-2030-perspectives/>.

Also, insufficient funding restricts the Bar Association's ability to conduct outreach programs, training sessions, advocacy campaigns aimed at promoting human rights and even organising Bar exams.⁵⁷

CENTRE FOR THE PROMOTION OF HUMAN RIGHTS AND DEMOCRACY IN AFRICA

The Centre for the Promotion of Human Rights and Democracy in Africa is a national non-governmental organisation, its purpose is to engage both civil society and the government to enhance the respect and promotion of Human Rights in Cameroon. Its goal is to be the foremost Centre for human rights research in Africa. It has a vision and a mission to take the human rights movement to higher heights. CHRDA is not only committed to Human Rights issues but to the development of democracy as a political culture that advances human liberty and sets a fecund platform for the advancement of Human Rights.⁵⁸

Competences

Through its children's rights programme, CHRDA lays more emphasis on the protection of children's rights by identifying the major causes of the violation, developing strategies to curb the violations, and how children can be protected. When these causes are identified, CHRDA initiates programs in that regard, organizes public lectures, sensitization campaigns to advocate for the promotion and respect of children's rights and also train stakeholders on its importance in its communities. CHRDA also provides legal assistance to juveniles whose rights have been violated.⁵⁹

Legal Literacy / Education: In this regard, CHRDA sensitizes and educates the public on their rights and measures to be taken when a violation occurs or is about to occur. It gets the public involved in human rights activities so as to break the stereotype that human rights are only meant for the privileged and educated class. It also works with schools and colleges towards the building of a culture of respect for human rights. It realises that it is necessary to begin educating students at an early age on the importance of human rights so that as they grow older the culture also grows in them.⁶⁰

Women's Right: This organisation implements initiatives that promote women's economic and human rights, support women activists and lawyers, and confront harmful cultural, traditional or religious practices. It partners with organizations, civil society, clergy and traditional rulers in working for the respect of women rights. It also organizes working sessions with traditional leaders and the local communities on the benefits to the society for women to be treated on an equal basis with men.⁶¹

Limitations

The Centre for The Promotion of Human Rights and Democracy in Africa is mostly limited to advocacy, as such it only identifies human rights abuses and recommends remedies but lacks tools to punish violators per say, having to rely on a justice system heavily influenced by the executive.

In the course of its advocacy, through release of reports on human rights violations committed by both state and non-state actors within the framework of the anglophone crisis and crusading for a peaceful resolution of the said through dialogue, CHRDA's founding president, Agbor Balla, has been subject to threats especially by separatist fighters who constantly accuse her of siding with government.⁶²

⁵⁷ Brenda Yufeh, "Financial Constraints Hinder Launch of Bar Exams Frequently", *Cameroon Tribune* (April 2024), <https://www.cameroon-tribune.cm/article.html/64202/fr.html/financial-constraints-hinder-launch-of-exams-frequently>

⁵⁸ Centre for Human Rights and Democracy in Africa. "About". <https://www.chrda.org/about/>.

⁵⁹ Centre for Human Rights and Democracy in Africa. "Children's Rights". <https://www.chrda.org/programs/childrens-rights/>.

⁶⁰ Centre for Human Rights and Democracy in Africa. "Legal Literacy / Education". <https://www.chrda.org/programs/legal-literacy-education/>

⁶¹ Centre for Human Rights and Democracy in Africa. "Women's Rights". <https://www.chrda.org/programs/womens-rights/>.

⁶² World Organisation Against Torture, "Cameroon: Death threats against Felix Agbor Nkongho", <https://www.omct.org/en/resources/urgent-interventions/cameroon-death-threats-against-felix-agbor-nkongho>

INTERNATIONAL HUMAN RIGHTS INSTITUTIONS

United Nations Centre for Human Rights and Democracy

The United Nations Centre for Human Rights and Democracy in Central Africa, also referred to as the OHCHR Regional Office for Central Africa (CARO) - based in Yaoundé, Cameroon - was created at the request of member states of the Economic Community of Central African States (ECCAS) and pursuant to General Assembly resolutions 53/78 A and 54/55 A. It participates actively in meetings of the UN Standing Advisory Committee on Peace and Security in Central Africa.⁶³

Competences

This institution supports the promotion and protection of human rights and democracy through monitoring the human rights situation, informing on the trends, promoting prevention, capacity building, advocacy and advisory services to national authorities, national human rights institutions, civil society and international organizations. It covers 10 countries of the Economic Community of Central Africa States (ECCAS), notably Burundi, Cameroon, Central Africa Republic, Chad, Equatorial Guinea, Democratic Republic of Congo (DRC), Gabon, Republic of Congo, Rwanda, and Sao Tomé and Príncipe.

Achievements

States cooperation with human rights mechanisms: it supported countries of the subregion in preparing their periodic reports to human rights treaty bodies in response to States' requests. This support which was both technical and substantive enabled member states to submit reports in time for the UPR and committee sessions.⁶⁴

Security and Early warning: It has ensured that human rights feature permanently in the agenda of all meetings of the United Nations Standing Advisory Committee on Security in Central Africa, especially in crisis situations. CARO has also been in the forefront of the UN-wide efforts to divert and resolve the political and social crises prevailing in many of the countries, by emphasising the human rights dimension in the stakeholders' interventions and conducting human rights monitoring, investigation and reporting, including remotely as well as engaging proactively with institutions of law enforcement, the judiciary, parliaments, and other institutions to ensure they abide by human rights principles and hold perpetrators accountable.⁶⁵

Limitations

Like most human rights organisations in Cameroon, the United Nations Centre for Human Rights and Democracy is a mere advocate, often playing the role of a monitor. Despite all its advice to remedy the human rights landscape in Cameroon as reported during Volker Türk's (UN High Commissioner for Human Rights) visit to Cameroon earlier in August 2024,⁶⁶ implementation dwells on government.

RECOMMENDATIONS

It is recommended that, there is need to strengthen the protection mechanisms of institutions charged with the protection human rights, extending their mandate to that of enforcing sanctions on perpetrators of human rights violation as well as granting them complete independence during investigation and reporting. Institutions such as the National Human Rights Commission should be rendered financially independent and, in its latitude, to produce reports that are not politically censored. This is vital in building a state that is conscious and can adequately ensure the rights of its citizens.

⁶³ UN Human Rights in Central Africa (June 2020), <https://www.ohchr.org/en/countries/africa-region/un-human-rights-in-central-africa>

⁶⁴ idem

⁶⁵ idem

⁶⁶ UN High Commissioner for Human Rights Volker Türk concludes official visit to Cameroon (August 2024), <https://reliefweb.int/report/cameroon/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-cameroon#:~:text=Among%20the%20most%20difficult%20challenges,Boko%20Haram%2Daffiliated%20and%20splinter>

More so, judicial assessment mechanisms should be enhanced to enable post legislative reviews and challenge existing laws that infringe on the protection of human rights.

Lastly, it is important to develop a culture of human rights and to prioritise the protection of human rights, while ensuring effective implementation of the principle of separation of power.

CONCLUSION

Protection of human rights in Cameroon is a cause championed by both state and non-state institutions. However, for human rights to be effectively implemented, there must be a political will from the government. Although human rights institutions in Cameroon often take steps to promote their cause, identify and investigate human rights abuses, they lack enforcement mechanisms to call violators to order. Impunity, amongst others, also compromises human rights in Cameroon. The interplay between local realities and international human rights standards remains complex, often leading to tensions between advocacy efforts and governmental policies. Ultimately, while there are notable achievements, sustained commitment from both domestic stakeholders and international partners is essential to overcome existing barriers and optimise the mandate of human rights institutions in Cameroon.

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