

THE PROTECTION OF HUMAN RIGHTS DEFENDERS IN CAMEROON

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INTRODUCTION

The protection of Human Rights Defenders (HRDs) is a global concern. Indeed, the NGO *Front Line Defenders* indicates in a report that in 2020, at least 331 HRDs were killed throughout the world, including 44 women (1). Of the HRDs killed, 69% defended the rights of the land, environment, and indigenous peoples; 28% worked specifically on the rights of indigenous peoples, and 28% were women who campaigned for the

rights of women and girls (Ibid.).

This report confirms the observation that the activities of HRDs take place in a general atmosphere of danger (2). The rights and freedoms they promote or defend most often target marginalized social groups – women, children, political prisoners, LGBTIQ communities, etc. – or controversial themes – environment, gender, sexual orientation, collective security, etc.

Despite the definition of HRDs set out in the United Nations Declaration on Human Rights Defenders, controversy persists about the exact understanding of what an HRD is. Indeed, according to the said Declaration, an HRD is considered “any person who, individually or in association with others, acts to promote or protect human rights ” (3). This simple and generalizing definition has the merit of defining the activity of HRDs within all professions – liberal and wage. However, it does not specify from how and up to what point a person can be considered an HRD.

For example, can a journalist who denounces a situation of human rights violation during a special edition be considered an HRD? This example sufficiently demonstrates how much the notion of HRD still eludes any

systematization. However, additional criteria can help to grasp its contours, such as a passion for the defense of human rights, the direct or indirect link with the rights defended, the regularity of awareness-raising, lobbying, or all forms of communications around the rights defended, the non-profit nature of the defense activity and the risk factor.

According to the Report on the Situation of HRDs in the Americas, “the activities of human rights defenders are fundamental for the universal exercise [of the rights they defend] as well as for the full exercise of democracy and the Rule of Law” (3).

If there exists at the international level a legal mechanism relating to the protection of HRDs (I) in Cameroon, the problem arises in terms of the non-existence of this protective framework for HRDs (II).

THE EXISTENCE OF AN INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF HRDS

In order to prevent and counteract the violence to which HRDs are regularly exposed while performing their activities, the United Nations and the former Organization of African Unity (OAU) have adopted several instruments and mechanisms intended to guarantee the protection HRDs.

In fact, the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) generally enshrine freedom of opinion, freedom of expression, freedom of assembly, and peaceful association. But in 1998, the United Nations adopted

an instrument specifically dedicated to HRDs. This is the United Nations Declaration on HRD (4).

This reference instrument promotes the activities of HRDs and lays down the procedures for guaranteeing their rights. It codifies international standards for protecting the activities of HRDs around the world; recognizes the legitimacy of the activity of defending human rights and the need to protect this activity as well as those who defend it; sets out the duties of states and the responsibilities of each in terms of defending the rights of HRDs (5).



This dynamic for the protection of HRDs has also been boosted to the African level by the OAU at the regional level. Thus, the Grande Baie Declaration and Plan of Action were adopted on April 16, 1999, by the first OAU Ministerial Conference meeting in Grande Baie, Mauritius, from April 12 to 16, 1999. These two instruments are the very first on the African continent to mention the specific protection of HRDs. They invite OAU Member states to take appropriate measures to implement the United Nations Declaration on HRDs (6). This regional system is supplemented by the Kigali Declaration adopted on May 8, 2003, which emphasizes the role of HRDs and the need to protect them, like Article 28 (7).

These various instruments developed at the above universal and African levels are reinforced by the existence of international and regional mechanisms for the protection of HRDs. This is the case with the United Nations Human Rights

Committee, which examines, among other things, the reports presented by the states parties as well as communications from individuals on the human rights situation, etc.

The same is true of the African Commission on Human and People's Rights. There are also, alongside these mechanisms, rapporteurs specially appointed for HRDs. This is the case of the United Nations Special Rapporteur on the situation of defenders and the Special Rapporteur of the African Commission on the situation of HRD in Africa in the person of the President of the Commission on Human and People's Rights.

This international and regional framework demonstrates the centrality of taking into account the crucial issue of the protection of HRDs. In Cameroon, HRDs remain constrained by the absence of a real specific instrument to guarantee HRDs.

THE ABSENCE OF A NATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF HRDS

Although it is a global concern, the protection of HRDs in Cameroon is not yet subject to a specific legal framework. Admittedly, laws adopted following the liberalization of political and civic space in 1990 allow HRDs to enjoy certain freedoms. These are specifically Laws No. 90/43 relating to the conditions of entry, stay, and exit of the Cameroonian territory; Law No. 90/052 on freedom of social communication; No. 90/053 relating to the freedom of association and Law No. 90/055 fixing the regime of gatherings and public demonstrations. These laws thus constitute the legal basis on which HRDs in Cameroon rely to carry out their activities (travels, gatherings, associations, and communication).

However, the absence of a specific text on the protection of HRDs remains a genuine handicap. In 2021, Senator Pierre Flambeau Ngayap submitted to the office of the Cameroonian Senate a bill on the promotion and protection of HRD in Cameroon (REDHAC 2022: 34). This proposal currently represents the only hope of obtaining a legislative instrument specifically dedicated to HRDs.²

For the time being, the emptiness of a specific legal framework for the protection of HRDs is the main cause for the persistence of violations against them. For example, HRDs are generally

victims of “criminalization” by extension or by rebound, a strategy that consists of “*taking advantage of the criminal law and other legal provisions to attack [them], with the aim of curbing their work of defense and promote fundamental freedoms*” (9).

According to Front Line Defender (2017:9), the criminalization of HRDs is more pronounced when it comes to the area of national security. For example, the 2014 law on terrorism has been used by Cameroonian authorities to target HRDs. For illustration, the correspondent of Radio France International in the Hausa language, Ahmed Abba, had been sentenced to 10 years in prison and a fine of €84,000 by the Yaoundé military court for “non-denunciation of terrorism” and “money laundering” revenue related to terrorist acts” (Front Line Defender 2017: 9).

Similarly, in 2017, two civil society leaders, namely lawyer Nkongho Felix Agbor-Balla and Dr. Fontem Aforteka’a Neba, representatives of the English-speaking movement, were arrested by the Cameroonian government because they were demanding the release of students and teachers imprisoned between the end of 2016 and the beginning of 2017 (11).

CONCLUSION AND RECOMMENDATIONS

HRDs remain exposed to serious violations of their rights mainly due to the non-existence of a status recognized and regulated by a specific legal instrument. Also, measures should be taken to provide them with better legal and social protection.

- ❖ International and regional institutions should encourage states to internalize legal instruments relating to the protection of HRDs
- ❖ Following the example of states, such as Côte d'Ivoire (June 2024), Burkina Faso (June 2017), and Mali (January 2018) (12), the State of Cameroon should adopt a specific law for HRDs so as to better supervise and better protect their activities

- ❖ The State of Cameroon should ensure respect for the freedoms of expression, association, and free movement of HRDs
- ❖ Human rights associations and NGOs should set up a national network of HRDs to advocate for the defense of their rights
- ❖ Populations should be educated on the protection of HRDs



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