

A BRIEF COMPARISON BETWEEN THE SOUTH AFRICAN AND THE CAMEROON NATIONAL HUMAN RIGHTS COMMISSIONS

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1. Introduction

National Human Rights Commissions are national institutions created to monitor human rights situations within countries. Although some national commissions have been created in compliance with recommendations of the United Nations Human Rights Committee, others have only been established following citizens' pressure and demand for greater democracy. This is the case of the National Commission on Human Rights and Freedoms of Cameroon, which was created in 1990 as part of an involuntary response by the government to the citizens' call for accountability. On the other hand, the South African Human Rights Commission was established in 1995 following a period of transition from a racial regime to democracy. While both Commissions have similar objectives, they differ extensively in their ability to carry out their duty.

2. Similarities of the Commissions

Just like any other national human rights institution, both the South African and the Cameroon Human Rights Commissions seek to achieve two broad objectives: to promote and protect human rights nationally. Both commissions are realizing their promotional objective by organizing workshops, seminars, and conferences. They hold sensitization programs on radio and television, and they encourage the integration of human rights courses in school curriculum. They are equally accomplishing their protection mission by hearing complaints of human rights violations, making inquiries and investigations into abuses, and visiting detention centers, police cells, and prisons.

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3. Difference of the Commissions

3.1. Autonomy

Despite the fact that both Commissions have done a substantial job in achieving their objectives, they differ extensively in authority and their ability to effectively and efficiently perform their mission. Concerning their autonomy, the South African Commission was created by an Act of Parliament passed by the National Assembly. Accordingly, the Commission is responsible solely to the National Assembly not to the executive branch of government. The Commissioners are elected by the National Assembly through an open and transparent process, including public interviews and scrutiny, which ensure that Commissioners are elected from among the most competent persons. The fact that the Commission is only accountable to the National Assembly provides sufficient basis for its independence.

By contrast, the Cameroon Human Rights Commission was created by a Presidential decree. The Commission is solely accountable to the President who has the power to appoint and dismiss Commissioners at his discretion. The executive's decision on the appointment of Commissioners is mostly influenced by political inclinations rather than competence. This enables the executive to maintain tight control over the Commission, thereby compromising its independence.

3.2. Investigative Power

Both the Cameroon and South African Human Rights Commissions do have the authority to investigate human rights abuses. However, there exist great discrepancies in the actual extent of these powers. The South African Human Rights Commission has clear authority to fully investigate allegations of human rights violations, including the power of search and seizure, and the power to subpoena anybody to testify in an investigation. In addition, all state organs are obliged to render such assistance to the Commission as it may require in carrying out its task, even if the government is the subject of such investigation.

In disparity, the Cameroon Human Rights Commission's power in performing its protection mandate is extremely weak. It does not have the power of search and seizure; neither can it subpoena anyone to testify in an investigation of human rights abuse. Generally, it may seek cooperation when undertaking investigations but state organs are in no way obliged to render such assistance especially if the government is the subject of the investigation.

3.3. Legislative Interventions

Regarding legislative interventions, the South African Commission carries out high level advocacy to affect policies and legislations by reporting to different parliamentary committees on various human rights issues. It also makes submissions on legislation to promote open and accountable government. Unlike the South African Commission, the Cameroon Commission is a passive institution, playing no active role in the legislative process. The Commission is not consulted, and does not have the ability to make unsolicited recommendations to the National Assembly even on legislation affection human rights issues.

3.4. Decisions and Reports

Both the South African and the Cameroon Commissions do render decisions on investigations into human rights abuses they carry out. They equally prepare annual reports of their activities. Nonetheless, there is a profound difference in the effect of the outcome of the activities of these institutions. The South African Human Rights Commission's decisions on investigations of human rights abuses are binding on all parties involved; be they private individuals, corporations, or the government. Also, the Commission reports on an annual basis to the National Assembly. This annual report which includes all human rights abuse investigations are published and the information publicly accessible.

In stark contrast, the Cameroon Human Rights Commission's decisions are not binding. In proper terms, they are merely referred to as recommendations, which may or may not be adhered to without any consequence. Also, the Cameroon Commission does not make any annual report to the National Assembly. Instead, it submits a confidential report to the President of the Republic, the sole person to whom the Commission is responsible. In addition, the Commission is not authorized to make this report public, hence enabling maximum executive scrutiny of the Commission's activities.

4. Conclusion

It is logical to conclude that the promotion and protection of human rights nationally involves much more than just the existence of a national human rights institution. While the South African and the Cameroon Human Rights Commissions have implemented similar programs with respect to their promotional mandate, they differ significantly in the extent of their powers to investigate abuses; the impact of their decisions; and the effect of their annual reports. The autonomy enjoyed by the South African Human Rights Commission makes it an effective institution to protect the rights of its citizens, whereas the dysfunctional and ineffective Commission established by the Cameroon government is merely window-dressing, aimed at deceitfully securing the approbation of the international community.