Promoting and Protecting Human Rights in the Corporate Sphere.

By Dr. Chemuta D. BANDA, Chairperson of the National Commission on Human Rights and Freedoms, Cameroon.

1. In Cameroon, corporate institutions have multiplied over the years since the liberalisation of economic activities in the country in the 1980s. These bodies which intervene in various domains include parastatals, privately owned companies as well as transnational corporations spread across the country with a high concentration in chief towns. Despite this variation, the human rights violations are similar, occurring during the setup of these companies, during the normal functioning of the companies and also when some wind up.

2. The National Commission on Human Rights and Freedoms which was set up by Law nº 2004/016 of 22 July 2004 has a broad mandate in keeping with the Paris Principles. Given the absence of the office of an Ombudsman in Cameroon, there has been a general tendency for people to bring complaints which are not based on the violation of human rights to the Commission which gives orientation to complainants in such cases. Through its information and educating programs, the Commission is progressively increasing awareness among the people.

3. General environmental rights have been affected by logging companies and mining companies. Land and property rights have been violated in the construction of dams at Lagdo in the North Region and Bamenging in the North-West Region of Cameroon. There have been evictions and displacements of people from land for plantation agriculture in the Boa Diongo area of the South-West Region with little or no compensation. The Commission has received complaints against MEADEN, AES-SONEL, the Upper Noun Valley Development Authority (UNVDA) and the Cameroon Development Corporation (CDC) in cases relating to the initial set up or the expansion of the corporations.

Complaints concerning the violation of human rights in the course of the operations of corporations have been received at the Commission as well. They relate to the degradation or the pollution of the environment, the absence of security schemes for some workers, and abusive dismissals. The Commission has received complaints against the Cameroon Tea Estate (CTE), the National Oil Refinery (SONARA), The Mobile Telephone Network (MTN), the Road Construction Company (RAZEL), the Brewery Company (UCB), the Satellite Insurance Company (SIC), the National Social Insurance Fund (CNPS), and the Cameroon Housing Company.

Many complaints have also been filed at the Commission on liquidation rights following the winding up of the International Bank of West Africa (BIAO).

4. Of the 612 complaints registered at the National Commission on Human Rights and Freedoms in 2009, 55 were on violations by corporations. Hundreds of victims were involved in the 55 cases. The Commission is therefore pre-occupied with the problem of human rights violations in the corporate sphere.

Complaints are received at the Head Office and Branch Offices of the Commission. Action on these complaints may entail field verification, calling the parties to our offices for mediation and conciliation or simply giving oral or written advice and orientation to the complainants. Sometimes,
we write directly to the corporation authorities concerned or to the supervisory authorities of the corporations for appropriate steps to be taken for redress. We encourage dialogue and cooperation in the general interest. Our field verifications are sometimes done in cooperation with members of civil society organizations and of the judiciary.

5. Reasons for the non respect of human rights in the corporate sphere include the following challenges:

- the fact that employment contracts in Cameroon are mainly negotiable despite the existence of a labour code and a collective convention,
- the absence of binding framework contracts between workers and employers (room for an oral contract),
- illiteracy and inability of job seekers to negotiate or understand employment contracts and the labour code,
- lack of resources to lodge labour matters in law courts for redress,
- ignorance of the law regulating labour matters,
- an above-the-law attitude of some employers who act with impunity,
- privatization done without paying enough attention to the situation of workers.

As a result of the above, we observe:

- Exploitation of workers who are often very poorly paid generally without pay slips;
- Non-registration of workers with the social insurance scheme;
- Non-payment of workers social insurance dues, family allowances, old-age pension etc, which often leave retired workers frustrated as they are not entitled to old age and retirement pension;
- Poor working conditions, workers often not insured against industrial accidents and other health hazards at jobsite;
- Irregular payment of salaries that often leave workers with many months of unpaid salaries that are often never regularised;
- Irregular layoff and termination of workers without prior warning and adequate compensation;
- Utilisation of workers for long hours (more than the eight hour per day or 48 hour per week) without compensation;
- Inability to access justice by workers wishing to lay claims for their rights due to the high level of corruption and the ineffectiveness of the labour inspector;
- Long periods of probation without confirmation;
- Even persons covered by insurance policies are sometimes refused indemnification.

6. The following cases have been handled by the Commission:

(a) Cases of direct mediation and conciliation at the level of the Commission (NCHRF):

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<tr>
<th>SN</th>
<th>REF.</th>
<th>PARTIES</th>
<th>VIOLATOR</th>
<th>RIGHT VIOLATED</th>
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<tbody>
<tr>
<td>1</td>
<td>SW 2007</td>
<td>DISAWOFA Vs the CDC</td>
<td>CDC</td>
<td>Trade Union Rights</td>
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<td>2</td>
<td>SW 2008</td>
<td>Y and F Consultants Vs the CDC</td>
<td>CDC</td>
<td>Right to property</td>
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<td>3</td>
<td>03/08</td>
<td>Workers Delegates Vs AFRICA SECURITY</td>
<td>AFRICA SECURITY</td>
<td>Wrongful Dismissals</td>
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<td>4</td>
<td>10/08</td>
<td>Paul NTONGA Vs OILYBIA</td>
<td>OILYBIA</td>
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<td>5</td>
<td>13/08</td>
<td>Gerome KENFAC Vs Hotel ARCADE</td>
<td>HOTEL ARCADE</td>
<td>Social Security</td>
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<td>6</td>
<td>17/08</td>
<td>Ignace TABI Vs SOCATOUR</td>
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7. From the experience of the National Commission on Human Rights and Freedoms, we can assert that NHRI s have an important role to play in the issue of business and human rights. Through a well developed program for human rights education, an efficient complaints management service, and a properly conceived national action plan for the promotion and protection of human rights, NHRI s can foster a human rights culture which ensures and promotes:

- the fulfilment of the state duty to protect against human rights abuses by business,
- the corporate responsibility to respect human rights and
- access to remedy for breaches by corporate actors.

What is needed by NHRI s in this endeavour is the enhancement of their institution frameworks and the provision of adequate resources for their constructive engagement in the carrying out of their mandates.