

THE DEFENDER

THE RIGHT TO VOTE, THE MOST PRECIOUS RIGHT!



The right to vote is arguably the most precious right that a citizen can enjoy. It is the mother of all human and peoples' rights and is essential to the enjoyment of every other right. Unfortunately, recent electoral campaigns in Cameroon reveal that citizen participation in politics has waned tremendously, notably among youth, women and urban populations. Other segments of the population such as prisoners have been denied the right to vote in total disregard for human rights standards.

Democratic governance warrants that people actively participate in the political life of their country. The most convenient means through which a people can actively take part in

Continued on page 8

EDITORIAL

We are pleased to present to you this maiden issue of *The Defender*, a bi-annual publication of the Cameroon Lawyers for Human Rights (CLHR).

In this issue we have chosen to focus on one particular topic, elections. The choice of this topic has been motivated by the recent adoption of a uniform and harmonized electoral law contained in Law No. 2012/001 of 19 April 2012 relating to the Electoral Code as well as the upcoming municipal, parliamentary and senatorial elections.

We believe that the most convenient means through which a people can actively take part in government and the public life of their country is through periodic, free and fair

elections. Taking part in the government of one's country is a fundamental human right!

Unfortunately, recent electoral campaigns in Cameroon reveal that citizen participation in elections has waned tremendously, notably among the women, youth and urban populations.

This issue therefore attempts to cover the entire electoral process with a view to rebuilding public confidence in the electoral system and promoting citizen participation in the electoral process, especially among women, youth and other marginalized segments of the population. The presentations may also be useful in developing the knowledge and skills of all in election matters.

A bi-annual publication of CLHR

ISSUE 1, FEBRUARY 2013

Know your rights:

Polling Day Fact Sheet . . . 2

Electoral Campaigns . . . 2

The Biometric Electoral System . . . 3

Everything About ELECAM . . . 4

Women in Politics . . . 5

Election of Municipal Councilors in Cameroon . . . 6

Election of Members of Parliament and Senators . . . 7

Who Qualifies as an Elector . . . 9

Electoral Offenses . . . 10

Voter Cards . . . 10

About CLHR . . . 11

How to Register . . . back cover

A resource document for candidates, leaders, voters, and human rights organizations

POLLING DAY FACT SHEET

1. POLLING STATIONS

- There shall be one polling station for a maximum of 500 (five hundred) electors.
- Every polling station shall be located in public premises or in premises open to the public.
- Lists of polling stations shall be posted at least eight days before the day of elections.

2. CONDUCT OF THE POLL

- Every polling station shall have the lists of voters eligible to vote.
- The election shall be by secret ballot.
- Any voter whose name is duly entered in the electoral register shall be entitled to vote.
- Voters shall produce their voter's cards and prove their identity by producing their identity card.
- Persons with disabilities may enlist the assistance of an elector of their choice. Such elector must be registered on the electoral register of the polling station concerned.
- Every voter must sign and/or affix her/his finger print (using indelible ink) on the electoral register after casting her/his ballot.
- At least three (3) members of the local polling commission must be present at the polling station or its vicinity throughout polling.

3. - COUNTING OF THE VOTES

- Vote counting and tallying shall take place in each polling station immediately after the actual end of voting.
- Vote counting shall take place in the presence of voters who wish to participate in the counting.
- During vote counting the chairperson of the local polling commission shall appoint four (4) electors from among electors registered on the electoral register of the polling station to serve as scrutineers.
- Once counting is over, the results obtained in each polling station shall be proclaimed

ELECTORAL CAMPAIGNS



The campaign is the only legally recognized vote seeking activity provided for by the law during elections or referenda. The objective of election campaigns is to persuade voters to vote for a specific candidate or party. It is the opportunity for the party/candidate to present its platform, manifestoes, visions and aspirations through speeches, circulars, posters, flyers, bills and meetings (rallies).

The new electoral code of April 2012 provides for electoral campaigns (sec.87-95). Campaigns open on the 15th day preceding the elections and close at midnight on the eve of the election. Those involved in campaigns are local administrative authorities, ELECAM, and political parties/candidates. ELECAM plays the role of a supervisory organ and to ensure observance of the law as regards publication and circulation of campaign material.

Campaigns may be funded by the political parties or the candidates who are participating in the elections. The state contributes in defraying some expenses. The code however provides how the money shall be partitioned. The finance law of each election year shall make provisions for the state contribution.

Continued on page 8



UNDERSTANDING THE BIOMETRIC ELECTORAL SYSTEM IN SEVEN QUESTIONS

1) WHAT IS THE BIOMETRIC COMPILATION OF THE ELECTORAL REGISTER?

This is the option taken by the government to ensure a high level of transparency in the electoral process. There shall be the introduction of some biological element (e.g fingerprint) to be used in registration on the electoral list.

2) WHO SHALL CONDUCT THE BIOMETRIC COMPILATION OF THE ELECTORAL LISTS?

Law N° 2012/001 of the 19/04/2012 on the Electoral Code indicates that ELECTIONS CAMEROON has the mandate to control the process. The German operators, Giesecke and Devrient, shall technically assist them.

3) HOW MANY BIOMETRIC ELECTORAL KITS HAVE BEEN PROVIDED TO ELECAM IN THE OPERATION AND HOW HAVE THEY BEEN SHARED?

ELECAM has received 1.200 electoral kits, operated by 2.400 trained operators. They are shared amongst the 360 council areas in the country and each council area has received at least two kits. Bigger council areas can receive up to 8 electoral kits. These kits are adapted to our environment. They have in-built generators that make them function normally in case of power failure.

4) WHEN DID THE OPERATION ACTUALLY START AND HOW MANY ELECTORS DOES ELECAM EXPECT TO REGISTER IN THIS OPERATION?

The operation started on the 3rd October, 2012 and is expected to end on the 28th February 2013. The objective of ELECAM according to the Director General is to register a minimum of 8 million voters.

5) WHAT WILL THE VOTER RECEIVE AT REGISTRATION AND WHAT WILL THE VOTER CARD LOOK LIKE?

The voter upon registration shall receive a registration receipt carrying the same information as on the voter card. This shall be presented before retrieval of the voter card and it does not replace the electoral card.

According to section 84(1) of the above cited law, every registered voter receives a biometric voter card carrying his or her names, date and place of birth, parentage, photo, finger prints, profession and residence.

6) WHEN SHALL THE ELECTORS HAVE ACCESS TO THEIR ELECTORAL CARDS?

According to section 84(3) of the afore cited law, when voter cards are renewed or new names are entered on the electoral register, the cards shall be distributed within a period of 40 days before the polling day.

7) WHEN DO POLITICAL PARTIES COME IN?

Political parties come in at the level of joint commissions that are put in place for the revision of the electoral register and the control of the distribution of voter cards in accordance with the provision of the electoral code. They equally take part in the local polling commissions that work on the elections day. ELECAM is at the center of determining the composition of these commissions at every administrative level.

THE COMPOSITION, ORGANIZATION AND FUNCTIONING OF ELECAM

ELECAM is the body tasked with the organization, management and supervision of all election and referendum operations.

Elections Cameroon (ELECAM) shall comprise of the following organs;

- The Electoral Board
- The General Directorate of Elections

THE ELECTORAL BOARD

The Electoral Board of ELECAM shall comprise of twelve (12) members, including a chairperson and one (1) vice-chairperson.

The mandate of members of the electoral board shall be four (4) years, renewable as appropriate.

The Electoral Board shall ensure compliance with the electoral law of all stakeholders for the purpose of guaranteeing regular, impartial, free, fair, transparent and credible polls.

The Electoral Board shall hold 4 (four) ordinary sessions each year when convened by its chairperson. However, when the need arises or at the request of 2/3 (two-third) of its members, the board shall meet in extraordinary session.

During an election period, the electoral board shall meet as often as necessary.



THE GENERAL DIRECTORATE OF ELECTIONS

The general directorate of elections shall be responsible for the organization and management of the poll under the supervision of the electorate board.

The general directorate of elections shall be placed under the authority of a director general, assisted by a deputy director general, as appropriate.

The Director General and Duty Director General shall be appointed by decree of the President of the Republic for a mandate of five (5) years, renewable as appropriate upon consultation with the electoral board.

The Director General shall be responsible for all election operations and referendums under the supervision and control of the electoral board.

WOMEN IN POLITICS



In Cameroon, women make up about 51% of the total Population. Only 13.9% of the national assembly is composed of women with 25 women out of 180 members in parliament. Less than 3% of the municipal councilors in Cameroon are women. Cameroon is ranked 96th in the world classification of women in parliament while Rwanda ranks 1st with more women in parliament than men.

Figures from the ongoing registration process reveal that there are more men on the registers than women. As of 23rd January, 2013, out of three million registered voters, there were 1 380 000 women and 1 655 000 men.

Democracy entails an effective and efficient participation by all citizens, irrespective of sex, race or social status. It follows that all persons without exception express their will, participate in the determination of the government, and directly or indirectly participate in the decision making process (either as voters and/or candidates).

In Cameroon, international as well as local legislations have adequately safeguarded and guaranteed the right to participate in elections as a fundamental human right of all citizens. Examples include the Universal Declaration of Human Rights (art. 21), the 1966 International Covenant on Civil and Political Rights (art. 25), the 1981 African Charter on Human and Peoples' Rights (art. 13), the 2007 African charter on Democracy Elections and Governance, and the Cameroon constitution (art. 2).

The 19th April 2012 Electoral code (sec. 164, 171, 218, 246 of Law No. 2012/001) provides that each list for parliamentary, municipal, senatorial and regional councilors respectively, shall take into consideration the various sociological components of the constituency concerned as well as gender aspects. Gender aspects undoubtedly refer to the socially constructed dichotomy between men and women. Sociological components may be given a wider definition to include elements such as ethnicity, sex, religion and minorities.

A list submitted for election shall not be admitted if it does not meet with the legislative requirement of gender considerations. It is worth note that, the Cameroon legislation does not actually make an express provision of the quota. This silence on gender quota makes the situation no better than what prevailed before. It is however expected that more women will participate in the upcoming elections as voters and candidates. Political parties are also encouraged to nominate as many women candidates as possible.



Election of Municipal Councilors in Cameroon

- The Councilors have a mandate to promote local development and improve the living conditions of the inhabitant of the council area.
- In Cameroon, the practice has been to create a council in each administrative unit known as the subdivision.
- The day-to-day management of the council is ensured by the mayor.

- Councils provide basic services such as the cleaning of streets, building and management of markets, motor parks, providing access to potable water, promoting agricultural and environmental activities, building and maintenance of council roads, registration of births, marriages and deaths, building, equipment and maintenance of local health centers, nursery and primary schools, promotion of culture and tourism, creation of sports and recreational facilities.
- Councilors meet in ordinary session convened by the mayor once every quarter.
- Council committees may be set up as the need arises.
- Councils have between 25 and 61 counselors depending on the population of the subdivision. Councils with more than three hundred thousand (300 000) inhabitants have sixty-one (61) councilors.
- Vote for a list of Councilors.
- To register as a candidate an individual must fulfill the following criteria:
 - Aged twenty-three (23) years at the date of the election
 - Can read and write English or French
 - Proof of effective residence of at least six (6) months within the area of the council
 - Fee of fifty thousand (50 000) FCFA



Cameroon women urged to seek public office in 2012

Credit: NAKINTI NOFURU/GLOBAL PRESS INSTITUTE



ELECTION OF MEMBERS OF PARLIAMENT

Members of parliament shall be elected for a term of five (5) years renewable by direct universal suffrage.

The national assembly shall comprise one hundred and eighty members (180)

Parliamentary elections shall be by list system and each list must reflect the various sociological components of the constituency as well as gender aspects.

To qualify as a candidate one must be:

- Sponsored by a political party
- A Cameroonian of either sex
- Aged 23 years and above by date of election
- Entered on the electoral register
- Able to read and write English or French

The results of parliamentary elections are proclaimed by the Constitutional Council within a maximum period of twenty (20) days from the date of closure of polls.

ELECTION OF SENATORS

Each region shall be represented by ten (10) senators, seven (7) of whom shall be elected by indirect universal suffrage and three (3) shall be appointed by the President of the Republic.

The region shall constitute an electoral constituency and senators shall serve a term of five (5) years

Senatorial elections shall be by list system and each list must reflect the various sociological components of the constituency as well as gender aspects.

Senators shall be elected in each region by an electoral college comprising regional and municipal councilors.

Candidates and appointees for the office of senator must be:

- Aged forty (40) years by the date of election/appointment
- Cameroonian resident in the region concerned
- Able to read and write English or French

The Right to Vote, The Most Precious Right! (continued from page 1)

government and the public life of their country is through periodic, free and fair elections. Elections bestow legitimacy on leaders, improve performance and accountability and boost democracy. In Cameroon, the President of the Republic is elected every seven years while Senators, Members of Parliament, Regional and local councilors are elected for a term of five years.

Elections involve three key rights, namely; the right to take part in government, the right to vote and the right to be elected. Through the enjoyment of these rights, people express their will, determine government authority and participate in the decision making process at the national, regional and local levels.

The basis of any government authority should be the will of the people expressed in the right to vote and be elected. The Universal Declaration of Human Rights (art. 21) recognizes the right of everyone to take part in the government of his/her country directly or through freely chosen representatives. It further states that the will of the people shall be the basis of the authority of government expressed in periodic and genuine elections, by universal and equal suffrage, and held by secret vote or by equivalent free voting procedures. This right is also protected in the 1966 International Covenant on Civil and Political Rights (art. 25), the 1981 African Charter on Human and Peoples' Rights (art. 13) and the 2007 African Charter on Democracy, Elections and Governance.

At the domestic level, the Cameroon constitution recognizes these rights (art. 2) in that the authorities responsible for the management of the state shall derive their powers from the people through election by direct or indirect universal suffrage. According to this section, the right to vote is open to every citizen aged twenty years and above.

The right to vote and be elected is therefore a fundamental human right. It is during elections that officials are rewarded for performing well or rejected for mismanagement. During elections candidates present their platforms and canvass votes. Incumbent candidates also provide an account of their term in office. In the end it is the people who determine through the ballot, the person(s) they think can best protect their interests.

The effective and efficient application of the principles

of participation, self-determination and non-discrimination, ordains that all persons without exception be involved in the electoral process. Past experience has shown that some segments of the population have often been marginalized in the management of public affairs. These groups include but are not limited to; youth, women, indigenous peoples, persons with disabilities and prisoners.

Participating in elections constitutes a unique opportunity to participate in government by either voting officials into office or being elected to public office. It therefore behooves citizens to exercise the right to vote with vigor and enthusiasm.



Electoral Campaigns (continued from page 2)

The law (sec. 93) provides that during the electoral campaign period, political parties/candidates or their representatives may organize meetings (rallies) to explain and present platforms and manifestos. However, the local administrative authorities and ELECAM must be notified of the meetings for authorization.

The code is silent on the use of media and internet for campaigns and only expressly provides for meetings. The political parties/candidates must be physically present to share their vision with electors. Also fifteen days is very short time to permit the political parties, leaders and candidates to tour the nation considering the state of roads and deficient transportation network. Debates and interviews with political parties/candidates could be adopted to better advise electors of their choices and actual state of affairs.

If these shortcomings of the electoral code are met by including internet and media campaigns, debates between political parties/candidates, and an extension of the campaign period, then the objectives of the campaign would be fully realized.

WHO QUALIFIES AS AN ELECTOR UNDER CAMEROONIAN LAW:

To qualify as an elector under the Cameroon Electoral Law a person must:

1. Be of Cameroonian nationality, irrespective of sex;
 2. Be aged 20 years and above;
 3. Not be subject to any of the disqualifications provided for by law, notably, the person should not have been:
 - Convicted of a felony, even by default
 - Sentenced to a term of imprisonment, without suspension, of more than 3 (three) months
 - Sentenced to a term of imprisonment, accompanied by suspension of sentence or probation, of more than 6 (six) months
- The person should equally not be:
- The subject of a warrant of arrest
 - An un-discharged bankrupt who has been so adjudged either by a Cameroonian court or by a foreign court whose judgment is enforceable in Cameroon,
 - Insane or of unsound mind
4. A person may be entered in an electoral register at the following places:
 - In the council area where he has his place of abode or has actually been resident within the past 6 (six) months,
 - In the constituency where the income tax assessment list bears his name for five consecutive years, in which case, the application for registration shall necessarily be accompanied by a certificate issued by the Council Branch of Elections Cameroon having jurisdiction over the applicant's place of abode or habitual residence to the effect that the applicant is not registered or that he has been struck off the electoral register.
 - In the case of members of the Armed Forces or equivalent status, where their unit or home port is established.



- At 20 you qualify to register and vote
- At 23 you qualify to run for municipal elections, regional council and parliament
- The best is yet to come, let your opinion count
- At 35 you can run for President ... start now by participating locally

YOUTH! Protect Your Future. VOTE!

ELECTORAL OFFENCES

One may be charged for:

- Multiple voting following multiple registrations
- Undue influence of voters that is, “through false information, slanderous statements, or any other fraudulent acts” which causes a voter or several voters to abstain from the poll or diverts votes
- Stealing or removal of ballot box or other election material, breach of fairness of elections
- Insult or violence against a local polling commission or any of its members or through assaults or threats, delays or obstruction of election operations
- GIFTS, GENEROSITY, FAVOURS, PROMISE OF PUBLIC OR PRIVATE EMPLOYMENT, OR ANY OTHER SPECIFIC BENEFITS OFFERED WITH THE PURPOSE OF INFLUENCING THE VOTE OF ANY ELECTOR AND ALSO IT IS CRIMINAL TO REQUEST FROM CANDIDATES SUCH GIFTS OR FAVOURS EVEN THROUGH A THIRD PARTY
- Assault, violence or threats against the elector, either by making him fear a substantial loss, as of a job or exposure of himself or his family members to danger
- Entry into a polling station with a visible weapon
- Holding any activity of a political nature or any political manifestations in schools or university establishment
- Violating the secrecy of the polls, breaching the fairness of the conduct of the polls, modifying results thereof



VOTER CARDS

Every elector whose name has been entered on an electoral register shall be issued a biometric voter card which shall bear their full name, date and place of birth, parentage, photograph, finger prints, occupation, domicile or residence.

Voter cards shall be permanent and shall be distributed to their legal holders within a period of forty (40) days before the polling day. The distribution of voter cards shall take place at the ELECAM mobile distribution posts, ELECAM council branch offices and at the polling stations on voting day.

To collect your voter card, you need to present your identity card for identification OR the receipt that was issued to you when you registered to vote.

Voter cards shall be delivered only to their legal holders.



CAMEROON LAWYERS FOR HUMAN RIGHTS (CLHR)

(Defending Human Rights)

EXECUTIVE SUMMARY

The Cameroon Lawyers for Human Rights (hereafter referred to as 'CLHR') is an independent, not for profit, non - partisan, non - governmental human rights organization with head office in Bamenda - Cameroon. The CLHR was officially authorized in 2010, but the founding members had been fostering the human rights cause for years prior to its official recognition.

CLHR is unique among Cameroon's human rights organizations. The unique and powerful force that lawyers could be if they joined the struggle for human rights cannot be overemphasized. With a cadre of pro bono lawyers, CLHR is best equipped to help establish and promote enforceable remedies to human rights violations. At the core of our programming is a deep commitment to human rights promotion and protection.

VISION

*We are lead by legal professionals and committed to a Cameroon free of Human Rights violations.
We strive for a society in which civil liberty is fully enjoyed by all citizens regardless of sex, race or social status.*

MISSION

The CLHR is committed to the promotion, protection and the enhancement of the enjoyment of all human rights by all, notably the vulnerable and defenseless.

AIMS AND OBJECTIVES

The aims and objectives of CLHR are to contribute to the development of an efficient human rights protection system in Cameroon and to foster the growth and strengthening of human rights at all levels of the Cameroonian society. This includes but is not limited to the following:

- 1) To strive to protect, promote, deepen and broaden the human rights provisions in the Cameroon constitution and legislations in force.
- 2) To strive for the implementation and protection in Cameroon of international human rights norms as contained in core regional and international treaties.
- 3) To liaise and work with other human rights groups, activists and persons who share a broadly similar concern for and interest in human rights.
- 4) To do all other things necessary to promote and protect human rights, the rule of law and separation of powers in Cameroon.

OUR STRATEGY

We believe that our legal training and expertise in litigation endows us with a unique advantage in human rights promotion and protection. These are essential to the success of our programs. Additionally, we involve all key stakeholders and actors in our interventions.

HOW TO REGISTER:

- ✓ TO REGISTER TO VOTE IS A FUNDAMENTAL RIGHT AND A CIVIC DUTY!
- ✓ IT TAKES A MAXIMUM OF FIVE MINUTES TO REGISTER
- ✓ YOU MUST BE PHYSICALLY PRESENT FOR REGISTRATION
- ✓ ALL YOU NEED TO DO IS PRESENT YOURSELF BEFORE THE ELECAM OFFICIAL CARRYING OUT REGISTRATION WITH YOUR NATIONAL IDENTITY CARD
- ✓ DURING REGISTRATION YOUR NAME, DATE AND PLACE OF BIRTH, OCCUPATION, RESIDENCE/PLACE OF ABODE, PHOTOGRAPH AND FINGER PRINTS WILL BE TAKEN AND RECORDED.
- ✓ YOU WILL BE ISSUED A RECEIPT BEARING THE DATE, PLACE AND REGISTRATION NUMBER AT THE END OF REGISTRATION.
- ✓ THERE ARE AT LEAST THREE REGISTRATION POINTS WITHIN YOUR SUBDIVISION
- ✓ REGISTRATION IS GOING ON IN MOST POPULAR AREAS SUCH AS MARKETS, SQUARES, GRAND STANDS AND OTHER ACCESSIBLE AREAS.
- ✓ ELECAM OFFICIALS MAY ALSO BE VISITING YOUR COMMUNITY TO REGISTER YOU AND OTHER MEMBERS OF YOUR COMMUNITY!
- ✓ **REGISTRATION WILL END ON THE 28TH FEBRUARY, 2013.**

Register

to **VOTE**

PUBLISHER: CLHR**EDITOR:** HONORE NGAM**SUB EDITORS:** NJOYA JOSEPH, SYLVESTER SEGHANKA**DESIGN EDITORS:** CYNTHIA BOYTON, KIYOMI GAINES

EDITORIAL COMMITTEE: MOSES ENO, JOYCE NYAMBOLI, YIJOFMEN KOL, LUM NCHANG, CHE MUFOR, NKWENTI CAMILA, NANA WILSON, MBAH EVAN, NKUOH DAVID, NJI-ADE TERENCE, FEN VERONIQUE, ADE WAMUCHO, HUMPHREY KWEMINYI.



CLHR (Cameroon Lawyers for Human Rights)
P.O. BOX. 1205 Bamenda Mezam Division
3rd Floor, Banque Atlantique Building, Commercial Avenue
N.W.R. Republic of Cameroon
Tel: 33 36 17 50 / 77 77 18 64
Cameroonlawyers@yahoo.com
www.camlawhr.com

KNOW YOUR RIGHTS!

“Education is the most powerful weapon which you can use to change the world.”

—Nelson Mandela

UPCOMING EVENTS FROM CLHR:

- “Management of Human Rights Projects” workshop presented by Peace Corps Volunteer, Cynthia Boyton
March 3, 2013 - Bamenda
- “Human Rights and Elections with Special Presentation on Women”
May 2013 - Bamenda
- Community Law Center Grand Opening
December 2013 - Bamenda