Cameroon

Freedom of Association and the Protection of the Right to Organise Convention, 1948 (No.87).
(Cameroon ratified Convention No. 87 on 7 June 1960)

NATIONAL PRACTICES OR LEGAL PROVISIONS ARE POSING A THREAT TO THE FREEDOM OF ASSOCIATION IN CAMEROON. ALTHOUGH WORKERS ARE AUTHORISED TO FORM UNIONS AND JOIN THEM, NUMEROUS LEGAL RESTRICTIONS APPLY, AND THOSE WORKERS WHO DO NOT COMPLY WITH THE LABOUR CODE’S PROVISIONS ON TRADE UNIONS FACE HEAVY PRISON SENTENCES.

Key facts

- Cameroon’s Labour Code of 1992 stipulates that "a trade union only legally exists from the day on which it is issued with a registration certificate by the trade union registrar".
- If the instigators of a union that hasn’t yet been registered behave as if it has, they will be liable to prosecution.
- If the registrar fails to issue the registration certificate, the union has no legal status and can consequently not go to court.
- However, the trade union registrar is a civil servant appointed by decree and with an office in the Ministry of Employment, Labour and Social Welfare. Moreover, the same official serves as the ministry’s secretariat.
- Registration procedures differ depending on whether public or private-sector workers are involved. Private-sector workers are registered by the Ministry of Employment, Labour and Social Welfare, whereas public-sector workers are registered by the Ministry of Territorial Administration and Decentralisation.
- Trade unionism in Cameroon’s public sector is governed by law number 68/LF/19 and decree 69/DF/7, which are totally incompatible with Convention No. 87 and remain in force today.
- For over a decade, the ILO has been demanding the annulment of these articles, but without any real success. The government makes promises, but then invariably fails to honour them.
- From 2 to 6 April 2001, an ILO mission convened in Yaounde to examine the legal application and practical reality regarding the principles associated with freedom of association.
- The government failed to follow up its pledges.
- Decision 097/MINETPS/CAB of 22 August 2003 regarding the creation, composition and functioning of the Synergy Committee assigned to promote the social dialogue between the Ministry of Employment, Labour and Social Welfare, employers’ organizations and workforce representatives enabled workers to propose the amendment of those articles of the Labour Code that are incompatible with freedom of association.
Special paragraph

In its report adopted by the International Labour Conference in 2003, the Committee on the Application of Standards devoted a special paragraph to Cameroon in relation with Convention No. 87 on Freedom of Association and the Protection of the Right to Organise, 1948. That paragraph reads as follows:

The Committee noted the statement by the Government representative and the discussion that followed. The Committee emphasized with concern that for many years serious divergences had been noted between national law and practice and the Convention. These grave problems of application related in particular to the requirement of prior authorization to establish a trade union, the right of organization of public servants and the limitations placed upon affiliation to an international organization by organizations of workers in the public service. The Committee recalled that this case had been discussed on many occasions and regretted to note that no progress had been achieved in practice in the application of the Convention despite the technical assistance provided in 2001. The Committee emphasized that full respect for civil liberties was essential for the application of the Convention and that the Government had to refrain from any interference in the internal affairs of trade unions. It urged the Government to amend its legislation on an urgent basis in order to ensure that workers in both the private and the public sectors could establish and freely administer their organizations without the intervention of the public authorities. The Committee also urged the Government to provide a detailed report on all the matters raised by the Committee of Experts and expressed the firm hope that the Government’s next report to the Committee of Experts would reflect concrete and positive progress. The Committee decided that its conclusions would be included in a special paragraph of its report.

Trade union demands

The workers are seriously concerned about the numerous discrepancies between Convention No. 87, which Cameroon ratified in 1960, and the respective national legislation in which provisions remain hanging over them like Damocles’ sword.

In this respect, the Workers’ Group is calling for the immediate annulment of all legal provisions or national practices that effectively call into question:

- the freedom to form a trade union without prior authorisation;
- the freedom to create unions in the public sector; and
- the freedom to join an international trade union organisation.

The Workers’ Group states that it is now up to the government to deal with this matter urgently and clearly and unequivocally give its assurance that beyond current practice the respective laws are compatible with the convention in question.

FOR MORE INFORMATION PLEASE CONTACT:
The secretariat of the ILO Workers’ Group
International Labour Office, 4 route des Morillons, CH – 1211 Geneva 22, Switzerland
Tel: +41 22 738 42 02 Fax: +41 22 738 10 82 E-mail: wkgroup@ilo.org