For the Right to an Identity of Internally Displaced Persons in Cameroon

ADVOCACY NOTE
Foreword

This advocacy document was prepared by WILPF Cameroon and Women’s Peace Initiatives. It aims to ensure that internally displaced persons (IDPs) in Cameroon can enjoy their right to an identity and benefit from the rights deriving therefrom.

This advocacy document was developed based on desk research, gender-conflict analysis carried out by WILPF Cameroon in 2020, individual interviews (with 50 IDPs and 15 other stakeholders) and focus groups (2 groups each bringing 15 IDPs together) conducted between May and July 2021. In addition to IDPs, stakeholders surveyed by WILPF Cameroon include staff members from the National Civil Status Registration Office (BUNEC, in French), civil status officers and registrars, authorities from the Ministry of Territorial Administration, the General Delegation for National Security (Police), officials from the Ministry of Basic Education, staff from the Ministry of Justice, officials from the National Disarmament, Demobilisation and Reintegration Committee, civil society leaders, traditional leaders, and staff from agencies within the United Nations system in Cameroon (OCHA and UNHCR).

This document, as well as focus groups with IDPs, were achieved with the support of the city of Geneva and of the Channel Foundation.

© 2022 Women’s International League for Peace and Freedom

Permission is granted for non-commercial reproduction, copying, distribution, and transmission of this publication or parts thereof so long as full credit is given to the publishing organisation; the text is not altered, transformed, or built upon; and for any reuse or distribution, these terms are made clear to others.

Advocacy Note: For the Right to an Identity of Internally Displaced Persons in Cameroon

16 pp.

Design and layout: Nadia Joubert

For more information, contact:

WILPF Cameroon
P.O. Box 15766
Feu Rouge Bessengue
AZZICUL Building
Douala, Cameroon

e. wilpfcameroon@gmail.com
p. +237 699983782
wilpf.org
# Table of Contents

**Introduction** ............................................................... 2  
**I. Context** ................................................................... 3  
**II. Impact of the Lack of Civil Status on the Rights of IDPs** ............. 4  
**III. Presentation of the Legal Framework Related to Civil Status in Effect in Cameroon** .......................................................... 6  
  - International instruments (Please note this list is not exhaustive) 6  
  - Internal standards ........................................................... 8  
**IV. Obstacles to the Protection of the Right to an Identity for IDPs in Cameroon** ................................................................. 9  
  - Obstacles linked to the civil status system ......................... 9  
  - Regulations on civil status in Cameroon:  
    An inadequate procedure for IDPs .................................. 9  
**V. Recommendations** .................................................. 11
Introduction

Being registered at birth is a fundamental right, enshrined in human rights treaties, including the Convention on the Rights of the Child. The realisation of this right is closely linked to that of several other human rights, and it has profound consequences on children’s enjoyment of their rights to protection, nationality, access to health and social services, and to education. Registration in civil status registers guarantees the right to an identity, as well as the recognition and enjoyment of fundamental rights and benefits to which everyone should be entitled. Having an identity, therefore a legal personality, makes it possible to combat among other things, human trafficking, abductions, early marriages, sexual exploitation, the enlistment of children in armed groups, and child labour.

Internally displaced persons or persons displaced within their own countries (“IDPs”) are defined as follows:

“Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

For IDPs in Cameroon, access to civil status documents (including birth certificates, national ID cards, passports, etc.) is still a challenge. There is a need for ongoing updates of civil status registration data because of the large internal displacements observed in the country in recent years, over an extended territory, particularly due to crises taking place in the Far-North, South-West and North-West (Part 1). For many IDPs, the lack of civil status documents impedes the exercise of several human rights, including the right to nationality, education, health and the right to vote (Part II).

Cameroon is party to a number of international and regional instruments that impose an obligation to protect IDPs' human rights, including in matters related to civil status (Part III). In accordance with applicable law in Cameroon, which is based on the principle of territoriality (jurisdiction of the authorities of the place of birth to deliver civil status documents), and due to existing insecurity in conflict zones, it is difficult for IDPs to reconstitute their civil status documents when they are lost or destroyed (Part IV). Persons who were surveyed by WILPF Cameroon and Women’s Peace Initiatives, including IDPs themselves and other relevant actors who were interviewed, put forth recommendations aiming to regularise IDPs’ situation and tackle these obstacles. These recommendations are addressed to the Government, humanitarian actors and development partners (Part V).

---

I. Context

For a few years now, Cameroon has been facing several crises: the insurrection of Boko Haram in the Far-North, attacks by the Seleka rebels in the East, the sociopolitical crisis in the North-West and South-West. Because of these multiple crises, the humanitarian situation in the country has been constantly deteriorating, resulting in hundreds of thousands of internally displaced persons. Since 2016, the situation has considerably worsened, with the crisis in the North-West and South-West regions.

In December 2021, OCHA estimated that there were one million internally displaced persons in Cameroon. Some of them are hard to reach for humanitarian actors, and they are in urgent need of humanitarian assistance. Civil status documentation ranks among these emergency needs.

Entire families continue to flee violence in the Far-North, North-West and South-West, with little or no personal belongings, struggling to survive. The internal displacement of a large number of families and attacks on homes by armed groups have resulted in the loss or destruction of personal ID and civil status documents, which in turn created problems for a large number of IDPs. Civil status registers were also destroyed in the context of this conflict. Thus, IDPs are left without means of proving their identity, and are exposed to poverty and destitution, while facing great difficulty in accessing basic social services.

Individual interviews and focus groups held by WILPF Cameroon with IDPs, led to the identification of several obstacles to the delivery and reconstitution of birth certificates for IDPs: a lack of awareness about the importance of civil status and of civil status registration procedures and deadlines; the remoteness and inaccessibility of civil status centres; the lack of financial means; and insecurity in conflict zones. According to officials from the National Disarmament, Demobilization and Reintegration Committee, ex-fighters, as well as members of separatist armed groups, also lack basic ID documents.

---

II. Impact of the Lack of Civil Status on the Rights of IDPs

In the Far North, North-West and South-West regions, access to basic social services is largely disrupted by ongoing insecurity. The disruption of services also concerns the delivery of civil and legal documentation, including birth certificates, to which apply the principle of territoriality whereby only authorities from the place of origin have the power to deliver birth certificates to the requesting parents. However, the problem is exacerbated for internally displaced persons (IDPs) because it is difficult, if not impossible, for displaced persons to return to their habitual place of residence to have their civil status documents delivered, because of the armed conflict and widespread insecurity.

Hence, it is urgent and imperative for the State to take measures allowing IDPs to regularise their civil status situation in their host localities. Indeed, by virtue of the principle of territoriality, under Sub-section 23.1 of Ordinance No. 81-002, 29 June 1951, IDPs who have lost their papers must currently refer to a judge from their birthplace to receive their civil status documents. However, it is important to provide for exceptions to this principle and for practical solutions so that IDPs can obtain civil status documents through substitute birth certificates judgments in host localities.

The absence or loss of birth certificates due to displacements and the destruction of homes is a factor that limits access to some services for IDPs, notably their children’s education. Approximately 1,700,000 children, representing 66% of children in Cameroon, have no birth certificates. This problem mostly affects the Far-North, North-West and South-West areas, where internal population displacements reach major proportions.

Among displaced communities of Zamai in the Far-North, the lack of birth certificates, and more broadly statelessness, directly impacts their access to basic civil status documents, without which, mobility and access to basic services and justice are made impossible. Displaced women and girls who return from communities affected by the conflict are generally authorised to register, as a prerequisite to reinstallation in a host community with their children. However, displaced men and boys who return are essentially perceived

---

3 OCHA, Humanitarian needs overview Cameroon – Humanitarian programme cycle 2021 (March 2021), page 23.
4 http://www.jafbase.fr/docAfrique/Cameroun/ORDONNANCE%20N%C2%B0%2081-002%20DU%2029%20JUIN%201951%20CAMEROUN.pdf
as suspects and possibly members of Boko Haram. As a result, they are confined to camps under military control or sent to the Meri prison, where they are allowed very little interaction with their families.\(^8\) Undocumented IDPs also face increased risk of arbitrary arrest and detention.\(^9\)

IDPs, sometimes deprived of their ID papers, were also ill-informed about measures aimed at facilitating their vote during the presidential elections of October 2018; this situation prevented a large number of IDPs from voting.\(^{10}\) In November 2018, the UN Special Rapporteur on the human rights of internally displaced persons had published recommendations addressed to Cameroon, including a report related to political participation.\(^{11}\)

---

\(^8\) WILPF Cameroon, Gender conflict analysis in Cameroon, March 2020, page 26.


III. Presentation of the Legal Framework Related to Civil Status in Effect in Cameroon

The legal framework on the protection of the right to civil documentation in Cameroon consists of international instruments to which Cameroon is a party and internal standards.

International instruments (Please note this list is not exhaustive)

Cameroon is a party to several international human rights treaties requiring that State Parties guarantee and protect the rights of persons, without discrimination, including on the basis of their status or place of residence. For instance, Cameroon is a party to the International Covenant on Civil and Political Rights, in which Article 24 provides that every child shall be registered immediately after birth and shall have a name and that every child has the right to acquire a nationality.\footnote{International Covenant on Civil and Political Rights, available at: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx} Under Article 7 of the Convention on the Rights of the Child, Cameroon must also guarantee that the child be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality.\footnote{Convention on the Rights of the Child, available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child}

Furthermore, Cameroon is a party to the International Covenant on Economic, Social and Cultural Rights. The rights set out in the Covenant, including the rights to education, work, housing, health and food must also be guaranteed without discrimination towards displaced persons.\footnote{International Covenant on Economic, Social and Cultural Rights, available at: https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx; General Comment No. 20. Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), para. 34.} Cameroon is a party to the Convention on the Elimination of All Forms of Discrimination against Women. Under article 9, the Convention requires that State Parties shall grant women equal rights with men to acquire, change or retain their nationality, and with respect to their children.\footnote{Convention on the Elimination of All Forms of Discrimination against Women, available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women} Cameroon is a signatory but is not yet party to the Convention on the Rights of Persons with Disabilities, which provides under Article 18 a

At the regional level, Cameroon is a party to the African Charter for Human and Peoples’ Rights, which guarantees that every individual shall have the right to the recognition of his legal status. Cameroon is also party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Under Article 13 of the Kampala Convention:

“2. States Parties shall ensure that internally displaced persons shall be issued with relevant documents necessary for the enjoyment and exercise of their rights, such as passports, personal identification documents, civil certificates, birth certificates and marriage certificates.

3. States Parties shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions, such as requiring return to one’s area of habitual residence in order to obtain these or other required documents. The failure to issue internally displaced persons with such documents shall not in any way impair the exercise or enjoyment of their human rights.

4. Women and men as well as separated and unaccompanied children shall have equal rights to obtain such necessary identity documents and shall have the right to have such documentation issued in their own names.”


Finally, under Article 45 of the Constitution of Cameroon,

“Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement.”

Provisions of international treaties to which Cameroon is party take precedence on internal law.

**Internal standards**

Essentially, internal law regarding civil status is based on Ordinance No. 81-02 of 29 June 1981 to organise civil status registration, and various provisions relating to the status of natural persons amended by Law No. 2011/011 of 06 may 2011.

Article 23, paragraph 1 of Ordinance No. 81-02 of 29 June 1981 sets out the principle of territoriality for civil status registration:

“Applications for rectification or reconstitution of civil status certifications shall be brought before the competent court under which fall the civil status registry in which the certificate was or ought to have been drawn.”

Article 26, paragraph 1 of the same ordinance provides an exception to this principle of territoriality as follows:

“In the event of war or a natural disaster, and notwithstanding the provisions of Article 23 above, death certificates may be reconstituted through administrative procedures. The same shall apply to births and marriages which took place in occupied territory. In order to effect the reconstitution, the senior divisional officer shall order the civil status registrar to prepare certificates for persons whose deaths are not subject to question.”

---


IV. Obstacles to the Protection of the Right to an Identity for IDPs in Cameroon

These obstacles are twofold. On the one hand, general obstacles linked to the civil status system and on the other hand, the legal obstacles specifically affecting IDPs.

Obstacles linked to the civil status system

The Cameroonian civil status system suffers from inadequacies, among which it is important to mention:

- A discrepancy between the needs in human resources, logistics and infrastructures, as well as a lack of training among actors and civil status personnel;
- The presence of major documentary fraud which, induces a lack of reliability of certificates;\(^23\)
- An irregular supply of civil status registers by civil status centres;
- An obsolete and insufficient archival system in numerous civil status centres, which leads to poor security regarding civil status data;
- A relatively low level of population use of civil status services.\(^24\)

Regulations on civil status in Cameroon: An inadequate procedure for IDPs

In its first report to the African Commission on Human and Peoples’ Rights about its implementation of the Kampala Convention 2015-2019, the Government indicated that “Amid situations of internal displacement observed in the territory, initiatives were taken to facilitate the establishment of civil status documents for IDPs. This has been the case with the massive return of former hostages of the Boko Haram terrorist group and persons displaced as a result of the crisis in the North-West and South-West Regions.”\(^25\) It also indicated that the Emergency Humanitarian Assistance Plan for the North-West and South-West Regions

---


has integrated the need to reconstitute civil status documents for displaced persons. These efforts are important, but major problems for displaced persons trying to access their civil status documents still persist.

Indeed, under the principle of territoriality set out in Article 23.1 of Ordinance No. 81-002 of 29 June 1981, IDPs who lost their papers must currently resort to a judge from their birthplace to receive civil status documents. However, this poses a problem for IDPs. It is difficult, if not impossible, in the context of armed conflict and widespread insecurity, for thousands of displaced persons to return to their habitual place of residence to have their civil status documents delivered.

Article 26, para. 1 of abovementioned Ordinance No. 81-002 of 29 June 1981 does provide for an exception to the principle of territoriality set out in Article 23 para. 1 in the event of war or natural disaster. Unfortunately, the Government of Cameroon does not officially define the current crisis in the North-West and South-West as a war under Article 26 (para. 1) of the 1981 Ordinance. Consequently, the exception provided for by this provision cannot be applied to IDPs.

However, it is imperative for the State to take all measures allowing IDPs to regularise their situation in their host communities as regards to their civil status. This obligation conforms to those set out under Article 13, para. 3 of the Kampala Convention, to which Cameroon has been a party since 2017, providing that:

“3. States Parties shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions, such as requiring return to one’s area of habitual residence in order to obtain these or other required documents. The failure to issue internally displaced persons with such documents shall not in any way impair the exercise or enjoyment of their human rights.”

Further, in 2018, the United Nations Special Rapporteur on the human rights of IDPs had encouraged Cameroon to expedite the process of domesticating the Kampala Convention, and to incorporate its provisions into national law and policies.

---


V. Recommendations

On the basis of exchanges led by WILPF Cameroon and Women’s Peace Initiatives with various actors, including displaced persons themselves who proposed solutions, of an analysis of the context and relevant legal instruments, WILPF Cameroon and Women’s Peace Initiatives put forth the following recommendations:

1. To the State of Cameroon (Government, Parliament and Judiciary)
   - Strengthen the financial, human and technical resources of the National Civil Status Registration Office in order to make it more efficient across the State and to reinforce awareness-raising campaigns encouraging parents to declare births;
   - Take all legislative, regulatory and practical measures aimed at facilitating the regularisation of IDPs’ situation who do not have or have lost their civil status documents, without having to return to their birthplace, for example by adopting a special procedure, simplified and free of charge, for establishing birth certificates and national identity cards for displaced persons who do not have them;
   - Rebuild without delay the civil status centres that were destroyed or damaged because of the conflict in the North-West, South-West and Far-North regions;
   - Urgently identify IDPs who do not have birth certificates all across the country and take administrative measures to regularise their situation;
   - Organise mobile court hearings for the delivery of substitute judgements relating to birth certificates in IDPs’ host communities by the end of 2022;
   - Assess and ensure conformity of domestic law, and relevant public policies and practices with provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

2. To civil society organisations/humanitarian actors
   - Lead awareness-raising campaigns among IDPs, refugees and host populations on the importance, deadlines and procedures regarding civil status registration;
   - Popularise the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and train relevant actors in this matter;
   - Proceed to the coordinated identification of IDPs without civil status documents and support them through the procedures of requesting registration and reconstituting their documents;
   - Support advocacy efforts aiming to implement any legal or practical measure in order to ensure that IDPs receive replacements for lost or destroyed documents during their displacement, without imposing unreasonable conditions such as requiring that they return to their usual place of residence.
3. To development partners

- Carry on the technical and financial support provided to the State of Cameroon, with a view to completely reform the civil status system and its adaptation to the requirements of the current context of crisis, while ensuring its conformity with international and regional obligations of Cameroon as regards to the rights of IDPs;

- Support advocacy efforts aiming to implement any legal or practical measure in order to ensure that IDPs receive replacements for lost or destroyed documents during their displacement, without imposing unreasonable conditions such as requiring that they return to their usual place of residence.