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## **Regulating religious communities: Insights from Cameroon, Russia and Greece**

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The panel was moderated by Mr. Dimitrios Alexopoulos, MSc Social Anthropology, London School of Economics and Political Science - PhD Candidate, School of Theology, National and Kapodistrian University of Athens.

### **PROGRAMME**

#### **PART I: COMPARATIVE INSIGHTS**

TOPIC 1: Local religious communities in Cameroon, Russia and Greece: Brief description, historical and socio-political references

TOPIC 2: Local legal framework in Cameroon, Russia and Greece: Brief description, historical and socio-political references

#### **PART II: CASE STUDIES AND DISCUSSION**

CASE STUDY 1: The Legality of the Freedom of Religions in the African Context: The Case of Cameroon / Promoter: F. Manga.

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#### **Event Details**

Date: Saturday 15 December 2018

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Mode: Online, Recorded

## REGULATING RELIGIOUS FREEDOM IN AFRICA: THE CASE OF CAMEROON

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### **Summary**

*Almost all the legal frameworks recognise the freedom of religions. Therefore, in Africa, there is a whole range of legal dispositions to protect the religious belief as part of Human Freedom. In Cameroon, the Constitution and many other Laws, Decrees and Decisions guarantee that freedom, as the State is secular and neutral on religious matters. Nevertheless, the threats of religious rights emerge out of some situations such as in the legal actions against the Boko Haram terrorist group in the Northern part of the country, society and individual attitudes. The restriction of religious freedom also comes from the internal texts of religious structures themselves, as no one can freely decide to quit a religious congregation without some punishment.*

### **Introduction**

The multiple faces of the living together imply precise measures to guarantee to everyone the freedom to enjoy his rights. International legal texts as well as national laws explicitly define these rights or provide possibilities to protect those which are not clearly evoked. On the issue of religious belief, the freedom of worshiping is protected however with some differences according to the Constitution and the policy of every country. In Cameroon, the Constitution is surrounded by many other legal norms and agreements to permit to every individual and group as well to freely express the faith. Because with millions of people, native and aliens, added to hundreds of cultures supported by the worldwide movements of ideas, religions and beliefs, and the international safety context the country needs solid and precise laws to regulate the neighbouring between these ideologies. For instance, the Cameroonian government, to fight the terrorist group Boko Haram reinforced peace and security laws. However, at the same time, not everything went perfectly. According to some reports, many Human Rights have been violated by both sides. This comes beside the frequent over and under-use of the legal dispositions regarding the freedom of belief since the "human dignity, the right to life, prohibition of the death penalty, right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, and prohibition of slavery and forced labour"<sup>1</sup> are among some of the situations to confront the Religious Rights because there is also part of religious teaching and belief. In order to deepen the insight on the regulation of the exercise of religious belief particularly in Cameroon, this Article is structured into three parts. The beginning is a brief display of the believing situation. Then comes a general overview of the legal framework on religious matters. The last part focuses on some practical issues related to laws on religions. The case of the religious rights in the fighting of Boko Haram and few other examples are scrutinized.

<sup>1</sup> Johannes Van der Ven A.(ed). *Human Rights or Religious Rules? Empirical Research in Religion and Human Rights*, Vol 1. (Leiden: Brill, 2010),150.

## I/ Local religious communities in Cameroon Brief description and socio-political references

For a relevant discovering and investigating the religious freedom in the various legal dispositions in Cameroon, it could be worthwhile first to disclose the considerations in daily life.

### a) The religious landscape in Cameroon

According to the "Cameroon Population and Housing Census" organised in 2005 by the "Central Bureau of the Census and Population Studies," there are about 17.5 millions of people in Cameroon. The religious demography is as follows: 69 % Christians (Roman Catholics - 38.4%; Protestants - 26.3 % other Christian denominations including Witnesses of Jehovah - 4 %); 20.3 % Muslim; 5.6 % Animist and less than 5 % Orthodox, Jews, the Bahai Faith, and persons who do not associate themselves with any particular religious movement.<sup>2</sup> In Cameroon, Muslims and Christians are spread in every region. However, Christians are concentrated in the Southern and Western Regions. Large cities have significant populations of both groups. Although the Northern Regions seem to be mainly Muslim, the population is somewhat divided among Muslims, Christians, and followers of local beliefs. Still, in Cameroon, from the North to the South, the freedom of religion and belief is respected up to the tolerance of some forms of syncretism, that is mixing religious beliefs and practices.

### b) Religious considerations in daily life

Among 305 political Parties recognised, only one has a clear religious title namely the *Parti des Démocrates Chrétiens* (Christian Democrats Party), created in 2014 and chaired by Tchuimou Mbougueng Sandrine Épse Kanmogne. The *Mission Absolue et Suprême* (Supreme and Absolute Mission), and the Cameroon Redemption Democratic Front are other Parties with names which could have religious interpretation.<sup>3</sup> But, this has almost no influence in the choices or political life. Moreover, the Government, as well as the official structures, remain very neutral vis-à-vis the belief of individuals. As a result, the religion of the President of the Republic does not matter, the same for the rest of the Members of the Government, the Members of the Parliament and the State Officials as well.

Also, without an official religion of State, in Cameroon, the President does not swear on any religious device such as the Bible. The Ministry of Territorial Administration and Decentralization (MINATD) manages the relations between the Government and religious groups. As the country is secular, all kinds of religious groups must be approved and registered. Although the law prescribes the approval of every religious group, no specific penalty can be found. There is a tolerance policy that permits hundreds of religious denomination associations to freely act without any official recognition.<sup>4</sup> According to the MINATD, a religious congregation in Cameroon is "any group of natural persons or corporate bodies whose vocation is divine worship" or "any group of persons living in a community by a religious doctrine."<sup>5</sup> Officially, "Religious associations cannot receive public subsidies or

<sup>2</sup> <http://www.bucrep.cm/index.php/fr/recensements/3eme-rgph/resultats?id=125>(accessed 03 December 2018).

<sup>3</sup> <http://www.ifz.net/content/listes-des-partis-politiques-legalises-cameroun>(accessed 05 December 2018).

<sup>4</sup> See <https://www.state.gov/documents/organization/171604.pdf> (accessed 22 November 2018).

<sup>5</sup> Law n° 90/053 of 19 December 1990 on freedom of association, Chap V, Art. 22.

donations and real estate legacies.”<sup>6</sup> However, the State funds public interest activities done by religious groups such as Television and Radio Stations, News Papers, Christian and Islamic religious services on a regular basis. The same is for the several religious denominations which operate in Education (Primary and Secondary schools and Universities), and Health Care. Moreover, the Government observes the following religious holidays as national holidays: Good Friday, Ascension Day, Assumption Day, Eid al-Fitr, Feast of the Lamb, and Christmas. The Constitution and several other laws and policies protect religious freedom, and in practice, the Government generally enforced these protections.

## II/ Legal framework in Cameroon: Brief description, historical and socio-political references

The broad legal framework on religious matters in Cameroon encompasses three sorts of texts ranged from the International Laws and Conventions, the Constitution of Cameroon and the other laws from local authorities.

### *a) The international Laws on religious topics*

Human Rights cover a wide variety of Rights (gender, children, disabled peoples, minorities, native people, women or belief for instance). In the context of secularism, religious rights can be sometimes criticised and non-considered. In religious affairs, violations of Human Rights could become intimately connected to the violation of some particular Rights. The Constitution of Cameroon, as well as many International Laws, do not clearly define these Rights except the one of freedom: “(...) human beings shall enjoy the freedom of speech and belief (...)”, this is for example in the Preamble of the Universal Declaration of Human Rights. Countries constitutional approaches would then have various interpretations of this. At that point, “in matters of religious freedom, political, democracy and Human Rights, perceptions and their expression can be highly sensitive - even inflammatory and combustible - if not managed properly.”<sup>7</sup> Therefore, restrictions and violations of the freedom of religion appear in three different levels namely the difficulties caused by the State, the actions made by the society and individuals, and the problems generated by religious groups themselves.

### *b) The religious evocations in the Constitution of Cameroon*

The Constitution of Cameroon talks about religious freedom and echoes the Universal Declaration of Human Rights (UDHR), the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified International Conventions relating to that.<sup>8</sup> For instance, Art. 18 of the UDHR strengthens the Constitutional Preamble's protection of religious freedom by including religious teachings, practices, observances, and worship. It also protects these religious actions performed by individuals or groups and whether they are performed in a private or public setting.

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<sup>6</sup>*Idem* Chap V, Art 25 §1.

<sup>7</sup> Christian Green. “From social hostility to social media: Religious pluralism, human rights and democratic reform in Africa.” In *African Human Rights Law Journal*, 14:1 (May 2014), 122. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2543311](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2543311) (accessed 19 November 2018).

<sup>8</sup> *Constitution of the Republic of Cameroon*, Preamble.

<http://confinder.richmond.edu/admin/docs/Cameroon.pdf> (accessed 05 December 2018).

The Constitution of Cameroon was promulgated on 18<sup>th</sup> January 1996. It contains 13 Parts and 69 Articles.

The quotations of Religion come three times:

- "We, people of Cameroon, declare that the human person, without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights."
- "The State shall be secular. The neutrality and independence of the State in respect of all religions shall be guaranteed."
- "Freedom of religion and worship shall be guaranteed."<sup>9</sup>

Quotations of secular are two times.

- "The State shall be secular. The neutrality and independence of the State in respect of all religions shall be guaranteed."<sup>10</sup>
- "The Republic of Cameroon shall be a decentralised unitary State. It shall be one and indivisible, secular, democratic and dedicated to social service."<sup>11</sup>

### c) *Some other legal texts with religious points*

Besides the international and constitutional documents with religious ideas, there are some other laws issued by State Officials. They include Laws, Decrees and Agreements, and they could be chronologically listed as follow:

- Decree n° 83-166 of 12<sup>th</sup> April 1983 on the Code of Ethics of Medical doctors.<sup>12</sup>

Art. 2 §1: The doctor must treat with the same conscience any patient whatever his condition, nationality, religion, reputation and feelings it inspires him.

- Law n° 90/053 of 19<sup>th</sup> December 1990 on the freedom of association adopted by the National Assembly and promulgated by the President of the Republic. Chapter 5 of that law is dedicated to the religious associations: -Definition – Finances – Prohibitions.<sup>13</sup>

- Law n° 2006/018 of 29<sup>th</sup> December 2006 on advertising in Cameroon.<sup>14</sup>

Art. 57: It is punishable by the penalties provided for in Art. 241 of the Penal Code, the one which makes disseminate under its responsibility an advertising message containing elements likely to bring outrage to a race, an ethnic group or a religion.

- Decree n° 2012/546 of 19<sup>th</sup> November 2012 on the Code of Ethics of the National Security

Agents.<sup>15</sup>

Art. 20: The official of the National Security must respect the secular nature of the public service. He must not transform the workplace into a place of worship or force his colleagues or collaborators to adhere to his religion.

Art. 28: In carrying out his duties, the National Security Officer is guided by the principles of impartiality and scrupulous respect for fundamental Human Rights, in particular the right to

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<sup>9</sup> *Constitution of the Republic of Cameroon*, Preamble.

<sup>10</sup> *Ibidem*.

<sup>11</sup> *Idem*, Part One, Art. One §2I.

<sup>12</sup> <https://www.camerlex.com/cameroun-decret-n-83-166-12-avril-1983/> (accessed 05 December 2018).

<sup>13</sup> <https://www.camerlex.com/la-loi-sur-la-liberte-d-association-au-cameroun-181/> (accessed 05 December 2018).

<sup>14</sup> <https://www.camerlex.com/cameroun-loi-n-2006018-29-decembre-2006-regissant-publicite-cameroun/> (accessed 05 December 2018).

<sup>15</sup> <https://www.camerlex.com/cameroun-le-code-de-deontologie-des-fonctionnaires-de-la-surete-nationale-13649/> (accessed 05 December 2018).

freedom of thought, conscience, religion, expression of opinion, specific meeting, the right to freedom of movement and the right to respect for the property of every person.

Art. 30: In the performance of his duties, the National Security Official must refrain from any discrimination based on sex, race, ethnic origin, language, religion, education, political affiliation, opinions, disability, social position or other reasons prescribed by the Constitution, Treaties and International Conventions.

- Agreement between the State of Cameroon and the Vatican City signed on 13<sup>th</sup> January 2014,

for a special status of the Catholic Church in Cameroon.<sup>16</sup>

- Law n° 2016/007 of the 12<sup>th</sup> of July 2016 bearing the Penal Code.<sup>17</sup>

Art. 241 on Outrage to races and religions

§1: Shall be punished by imprisonment of six (06) days to six (06) months and a fine of five thousand (5,000) to five hundred thousand (500,000) francs, the person who commits an offense, such defined in section 152 of this Code, against a race or religion to which several citizens or residents belong.

§2: If the offence is committed by means of the press or radio, the maximum fine shall be twenty million (20,000,000) francs.

§3: The penalties provided for in paragraphs (1) and (2) above shall be doubled when the offence is committed for the purpose of inciting hatred or contempt among citizens.

Art. 242 on Discrimination states that: Is punished with imprisonment of one (01) month to two (02) years and a fine of five thousand (5,000) to five hundred thousand (500,000) francs the one who refuses to others the access either in places open to the public, either in employment because of its race, religion, sex or medical status, when the said status does not endanger anyone.

Art. 217: Celebration of marriage

Is punished with a fine of five thousand (5,000) to thirty thousand (30,000) francs and in case of recidivism, of imprisonment of one (01) to five (05) years:

- (a) The minister of religion who, not being authorised to celebrate a civil marriage, proceeds to the religious ceremony without having been justified by a marriage certificate previously received by the registrar;
- (b) The minister of religion who, being authorised to perform a civil marriage,
- Proceed only at the religious ceremony of marriage or;
- Celebrate the civil marriage without having been presented to him a certificate of the officer of civil status attesting the absence of impediment to the projected marriage.

- Law n° 2018/014 of 11<sup>th</sup> July 2018 organising and promoting physical and sports activities in

Cameroon.<sup>18</sup>

Art. 15 §1: Sport for All consists of the organisation of free or organised physical education and recreational sports activities for the benefit of the greatest number of citizens irrespective of age, sex, religion and social condition.

Chapter 2 Art. 10: Sport for all: free and organised physical education and leisure activities, regardless of age, sex, religion or social condition.

<sup>16</sup> See <https://www.prc.cm/files/b2/4d/c7/6124baaafa4622a4e409dfc03d2eae67.pdf> (accessed 05 December 2018).

<sup>17</sup> <https://www.camerlex.com/cameroun-code-penal/> (accessed 05 December 2018).

<sup>18</sup> <https://www.camerlex.com/cameroun-loi-n-2018-014-du-11-juillet-2018-portant-organisation-et-promotion-des-activites-physiques-et-sportives-au-cameroun/> (accessed 05 December 2018).

The current work does not take into account the considerable amount of Decisions issued for local implementation such as those continuously released in the Far-North Region related to the fight against Boko Haram. Nevertheless, all of them are willing to protect the freedom of religion all over the country.

### **III/ Challenging the Legality of the Freedom of Religions in the African Context: The Case of Cameroon**

The government of Cameroon have signed almost all of the International Laws and Agreements on Human Rights and according to his Constitution, "the State shall be secular. The neutrality and independence of the State in respect of all religions shall be guaranteed."<sup>19</sup> It is significant to be aware that "the Constitution of Cameroon appears to use the term 'neutrality' to define or elaborate on what meant by the Constitution's provision for secularism."<sup>20</sup> This means the secularism in Cameroon is a strict neutrality of the State for Religious concerns. Not a single interference is admitted.

More explicitly, on religious aspects, the Constitution of Cameroon protects religious freedom by a strict and strong secular and neutral position, and also by the guarantee of individual religious freedom. The state shares the values of the society, encourages groups, supports religions for the good of everybody. It stays very neutral with religious matters by refusing all kind of interference. However, there are many situations in which the legal system can be in a confrontation. This section more precisely presents a multiple-case method because, "within the single case may still be incorporated subunits of analyse, so that a more complex- or embedded- design is developed. The subunits can often add significant opportunities for extensive analysis, enhancing the insights into the single case."<sup>21</sup> According to that, the leading case is about the restriction of freedom of religion in the fight against Boko Haram in Cameroon, and the two subcases are the restriction of the same freedom by the society, individuals and religious groups themselves.

#### **a) Some restrictions of Religious Freedom in the laws issued in the fight against Boko Haram.**

A better analysis of the legal system in Cameroon concerning the organisation and religious affairs policy could require relevancy from an example. The case study for this will be the fight against the Boko Haram terrorist group. The following section first describes that group; then it says something about the additional laws issued by the State to fight the group and how some dispositions of these laws touch the freedom of religion and belief guaranteed by the Constitution.

##### **- Boko Haram**

Among the most famous terrorist groups acting in Africa nowadays, Boko Haram holds a high position. It has been structured around the year 2000 at Maiduguri, the capital city of the Federal Nigerian State of Benue situated at the North-East of the country near Cameroon.<sup>22</sup>

<sup>19</sup> *Constitution of the Republic of Cameroon*. Preamble.

<sup>20</sup> Jeroen Temperman. *State-Religion Relationships and Human Rights Law, Towards a right to religiously neutral governance*. (Leiden, Boston: Martinus Nijhoff Publishers, 2010), 115.

<sup>21</sup> Robert K. Yin. *Case Study Research Design and Methods*. Fourth Edition. (Los Angeles, London: Sage, 2009), 52-53.

<sup>22</sup> See Pauline Guibbaud. *Boko Haram, Histoire d'un islamisme sahélien*. Coll. Mondes en mouvements. (Paris: L'Harmattan, 2014).

Three leading figures appear in its history. Muhammed Yusuf, the founder, killed in 2009, Abubakar Shekau, died in August 2016, and Abu-Musab Al Barnawi, the founder's son who is still controlling the group.<sup>23</sup>

The name of the group itself is already a summary of the ideological background. "Boko," a Hausa word means "fake, wrong, bad", while "Haram" is an Arabic word to designate all that is "forbidden." It aims to stop the Western way of life and education and establish an Islamic Caliphate where the "*shari'a*" will be the only law. Boko Haram uses many violent methods to set up this ideology by bombing, assassinations, armed attacks and hostages taking.<sup>24</sup> For some years, it became very influential in other countries around the Lake Chad basin such as Niger, Chad and Cameroon.

Boko Haram started terrorist actions in Cameroon in 2009. Nevertheless, most of the attacks were made between 2013 and 2015. As a result, more than 59 places including villages and cities have been attacked with over 130 identified targets such as private properties and religious buildings, military and police stations, government and various institutional offices, business, transportation and hostages taking. The group uses different types of weapons, explosives, bombs, incendiary, firearms and melee. In this lap of time, over 1419 Cameroonians, civilians and soldiers have been killed. About 500 people injured and 170.000 others forced to leave their villages.<sup>25</sup>

#### - *Actions against Boko Haram*

In order to protect its territory and the populations, the Cameroonian government took some decisions. Altogether, they could be classified into three types: the laws with regional and national effects, social initiatives and military activities.

On the legal field, many measures have been adopted at various levels. The first is the local level where decisions are set only for some regional cities and villages. For example, the ban of the Muslim veil or "Burka" was first a regional law issued by Bakari Midjiyawa, the Governor of the Far-North Region in July 2015.<sup>26</sup> One can also note that since 7<sup>th</sup> August 2014, cars traffic is forbidden between cities of the Far-North Region in the night from 6 pm. Also, motorbikes are entirely forbidden day and night in all rural area of that Region.<sup>27</sup> The same Authority stopped street vendors and closed all illegal religious and prayer places.<sup>28</sup> At the national level, an Anti-terrorist Law adopted in 2014 by the National Assembly.<sup>29</sup> That Law contains nine measures to prevent and to fight Boko Haram and all kind of terrorist activities. It focuses on trials by Military Courts;<sup>30</sup> the use of death penalty<sup>31</sup> and the ban of some attitudes

<sup>23</sup> See <http://www.ntrepidcorp.com/timestream/boko-haram-history/> (accessed 24 November 2018).

<sup>24</sup> Edward Mickolus. *Terrorism, 2013-2015: A Worldwide Chronology*. (Jefferson, North Carolina: McFarland & Co.Inc, 2016). 242.

<sup>25</sup><http://apps.start.umd.edu/gtd/search/Results.aspx?search=boko+haram+in+cameroon&sa.x=0&sa.y=0&sa=Search> (accessed 25 November 2018).

<sup>26</sup> See <http://www.camer.be/49851/11:1/cameroun-extreme-nord-les-femmes-contre-linterdiction-du-port-du-voile-integral-cameroun.html> (accessed 25 November 2018).

<sup>27</sup> See <http://www.africapresse.com/lutte-contre-boko-haram-les-motos-sont-interdites/> (accessed 25 November 2018).

<sup>28</sup> See <http://www.journalducameroun.com/article.php?aid=21020> (accessed 25 November 2018).

<sup>29</sup> The full text of the Anti-terrorist Law in Cameroon is available on <http://www.dibussi.com/2014/12/cameroon-terrorism-law.html> (accessed 25 November 2018).

<sup>30</sup> See Anti-terrorist Law in Cameroon, Section 2.

<sup>31</sup> *Idem*, Section 2 Art. 1d and Section 2 Art. 2d.

as the apology of acts of terrorism, false statements, recruitment, training and financing terrorism.<sup>32</sup> It also punishes terrorism with heavy financial fine and life imprisonment.<sup>33</sup>

The second kind of action taken in Cameroon is on the social ground where citizens are encouraged to involve in self-defence groups.<sup>34</sup>

At the third level, military actions are organised with about 8.500 soldiers directly sent on front lines and an extensive collaboration with some other Countries and Institutions.<sup>35</sup> After this period of intense activities inside and outside the country, the State of Cameroon severely reduced the influence of Boko Haram. However, many cases of Human Rights abuses have been noticed and denounced. Many of them could also be in the field of Religious Rights.

**b) Governmental Decisions endangering the legal religious freedom**

As the complete religious freedom is constitutionally and statutorily protected, however, certain governmental practices or policies could be interpreted as restrictions on religious freedom. Nevertheless, the freedom of religion requires "not only an institutional separation but also a public structure that warrants equal rights in the other dimensions of living together."<sup>36</sup> The dispositions used by the government against the Boko Haram terrorist group are laying on a wide range of bans.

- The ban of the crowd after 6 p.m; ban or restriction of motorbikes in some places; restriction

of car traffic between cities in the evening. Therefore, the biblical sharing and many other religious meetings, usually done in the evening became impossible, and people can no more combine the religious schedule with their jobs and family duties. As a result, the freedom to organise religious activities is removed. Another ban is the one of trading on the streets. Streets vendors usually sell many religious materials and many people buy something according to the spiritual needs including Bibles, Quran, prayer books, calendars, rosaries, icons, religious pictures (of a saint, a place, an angel, the Trinity), candles, olive oil, incenses and many other religious stuff. Customers very appreciate this trade because they do not have to move to a bookshop or a dedicated place if there is one, to get these things. When such an activity is forbidden, the religious practice could be affected because of some limitations.

- The second obstruction in freedoms is about clothing. One of the numerous administrative texts

preventing and fighting Boko Haram states that the Muslim veil is forbidden in the Northern Regions. This ban had been later on extended to all the country. In the Muslim religion, women use it according to the Quran that says: "tell the believing women to subdue their eyes and maintain their chastity. They shall not reveal any parts of their bodies, except that which is necessary (...) They shall not strike their feet when they walk in order to shake and reveal certain details of their bodies."<sup>37</sup> Thus, banning this integral veil is a violation of the freedom to enjoy and follow rituals and cultural belief. Maybe other strategies could be found.

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<sup>32</sup> *Idem*, Sections 3, 5, 9.

<sup>33</sup> *Idem*, Section 8.

<sup>34</sup> See [http://www.lemonde.fr/afrique/article/2016/07/20/cameroun-les-comites-de-vigilance-contre-boko-haram-de-la-defense-a-l-attaque\\_4972366\\_3212.html](http://www.lemonde.fr/afrique/article/2016/07/20/cameroun-les-comites-de-vigilance-contre-boko-haram-de-la-defense-a-l-attaque_4972366_3212.html) (accessed 25 November 2018).

<sup>35</sup> Communiqué of the African Union Peace and Security Council: <http://www.peaceau.org/uploads/psc-484.com.boko.haram.29.1.2015.pdf> (accessed 24 November 2018).

<sup>36</sup> Hans-Georg, Ziebertz and Ernst Hirsch, Ballin (eds). *Freedom of Religion in the 21st Century, A Human Rights Perspective on the Relation between Politics and Religion*. (Leiden: Brill, 2015), 99-100.

<sup>37</sup> Quran 24:31 in [http://www.quran-islam.org/main\\_topics/quran/quran\\_in\\_english/sura\\_21\\_to\\_25\\_\(P1326\).html](http://www.quran-islam.org/main_topics/quran/quran_in_english/sura_21_to_25_(P1326).html) (accessed 25 November 2018).

- Another violation is about the freedom of expression according to one's belief. In the socio-

political arena in Cameroon and particularly on what is related to Boko Haram, the opinion of religious leaders is scarcely or not at all asked nor followed. On the Catholic side, "the Magisterium condemns "the savagery of war" and asks that war be considered in a new way (...)." <sup>38</sup> While Paul Biya, the President of Cameroon said: "We are here to declare war on Boko Haram," <sup>39</sup> the Conference of Bishops called all the parties to dialogue peace talk." <sup>40</sup>

- This section could be closed by the sequestration for religious motives. "On 20<sup>th</sup> December

2014, (...) the security forces raided a number of Qur'anic schools and houses and detained 84 children (...) All of these children were subsequently detained for six months without charge." <sup>41</sup> They were suspected to have been enrolled in the Boko Haram system. With any prove, any in-depth investigation, any warning, in the name of their faith and religious education, they have been separated from their families, morally and psychologically tortured.

### *c) Restrictions of Religious Freedom by Society or Individuals*

The religious freedom finds serious threats in the Cameroonian living together because of two mains reasons: the social discrimination however condemned in the Penal Code, and the limits enclosed inside religious norms themselves.

- *Social discriminative attitudes*

It has been possible to note stigmatisation the and discrimination of some groups or individuals because of their membership in a particular religious association. Although Art. 241 on Outrage to races and religions says that "§1: Shall be punished by imprisonment of six (06) days to six (06) months and a fine of five thousand (5,000) to five hundred thousand (500,000) francs, the person who commits an offense, such defined in section 152 of this Code, against a race or religion to which several citizens or residents belong. §2: If the offence is committed by means of the press or radio, the maximum fine shall be twenty million (20,000,000) francs. Moreover, the same Article in its paragraph 3 specifies that "The penalties provided for in paragraphs (1) and (2) above shall be doubled when the offence is committed for the purpose of inciting hatred or contempt among citizens." In the practice, perhaps for ignorance from both, the victim and the offender, any attention is paid to that legal disposition. For instance, in various places, Muslims are automatically associated with Boko Haram.

Consequently, many of Muslim felt uncomfortable with the ideas, the sight and comments made on them, merely related them to terrorism. Furthermore, some individuals are threatened because they are said to be part of Sects or the so-called New Religious Movements, terms that do not appear in the legal texts. Therefore, qualifying someone or a group as

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<sup>38</sup>[http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#II.%20PEACE:%20FRUIT%20OF%20JUSTICE%20AND%20LOVE](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#II.%20PEACE:%20FRUIT%20OF%20JUSTICE%20AND%20LOVE), 497 (accessed 25 November 2018).

<sup>39</sup><http://www.bbc.com/news/world-africa-27451966> (accessed 20 November 2018).

<sup>40</sup> See <http://aa.com.tr/fr/politique/la-cnec-appellent-boko-haram-à-un-dialogue-avec-yaoundé/156398> (accessed 20 November 2018).

<sup>41</sup> Report of Amnesty International: <https://www.amnesty.org.uk/press-releases/cameroon-torture-death-and-abuse-civilians-boko-haram-crackdown-far-north>, 38 (accessed 13 November 2018).

sectarian could be abusive, punishable and therefore forbidden, especially when said without any thread nor evidence.

- *Problems generated by religious groups themselves*

The freedom of religion can face other situations as the restrictions not from the outside but within the religions themselves. This is related to two different modes which are first the social attitude toward other religions and the internal norms of religions which in most of the case do not open a space for freedom in the sense of leaving the group whenever wanted. Those issues are raised in two ways. On the one hand, the group behaviour in a kind of competition and power struggle in the public sphere. On the other hand, the lack of the possibility of quitting a religious group could be problematic.

- *The attitude of discrimination encouraged by religious groups.*

"It is punishable by the penalties provided for in Art. 241 of the Penal Code, the one which makes disseminate under its responsibility an advertising message containing elements likely to bring outrage to a race, an ethnic group or a religion." From this statement of Art. 57 of the Law on advertising in Cameroon, many religious groups still make use of provocative sentences in their publication. As an illustration, the population in the Northern part of Cameroon is shared between Christians, Muslims, and Animists, and there have been numerous cases of discrimination by Muslims against Christians and traditional beliefs, specifically the indigenous Kirdies. Then, there has been the dissemination of anti-Christian tracts in 2004 by an unknown Muslim organisation. More recently there have been a few reports of criminal groups discriminating against Christians in the Northern city of Ngaoundere. Likewise, Missionaries of smaller religious groups, including Pentecostals, the Latter-Day Saints, and Seventh Day Adventists have reported receiving criticisms and being publicly denounced by more extensive and more established Christian groups within Cameroon.<sup>42</sup> Furthermore, many Roman Catholic Bishops publicly advertise to fight other religious groups under the reasons that they are threatening the faith of their faithful. Even though such tensions have not resulted in any reported religious violence, they can raise some concerns as they can grow to more critical social issues.

- *Freedom of religion restricted by religious legal texts*

Concerning the internal regulation of religious groups, there is the remark that there is no possibility of going out of the group. Moreover, every attempt of doing so is seen as desertion and severely sanctioned.

In the Canon Law of the Catholic Church, the excommunication is one of the sanctions provided against the apostates, who are the people who renounce the faith or more simply quit the Catholic Church, as it is clearly written that "an apostate from the faith, a heretic, or a schismatic incurs a *latae sententiae* excommunication."<sup>43</sup> Although the same Law states that "No one is ever permitted to coerce persons to embrace the Catholic faith against their conscience."<sup>44</sup> Now, reading the civil legislation, everyone is free to choose a religion

<sup>42</sup><https://www.justice.gov/sites/default/files/eoir/legacy/2014/09/29/Cameroon%20Immigration%20Report.pdf> (accessed 02 December 2018).

<sup>43</sup> Code of Canon Law, Can. 1364 §1.

[http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM](http://www.vatican.va/archive/ENG1104/_INDEX.HTM) (accessed 05 December 2018).

<sup>44</sup> *Idem*, Can. 748 §2.

without any obligation. This can be extended to the right to leave whenever someone feels uncomfortable with a religion, its doctrine or its practices. From a civil legal perspective, the State should guarantee that possibility to avoid rapt, human right abuses and even social instability. In some countries such as in the Central African Republic, an exacerbation of dislike between two different religious groups ends on a national disaster with thousands of deaths. Consequently, some dispositions found inside some religious groups are to be questioned. Let have a look on this one: "Heresy is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith; apostasy is the total repudiation of the Christian faith; schism is the refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him."<sup>45</sup> From these definitions, it is noticeable that anyone who attempts to move from the Catholic Church will be sentenced as a heretic, an apostate or a schismatic according to the reason he is departing. An attitude that is not without consequences, psychologically, socially, financially or healthy as there is no respect of that fundamental freedom to believe or not. Moreover, this law completely ignores the example shown by Jesus himself when he provides the freedom to follow him or not. "From that time many of His disciples went back and walked with Him no more. Then Jesus said to the twelve, "do you also want to go away?"<sup>46</sup> Thus, it could be questionable when such a law does not follow the actions of the Christ.

Another case could be found in the Muslim side where any case of apostasy is severely punished and can lead to capital punishment. "By the *murtad* or apostate is understood as the Moslem by birth or by conversion, who renounces his religion, irrespective of whether or not he subsequently embraces another faith."<sup>47</sup> With the free interpretation of the Quran, in some places, it could be dangerous for someone, a Muslim to decide for any reason to quit Islam. Similarly, in the Catholic Church, he or she will be qualified as an apostate and thus deserve the treatment prescribed by the law or in a better way, the punishment decided by the ruler of the community or the one who interprets the Quran. This punishment can reach the capital sentence, the death. In the Quran, there seem to be many types of renunciation, the temporally and the permanent. On the temporal dismissal from Islam, it is written in the Quran that " A section of the people of the Book urge some from among themselves: why not affirm, in the early part of the day, belief in that which has been revealed unto the believers and repudiate it in the latter part of the day, perchance they may turn away from their faith."<sup>48</sup> On the permanent side, the Quran says: "They will not stop fighting you until they turn you back from your faith if they can. The works of those from among you who turn back from their faith and die in a state of disbelief shall be vain in this world and the next. These are the inmates of the fire, therein shall they abide."<sup>49</sup> According to some scholars, there is no indication of the kind of punishment to apply to those who quit their Islamic faith. On the contrary, what is seen is a debate among the interpreters of the Quran. Some understand and advocate for soft treatment of apostates while others insist on the killing of those who resign.<sup>50</sup>

<sup>45</sup> *Idem*, Can. 751.

<sup>46</sup> John 6:66-67.

<https://www.biblegateway.com/passage/?search=John+6%3A66-67&version=KJV> (accessed 05 December 2018).

<sup>47</sup> Rudolph Peters; Gert J. J. De Vries (1976). "Apostasy in Islam." *Die Welt des Islams*. 17 (1/4): 1-25. doi: 10.2307/1570336.

<sup>48</sup> Quran 3.73.

<sup>49</sup> *Idem*, 2. 218.

<sup>50</sup> See [https://www.alislam.org/library/books/mna/chapter\\_7.html](https://www.alislam.org/library/books/mna/chapter_7.html) (accessed 13 December 2018).

In any case, the voluntary or forced dismissal from the Muslim community presents problematic positions.

## Conclusion

The analyse of the issue of the freedom of religion in the legal framework of Cameroon shows that there is strong protection of the freedom of everyone to adopt or quit a religion. The Constitution of the country which integrates almost all the International Documents promoting the freedom of people in general and the religious rights in particular. Additionally, there is a set of texts and agreements to guarantee that freedom. Regarding that, the Law about the freedom of association promulgated in 1990, and the Agreement between Cameroon and the Vatican City in 2014 are some examples. However, some difficulties can be seen as violations of religious rights. For instance, the registration at the MINATD of religious congregations may be deemed discriminatory to native beliefs or just too long. Also, laws signed to support the fight against Boko Haram in the Northern part of the country brought out some cases of violations. The religious discriminations can also be done by individuals and religious groups themselves, about their doctrine or the internal norms which generally do not provide the possibility of a free dismissal. The internal religious laws should maybe engage a reflexion to think about that, a non-punished refutation.

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