

# Policy Brief

## The Protection of Workers' Rights in the informal Economy: Cameroon at a Glance

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Development (CCID)

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# Policy Objective

This policy brief under the supervision of the Policy and Advocacy Department at CCID is developed by CCID's Cameroon Human Rights Fellowship batch of 2021. Thus, much appreciation goes to:

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*Workers in the informal economy comprise a broad section of workers engaged in different kinds of productive activities and employment. Though the sector is largely unregulated in Cameroon, it undoubtedly has an influence on economic growth as well as providing jobs to different age groups who face barriers to accessing employment in the formal economy. Incumbent in the informal economy are work-related and non-work-related human rights abuses experienced by workers particularly vulnerable groups (women and children). The rationale of this policy brief is to assist lawmakers, workers and workers rights' organizations in Cameroon in understanding, identifying and addressing the injustices and decent work deficits associated with employment in the informal economy. It provides information and proposes strategies that can be used to organize, protect and promote the rights and interests of informal sector economy workers in Cameroon. It is produced following a critical appraisal of Cameroon's main national law regulating work relationships between employers and employees (the 1992 Labour Code) as well as Recommendations and Conventions drafted by the International Labour Organisation (ILO) of the United Nations.*

## I. Introduction: Context and Background Analyses to the Informal Economy

The International Labour Organization (ILO) of the United Nations broadly defines the informal economy as “all economic activities by workers and economic units that are in law or practice not covered or insufficiently covered by formal arrangements”. Based on this definition, it could be said that the informal economy is the part of any economy that is neither taxed nor monitored by any form of government. On its part, the International Conference of Labour Statisticians (ICLS) in defining informal employment provides that: “Informal employment refers to employment arrangements that do not provide individuals with social protection through their work and, hence, leaves these individuals more exposed to economic risk than others.” Under this definition, individuals can be in informal employment whether or not the economic units they are working for (or which they own) are formal enterprises, informal enterprises or households. Work informality exists in all countries although it is more prevalent in developing countries such as Cameroon.

According to a “Statistical Overview Relating to the Informal Economy” by the International Labour Office, it estimates that globally, two billion people aged 15 and over, representing 61.2 % of the world’s employed population, earn their living in the informal economy. Informal work is a greater source of employment for men (63 per cent) than for women (58 per cent) across the globe, but women are more often to be found in the more vulnerable and low-paying categories of work, such as domestic workers and street vendors.

In Cameroon, the informal sector makes up a significant portion of the economy of Cameroon. It is sometimes stigmatized as troublesome and unmanageable probably accounting for the numerous human rights violations in the sector. Cameroon is a Central African country with a population size of about 26 million inhabitants according to the country’s National Institute of Statistics. A significant portion of workers in the informal economy of Cameroon could be found in the agricultural sector. Although the share of agriculture in national output has seen major fluctuations over the last four decades, more than half of the working-age population is still engaged in various agricultural activities. The country’s National Institute of Statistics assessed the informal sector using three criteria: the independence of the promoter (the owner working on their own account), no administrative registration (no tax identification number) and no formal accounting. On this basis, estimates by the National Institute of Statistics show that the informal sector occupies a predominant position in Cameroon’s economy, with some 50% of gross domestic product (GDP) in 2005. In 2010, 89.1% of the working population was part of it. That is about 9.2 million people, mainly in agricultural and craft trades. It is believed that this figure must have increased recently. Comparative advantage considerations seem to be one of the reasons causing people to work in the informal sector. More so, the entry of workers into the informal economy is driven mostly by the need to survive hardship rather than the worker’s free choice.

The informal economy provides jobs and economic opportunities to workers that cannot be absorbed into the formal economy. Despite this position, one is particularly worried as women working in the informal economy are faced with structural (socio-cultural) barriers that prevent them from accessing decently paid work. For instance, because of the traditionally assigned role of women to unpaid care and domestic work, most of them are driven into taking on low-quality jobs with low pay in the informal economy. The minimal income earned, allows women to attend to their responsibilities. When compared to men, women

and children suffer a lot in the informal economy from several human rights abuses ranging from physical abuse, emotional abuse, sexual abuse, financial exploitation and long hours of work. It is believed that within the informal economy in Cameroon, children primarily face the same human rights violations associated with those working in the illicit street economy (such as sexual abuse, torture, low wages and emotional abuse). The bigger worry is related to the position of Cameroon’s national policies as well as international obligations regarding the situation of rights violation in the informal economy.

## II. Identification of Workers in Informal Economy in Cameroon

There is gender segmentation in the informal economy of Cameroon. Women and men are distributed unevenly in the informal workforce structure by way of status in employment, branch of economic activity and place of work. For instance, women make up a large portion of Cameroon’s informal sector and are mostly found in small home businesses, contractual jobs in the manufacturing and service sectors, and other underdeveloped sectors of the economy.

It is important to understand who forms part of the informal economy. Workers in the informal economy are made up of a broad section of workers engaged in different kinds of productive activities and employment. They are popularly identified as low-income individuals who operate businesses that are very small in scale and are not registered with any national government agency. Thus, the informal economy is made up of workers in a diversified set of economic activities, enterprises, jobs, and workers that are not regulated or protected by the state.

According to the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) by the International Labour Organisation Conference of June 2015 (hereinafter referred to as ILO Recommendation No. 204) in paragraph 4, informal economy workers covers the following:

- a) those in the informal economy who own and operate economic units, including (i) own-account workers; (ii) employers; and (iii) members of cooperatives and social and solidarity economy units;
- b) contributing family workers, irrespective of whether they work in economic units in the formal or informal economy;
- c) employees holding informal jobs in or for formal enterprises, or in or for economic units in the informal economy, including but not limited to those in subcontracting and in supply chains, or as paid domestic workers employed by households; and
- d) workers in unrecognized or unregulated employment relationships.

According to this definition, workers holding informal jobs in the formal economy form part of the informal economy. More so, the guidelines of the ILO 17th International Conference of Labour Statisticians state that employees are considered to have informal jobs if their employment relationship is, in law or practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc.). This could be for reasons such as; the jobs or the employees are not declared to the relevant authorities; the jobs are

casual or of limited duration; the hours of work or wages are below a specified threshold (e.g. below that qualifying for social security contributions); the workers are employed by unincorporated enterprises or by persons in households; the employee's place of work is outside the premises of the employer's enterprise (e.g. out workers without an employment contract); or regulations are not applied, not enforced or not complied with for any reason". The major concern in this regard is how to minimize the deficits being faced by the workers in the informal economy.

### III. The Need for Organization of Workers in the Informal Economy

The interventions by the ILO Resolution concerning Decent Work and the Informal Economy adopted at the International Labour Conference in 2002 has increased awareness of the need to organize informal economy workers. A multitude of grassroots organizational approaches has emerged in response to challenges and limitations faced by informal economy workers and their organizations, reflecting contextual and sector-specific factors. The workers of the informal sector, trade unions and NGOs need to build relations to be able to increase visibility, influence and institutional power. Also evident are national and international structures indicating a need to make an impact on global developments affecting informal workers' lives.

The organization of workers in the informal economy will enable them to achieve voice and visibility and the power to change their lives. Again, promoting association in the informal economy will help to resolve some challenges which result from the gender composition and segmentation of the informal workforce, such as income security.

Moreover, as far as trade unions are concerned, it is of the essence for them to be set up as per the various sectors in the informal economy to organize the informal economy workers because they are vulnerable to acute decent work deficits, and empirical evidence has proven that they are at higher risk of experiencing poverty when compared to workers in the formal economy. While some activities do offer reasonable livelihoods and incomes, most people engaged in the informal economy:

- Are exposed to inadequate and unsafe working conditions.
- Suffer from unfair work dismissal.
- Have high illiteracy levels, low skill levels and inadequate opportunities for training.
- Have less certain, less regular and lower incomes.
- Endure longer working hours, do not have the right to collective bargaining or representation, and often hold an ambiguous or disguised employment status or experience time-related under-employment.

Concerning the necessity of association of workers in the informal economy, the Conclusions of the 2002 International Labour Conference emphasized the practical significance of freedom of association for improving conditions for workers in the informal economy, especially for women and youth. It specifically provides thus:

"Without organization and representation, those in the informal economy generally do not have access to a range of other rights at work. They are not able to pursue their employment interests through collective bargaining or to lobby policy-makers on issues such as access to

infrastructure, property rights, taxation and social security. Women and youth, who make up the bulk of workers in the informal economy, are especially without representation and voice."

From the reading of the above quotation, one is forced to draw the understating that the need for organization in the informal economy in a nutshell stem from the need to safeguard the rights of workers in this sector in general particular vulnerable groups such as women, youth and children.

### IV. Key Challenges in Organizing Workers in the Informal Economy

Unions and other workers' organizations in Cameroon undoubtedly face many real challenges in organizing the informal workforce irrespective of the sector. Organizing workers in the informal economy in Cameroon is usually characterized by the following challenges which are also common to most developing African countries:

To begin with, some unionists remain unconvinced that self-employed or "own account" workers are in fact workers, believing that they fall outside the trade union ambit. This is often supported by labor laws that include only workers in an employment relationship. There are informal workers too that do not perceive themselves as workers and their organizations do not perceive themselves to be part of the organized labor movement or allied to a labor movement. In other cases, their organizations may look, behave and organize themselves like trade unions, but for a variety of reasons do not identify themselves as such. For example, they may not wish to be associated with the political allegiances of the "formal" trade union movement in their sector or the members may have had bad experiences of trade unions.

Secondly, there is the issue of inappropriate legal frameworks. Women engaged in informal waged employment suffer from a lack of legal recognition of their status as workers. The labour law regime in Cameroon gives more legal recognition only to "employees" in the more formal sense of the word. In general, the term "employee" refers to someone who has a contract of employment and enjoys the social security protection and benefits that accompany an employment arrangement. Informal waged workers are most often not covered by legislation that regulates employment relations. This means a denial of basic employment rights, a lack of access to social and legal protection, and no representation in the workplace.

Again, there is difficulty and high cost in organizing workers who are scattered and hard to locate. Many informal economy workers perform work on an own-account basis, producing goods and services in their own homes, selling or collecting recyclable waste on the streets, or working as domestic workers in other people's homes. The diverse nature of the informal economy makes it difficult to devise comprehensive and coherent organizing strategies. Additionally, the vast majority of informal economy workers in Cameroon, particularly women, have precarious livelihoods and many face extreme poverty. By this, their ability to pay regular membership dues is severely restricted. Even where organizations have some income stability, it is rarely sufficient to cover the costs of paid staff, meeting expenses, adequate premises, and so on. The same is true for many unions of workers in the formal economy so that even where informal and formal workers are organized within the same union, they are rarely financially self-sustaining. Organizing informal workers is therefore seen as a drain on

union resources with inadequate financial return in the form of union dues.

Lack of Social Protection further stands out as another challenge in organizing workers in the informal economy. In most countries, social protection contributions (for health insurance, old-age pensions/provident funds, unemployment insurance, and compensation for injuries associated with work) are tied to a contract of employment and are not available for informal wage workers or the self-employed. Moreover, most of those who work in the informal economy, both women and men whether waged workers or self-employed cannot afford to purchase private forms of social protection on an individual basis. Without social protection, the low average earnings and savings of most informal workers in Cameroon, especially women, can be suddenly depleted when an illness, accident, birth, or death happens to them or members of their family.

The difficulty of engaging in traditional social dialogue and collective bargaining where employment relationships are unclear and where there is no identifiable employer makes it difficult for informal economy workers to be organized. For instance, in cases where workers are hired by employment agencies or subcontracted, more often the same workers will perform work under different employment relationships, at times working for what might be considered an employer and at other times performing work on an own-account basis.

## V. Existing Laws/Policies Related to the Issue

Laws and policies have been enacted to support and offer protection to workers' rights in the informal economy in Cameroon. In this light, the 1996 Constitution of Cameroon, the 1992 Labour code and the United Nations International Labour Organization instruments are instructive instruments on the issue.

- The 1996 Cameroon of Constitution

Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June 1972 (the Constitution of Cameroon) in its preamble recognises the protection of workers' rights in the informal economy when it provides that "all persons shall have equal rights and obligations" and "the State shall provide all its citizens with the conditions necessary for their development". It also guarantees the freedom of expression, assembly, association, and trade unionism, as well as the right to strike under the conditions fixed by law. To reinforce these work-related freedoms, the preamble of the Constitution states that "the State shall guarantee all citizens of either sex the rights and freedoms outlined in the Preamble of the Constitution". By these provisions found in the Cameroonian constitution, though they do not address workers in the informal economy explicitly, they could be interpreted vaguely to confer protection to and safeguard the right of workers in the informal economy in Cameroon particularly those of the threatened groups (women and children).

- 1992 Labour Code of Cameroon

Law No. 92/007 of 14 August 1992 (commonly referred to as the Labour Code of Cameroon) is the main legislation governing the labour relationship in Cameroon. To this effect, several provisions within could be interpreted to protect workers in the informal economy though it fails to use the term "informal economy workers" in any of its provisions. This law defines a worker in section 1(2) as:

"Any person, irrespective of sex or nationality, who has undertaken to place his services in return for remuneration, under the direction and control of another person, whether an individual or a public or private corporation, considered as the "employer."

Note should be taken that the definition of a worker by this section does not place a distinction between those in the formal economy and those in the informal economy. Thus, by this, the rights and privileges offered by this law could be interpreted widely to benefit both categories of workers.

From the above analysis, section 61(1) of the labour code provides that "for the same type of work and level of proficiency, workers shall be entitled to the same remuneration, irrespective of their origin, sex, age, status and religion." This provision indirectly guarantees the right of workers in the informal economy especially women and youth to equal pay (wages) for the same work done under an employer. More so, in the case of trades and occupations where the established custom is to provide for a monthly payment of wages, section 68(2) protect workers in the informal economy from irregularities in the time of wage payment by providing that: "Monthly payments shall be made not later than eight days following the end of the month of employment in respect of which the wages are dues." Additionally, subsection (3) is to the effect that upon the termination of the contract of employment, a final settlement of all wages shall be effected as soon as the employment ceases. If there are allowances that come with such employment, such shall equally be settled upon the termination of employment.

The labour code in section 3 states that:

"The law recognizes the right of workers without distinction whatsoever, to set up freely and without prior authorization trade unions or employee's associations for the study, defence, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural nature, and for the social, economic, cultural and moral advancement of their members."

Section 4: (1) further stipulates that:

"Every worker shall have the right to join a trade union or employers' association of his own choice in his occupation or kind of business."

From the reading of the above two sections of the labour code, one would affirm that the law (the labour code) recognizes the right of workers both in the formal or informal economy to set up free or join trade unions of their kind of business for the study, defence, promotion and protection of their interests. Workers in the informal economy could therefore really on these guarantees to protect their interests.

To protect workers in the informal economy from inadequate and unsafe working conditions, employers must ensure safety and hygienic working environment for their employees. In this regard, section 95 (1) of the labour code provides that, "hygiene and safety conditions at the workplace shall be determined by orders of the Minister in charge of labour, issued after consultation with the National Commission on Industrial Hygiene and Safety. Subsection (2) states that the said orders while taking local conditions and contingencies into account, shall aim at securing for the workers' standards of hygiene and safety conforming with those recommended by the International Labour Organization and other internationally recognized technical bodies. In situations where the employer fails to ensure safety and hygiene at the worker place resulting in injury to a worker, the injured worker has the option to initiate legal actions against such an employer to hold him liable for his actions. Compensation in the form of damages could be awarded to the injured worker by the competent authority, payable by the employer if found guilty.

In terms of unfair work dismissal in the informal and formal economy, Section 34 (1) of the labour code sets out to avoid such situations by providing that:

“A contract of employment of unspecified duration may be terminated at any time at the will of either party. Such termination shall be subject to the condition that previous notice is given by the party taking the initiative of terminating the contract. Notification of termination shall be made in writing to the other party and shall set out the reason for the termination.”

Whenever a contract of employment of unspecified duration is terminated by the employer without notice, the employer shall pay the employee compensation corresponding to the remuneration including any bonuses and allowances which the worker would have received. Though it remains difficult for workers in the informal economy to realise compensation for unfair dismissal from their employers due to lack of organization, it hopes that workers in the informal economy from different trades or occupations organize themselves, especially through trade unions to protect their interests.

- United Nations International Labour Organization Instruments

The ILO of the UN has long been the leading agency in addressing the challenges relating to the informal economy. At the International Labour Conference in 2002, delegates from member States adopted a Resolution that highlighted the decent work deficits suffered by workers in the informal economy. They stressed the necessity for a transition to the formal economy. Further discussions in 2014 and 2015 resulted in the adoption of the first international instrument dealing specifically with the informal economy, Transition from the Informal to the Formal Economy Recommendation No. 204 of the ILO. This document guides how to facilitate the transition to the formal economy. It is based on the principle of ensuring decent work for all and follows a rights-based approach to formalization. Section VII of the Recommendation focuses specifically on the role and responsibilities of governments, employers' organizations and workers' organizations in ensuring freedom of association and access to social dialogue for informal economy workers. Paragraph 34 states that workers' and employers' organizations should include among their ranks representatives of informal economy workers and economic units. The inclusion of informal economy representatives is crucial for ensuring that there is respect for the right of informal economy workers to freedom of association and collective bargaining and helps make sure that national realities are taken into consideration.

A good system of labour inspection is undoubtedly needed to address the injustices and decent work deficits associated with employment in the informal economy of Cameroon. This greatly depends on the political will of the States to take basic steps as recommended by relevant international bodies on the issue such as the ILO of the United Nations. In this regard, one best and basic step to be taken is provided for in the ILO Labour Inspection Convention, 1947 (No. 81). It provides “benchmarks” for effective labour inspection as follows:

- Labour inspection should be organized as a system (Article 1) applying to all workplaces in respect of which legal provisions relating to conditions of work and the protection of workers are enforceable (Article 2).
- It should cover a basic set of functions, such as hours of work, wages, safety, health and welfare, the employment of children and young persons, and other connected matters (Article 3.1).
- Inspectors should supply information and advice to employers and workers on how to comply with the law, and alert the competent authorities on any defects or abuses not covered

by existing legal provisions (Article 3.1).

- Labour inspection should be placed under the supervision and control of a central authority (Article 4.1).
- Effective cooperation with other government services and private institutions (NGOs) engaged in labour protection, as well as with employers and workers and their organizations must be promoted (Article 5).
- Inspectors must be public officials assured of the stability of employment and independent of changes of government and improper external influences (Article 6).
- They must be recruited with a sole regard to their qualifications and adequately trained for the performance of their duties (Article 7).
- Their number must be sufficient to secure the effective discharge of these duties concerning inter alia the number, nature, size and situation of workplaces, the number of workers employed, and the number and complexity of the legal provisions to be enforced (Article 10).
- They must be properly equipped with local offices and transport facilities (Article 11).
- They must be provided with proper credentials and properly empowered (Articles 12 and 13).
- Workplaces must be inspected as often and as thoroughly as is necessary to ensure the effective application of relevant legal provisions (Article 16).
- Adequate penalties for violations of legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties must be provided for by national laws and regulations and effectively enforced (Article 18).

Furthermore, the ILO Freedom of Association and Protection of the right to Organise Convention, 1948 (No. 87) provides in article 2 that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, join organisations of their choosing without previous authorisation.” Similarly, ILO Collective Bargaining Convention, 1949 (No. 98) enshrine the fundamental principles of freedom of association and the right to collective bargaining that apply to all member States. It is thus incumbent on member States to the ILO such as Cameroon to ensure the realisation of the aspirations of these instruments in the interest of informal economy workers.

## VII. Policy Recommendations

Given the diversity of the informal economy in Cameroon and the additional challenges outlined above, the following recommendations are made by Community Centre for Integrated Development to respond to the situation of decent work deficits faced by workers in the informal economy:

- An appropriate national legal framework that explicitly recognises and protect informal economy workers.
- The government should ensure the transition from the informal to formal economy.
- There is the need to design integrated national policies and programmes that facilitate the transition from the informal to formal economy.
- There is a need for a coherent and integrated policy framework necessary to protect labour rights in the informal economy, provide adequate social protection and strengthen social dialogue.

- There is a need for a policy framework that makes it mandatory for all domestic workers to be subjected to a written contract with their employers.

In line with international standards as stipulated under ILO Recommendation 204, Community Centre for Integrated Development unreservedly supports the enactment of a law that will take into account the following measure:

- Provides a conceptual and operational definition of the informal economy and its components in the Cameroonian context based on the framework and parameters of internationally-agreed definitions put forward by ILO;
- The effective promotion and protection of the human rights of all those operating in the informal economy;
- Recognize the roles and contributions of workers in the informal economy, including women involved in care work and other broad sections and segments of informal workers;
- Generate data on informal workers for policy-making and programming purposes by including informal workers in national and local statistics;
- Promote, protect and fulfil the rights of every worker in the informal economy to decent work, which include but are not limited to, adequate earnings and productive work, decent working time, stability and security of work, equal opportunity and treatment in employment, safe work environment, access to social protection, and self-organization and representation.
- Develop and expand the entrepreneurial potential, creativity, dynamism, skills and innovative capacities of workers and economic units in the informal economy during the transition to the formal economy;
- Promote gender equality and eliminate gender-based discrimination in entrepreneurship and employment to ensure equal access of women and men to economic resources and to realize equal pay for equal work of equal value;
- The fulfilment of decent work for all through respect for the fundamental principles and rights at work, in law and practice;
- Pay special attention to those who are especially vulnerable to the most serious decent work deficits in the informal economy, including but not limited to women, young people, migrants, older people, indigenous peoples persons with disabilities, domestic workers and subsistence farmers;
- The fulfilment of decent work for all through respect for the fundamental principles and rights at work, in law and practice; and
- The promotion of strategies for sustainable development, poverty eradication and inclusive growth, and the generation of decent jobs in the formal economy.

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## About Us

Constituted on 6th April 2016 as a non-profit organisation and recently being awarded an ECOSOC status by the United Nations, we work with communities to bring diverse groups together and leverage their abilities, interests, and resources to engender shared values and benefits. We ensure local ownership of initiatives by working with communities to drive program design and implementation. We highly value developing a comprehensive understanding of the social, cultural, political, and economic dynamics in the communities where we implement our programs and interventions.

At CCID, we aim to empower individuals and communities to uplift women, young people—especially girls—and the wider community to be leaders for positive change. We are an organisation made up of community development experts who recognise that to create a sustainable world, we must harness communities' potential. We strongly believe that women and young people in Cameroonian communities are central assets whose full potential remains untapped. We are also cognizant that the majority of indigenous people in communities across Cameroon live under the poverty line and work with community-based organisations to meet their needs.

CCID has been working in several areas to advance women's rights and gender equality set by BPFA +25, namely sexual harassment, community development, SRHR advocacy and policy management. We have held campaigns called "Safe Schools for All" to promote an academic and community culture that effectively and strategically addresses and prevents sexual harassment in learning environments. We have fellowship programs to educate and train young leaders regarding gender issues, development and capacity building at the grass-root level so that there can be a bottom to top change, and last but not least, we devote time and energy toward developing policy and advocacy documents that provide readers with an understanding of key issues regarding human rights and community development in Cameroon especially in the context of women and girls. We also use these briefs to urge community leaders, local policymakers, government officials, and other authorities to reform policies, traditions, and norms that interfere with Cameroonians' basic rights.

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