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DE L'HOMME DU CAMEROUN**

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## **PRESS RELEASE ON THE TRIVIALISATION OF HATE SPEECH IN THE MEDIA**

The Cameroon Human Rights Commission (CHRC), hereinafter referred to as "the Commission", was appalled to learn of the hateful and tribalistic remarks Mr Claude ABE made as a guest on the programme "Club d'élites" broadcast live on *Vision 4 Television* on Sunday 16 April 2023.

Mr Claude ABE suggested the following to the gullibility of the public during this television programme.

*[How can you understand that today, a certain number of individuals meet on Sundays or Saturdays [...] and say: 'henceforth we are going to buy such-and-such a side of Cameroon' and they do, in the name of the vulnerability of some and others [...].*

*Cameroon will have to address [...] land reform at some point. We shall go through this. Everyone has to go back home and people should take Republican advice in this sense. Not to try to use the Republic by saying 'we are republican' [when] behind it, there is a project to invade some people and replace them in their villages [...].*

*People will call me tribalistic again, but it has to be said that some people have used land to gain power. And it is almost always the same people. Some use the State to achieve their objectives.]*

These absurd, ill-considered and inflammatory statements in which Mr Claude ABE calls on everyone to go back home are not only inane, as it is inconceivable to ask a Cameroonian who legally resides, has established his or her residence or who is passing through a particular location in the country to "go back home"; they are above all a sad example of stigmatisation of a community and hate speech. They are potentially a source of disorder and therefore a threat to social life, which could descend into arbitrariness, conflict or anarchy.

Such statements have painfully offended the national conscience. They hurt the feeling of belonging to one nation. They resonate as a call for ethnic score-settling and undermine the

cultural, linguistic and religious diversity, the matrix of the country's national identity, engraved in golden letters in the first sentence of the Preamble to the Constitution of Cameroon.

The denial of diversity that Mr ABE expressed in these remarks accentuates ethnic cleavages, stirs up antagonism and hatred towards other people, sharpens resentments and is undeniably a hindrance to personal development, a threat to national integration, a blocking factor for the development of a democratic society and an '*obstacle to a fully-fledged pluralism*'<sup>1</sup>. In addition, they resurrected the rhetoric of victimisation of a large segment of the *demos* constituting the state population.

Mr Dieudonné ESSOMBA, supporting Mr Claude ABE's contentious remarks, in a post that has been circulating on social media under the title 'Tribal Discourse', made remarks that incite hatred and promote tribal or ethnic violence, particularly when he stated that:

*[the ethnopolisation of an economic segment, i.e. its control by one community, can give rise to violent hostility from others, especially when such control takes on the character of a ghetto where the beneficiary community prevents, by various means, the entrance of other communities.]*

He went on to argue that:

*[regarding land, the creation of tribal settlements within other communities, aiming at the ethnocide of the host community in the name of development and national unity, always leads to deadly conflicts.]*

It is undoubtedly a malicious rehashing of the stigma of a specific community, given that several communities are leaders in several different areas of national life in an ethnic-diverse context. Furthermore, it is the exacerbation of the identity equation, the apology of tribalism, accompanied by a discourse of hate and incitement to violence.

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To counter these statements, other citizens have made comments on social media that fall within the same register of hate speech, including those of Mr Benjamin Zebaze who declared in a post that went viral under the title 'Who are the invaders?' that:

*[people who spent their time with land sales and the use of the State as a 'breadwinner' as their main economic model. Now that they have no more land to sell and are in danger of losing control of the State, they resort to the kind of violent rhetoric that would make Adolf Hitler's sound like the fantasies of a 'puritanical' bishop.]*

Again, this is stigmatising and contemptuous of several ethnocultural complexes that make up the country's population.

In another post going viral on social media with the title 'Let everyone go home', Mr Benjamin ZEBAZE made remarks at least as violent and dangerous as those of Mr Claude ABE towards those he described as '*supporters of the tribal clan that governs us since they realise that it will be very difficult for any of them to replace Paul BIYA at the top of the State*'. In this

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<sup>1</sup> M. Walzer, « Pluralism in Political Perspective », in M Walzer (dir.), *The Politics of Ethnicity* (Harvard University Press, Cambridge, Massachussets), 1982, p. 27, quoted by W. Kymlicka, *La citoyenneté multiculturelle. Une théorie libérale du droit des minorités*, original title: *Multinational Citizenship : a Liberal Theory of Minority Rights* (Oxford University Press, 1995), translated by Patrick Savidan, Paris, La Découverte, coll. « Textes à l'appui/politique et sociétés », 2001, p. 99.



outing tinged with ethnic supremacism, he added that *'these are people who are always in the immediate, the future does not concern them'*, before going on to escalate the stigmatisation of several Cameroonian ethnocultural complexes in these terms: *'if the nationals of the West and the Far North left the cities of Douala and Yaounde, what would become of them? Would they be different from mere administrative branches? [...] It would not be irrelevant to know which community contributes the most to state revenues, revenues that enable a tribal clan to live in opulence beyond all common sense'*. Obviously, this is not far from the words of a journalist who played the role of impresario at a wedding party in Douala on 21 January 2023. As a farewell to the guests, he deemed it necessary to salute *'the most intelligent people of Cameroon'*.

Such comments are not, however, an isolated incident. In a post on the Facebook page called *'Nzui Manto Officiel'* under the title *'Who are the owners of Cameroon?'* the author accuses one of the country's ethnocultural complexes of all the evils, especially when he insinuates that *'the owners of Cameroon can leave their villages and go to exploit oil in a village in Limbe, imposing their presence in that village by the notion of 'one and indivisible' before declaring war on the inhabitants of the oil village when they rebel'* or when he states that *'your tax money goes to their villages which they call 'the capital of Cameroon' or the granite base of Paul BIYA.'*

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**Considering** that diversity is sublimed, like an article of faith, in a promising formula in the first paragraph of the Preamble of the Constitution of Cameroon since 1972 in the following terms: *"We, the people of Cameroon, proud of our linguistic and cultural diversity, an enriching feature of our national identity [...]"*,

3

**Considering** the Preamble to the Constitution of 18 January 1996, particularly:

- in the first indent, which states that *"all persons shall have equal rights and obligations [and that] the State shall provide all its citizens [without discrimination] with the conditions necessary for their development"*;
- in the 4<sup>th</sup> indent, which states that *"everyone shall have the right to settle in any place [...] subject to the statutory provisions concerning public law and order, security and tranquillity"*
- in its 13<sup>th</sup> indent, which states that *"no person shall be harassed on grounds of his origin, religious, philosophical or political opinions or beliefs, subject to respect for public policy"*; and
- in its 25<sup>th</sup> indent, which provides that *"the State shall guarantee all citizens of either sex the rights and freedoms set forth in the Preamble of the Constitution"*,

**Taking into account** Article 28 of the African Charter on Human and Peoples' Rights, which states that *"every individual shall have the duty to respect and consider his fellow human beings without discrimination, and to maintain relations aimed at promoting, safeguarding and strengthening mutual respect and tolerance"*,

**Recalling** that the African Charter on Democracy, Elections and Governance, adopted by the Assembly of Heads of State and Government of the African Union (AU) at its Eighth Summit, held from 29 to 30 January 2007 in Addis Ababa, Ethiopia, and ratified by Cameroon on 24 August 2011, firmly prescribes *"State Parties shall respect ethnic, cultural and religious*



*diversity, which contributes to strengthening democracy and citizen participation"* (paragraph 3 of Article 8),

**Recalling** also that, in the Preamble to the Cultural Charter of Africa adopted on 5 July 1976, the Peoples of Africa saw "*African cultural diversity, as an expression of a single identity, [...] a factor of balance and development in the service of national integration*"<sup>2</sup>.

**Recognising** that freedom of expression is subject to reasonable limits, that not all speech is permitted or protected under International Law, and that States prohibit certain forms of speech, according to Article 20 (2) of the International Covenant on Civil and Political Rights, which states that "*Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law*",

**Recognizing** further that Article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination requires that the dissemination of ideas based on racial/ethnic superiority or hatred, incitement to racial/ethnic discrimination, and all acts of violence or incitement to such acts directed against any race/ethnicity or group of persons of another colour or ethnic origin shall be declared offences punishable by law,

**Reminding** that the perpetrators of hate speech of a tribal or ethnic nature incur criminal penalties, according to Article 1 of Law No. 2019/020 of 19 December 2019 amending and supplementing certain provisions of Law No. 2016/007 of 12 July 2016 on the Penal Code, Section 241-1 of which now reads as follows:

**SECTION 241-1: (new) contempt of Tribe or ethnic group**

(1) Whoever, by any means, makes hate speech against people or incites them to violence due to their tribal or ethnic origin shall be punished with imprisonment of from 1 (one) to 2 (two) years and with fine of 300 000 (three hundred thousand) francs to 3 000 000 (three million) francs.

(2) Where the benefit of mitigating circumstances is given, the punishment provided for in Subsection 1 above shall not be less than 3 (three) months imprisonment and the fine shall not be less than 200 000 (two hundred thousand) francs. Execution shall not be suspended except in case of diminished responsibility of infancy.

(3) Where the author of the hate speech is a Public Servant as per the provisions of Section 131 of this Code, a leader of a political party, of the media, of a Non-Governmental Organisation or a religious institution, the punishment provided for in subsection 1 above shall be doubled and the benefit of mitigating circumstances shall not be given.

**Noting** that these legal provisions are in consonance with Security Council Resolution 2399 (2018) of 30 January 2018, which stipulates that perpetrators of incitement to violence and hate speech are subject to penalties that States are encouraged to establish,

**Considering** that the amendment of Article 241 of the Penal Code, in its version of 24 December 2019, aims to take on board social media or any other means likely to reach the public, besides traditional media (print media, radio, television), as likely means of disseminating hate or incitement to violence,

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<sup>2</sup> The Cultural Charter of Africa was adopted by the Organization of African Unity on 5 July 1976 in Port-Louis (Mauritius) during the 13<sup>th</sup> Ordinary Session of the OAU Assembly of Heads of State and Government. See the text on the Internet at: [https://au.int/sites/default/files/pages/32901-file-02\\_charter-african\\_cultural\\_renaissance\\_fr.pdf](https://au.int/sites/default/files/pages/32901-file-02_charter-african_cultural_renaissance_fr.pdf) (accessed on 20 April 2023).



**Aware** that hate speech is particularly dangerous in an environment of ethnic pluralism and undermines the very essence of National Unity so dear to the Founding Fathers of Cameroon, the peace enshrined in the country's motto, as well as social cohesion, stability, inclusion and tolerance, constitutional values and standards of human rights and democracy,

**Mindful** furthermore that social media and other means of communication are used as platforms for bigotry and that public debates are all too often the scene of inflammatory rhetoric for political purposes – or for even more hidden purposes – to stigmatize people or people groups who are said to be "others",

**Referring** to the United Nations Strategy and Plan of Action to Combat Hate Speech launched on 18 June 2019 by the UN Secretary-General, Antonio GUTERRES, where it is stressed that *"silence may indeed be just another name for indifference to bigotry and intolerance"*,

**Considering** that, in its Strategy and Plan of Action referred to above, the UN defines hate speech as any type of communication, whether oral or written, or behaviour that is offensive or uses derogatory or discriminatory language against a person or group on the basis of their identity, i.e. religious affiliation, ethnic origin, nationality, race, colour, descent, gender or other identity factors; that such speech is often both the result and the cause of intolerance and hatred, and that it can be, in some cases, denigrating and divisive,

**Bearing in mind** that, in his 2019 Report to the General Assembly, the Special Rapporteur on the right to freedom of opinion and expression recommended that States and companies adopt content policies with rules on hate speech that are based on International Human Rights Law,

**Bearing in mind** also the International Human Rights Law instruments that contain the interpretation of the right to freedom of opinion and expression by treaty bodies, special procedures and other experts, such as the *Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*, adopted on 5 October 2012,

**Bearing in mind** furthermore the tragedies in the history of mankind which started with hate speech and which led to massive violations of human rights, such as genocide,

**Considering** that the fight against hate speech is an integral part of the Commission's mandate to promote democracy and the rule of law, as set out in its enabling legislation,

**Recalling** the terms of its Statement of 7 April 2023 to mark the International Day of Reflection on the 1994 Genocide of the Tutsis in Rwanda,

**The Commission is alarmed** by the multiplication of verbal abuses which are a frontal attack on human rights and undermine harmonious living together in Cameroon;

**The Commission strongly and unreservedly condemns** such statements, wherever they come from, as they are irrational and constitute psychological violence against citizens and ethnocultural complexes thus stigmatised, as much as they erode national unity while deconstructing the cardinal social values in a multicultural society;

**The Commission stresses** that the fight against hate speech is the business of all (public authorities, private sector, traditional authorities, religious authorities, educational community,

associations, media professionals, sports clubs, families, etc.) and, first and foremost, of every Cameroonian citizen;

*The Commission calls* on all media professionals to be more responsible in conducting televised and/or radio debates for the public, to prevent the remarks made during these episodes from polluting the youth and undermining peace and social cohesion;

*The Commission particularly calls* on opinion leaders, journalists and the media that employ them not to lose sight of their role as shapers of public opinion, a role that they must assume with patriotism;

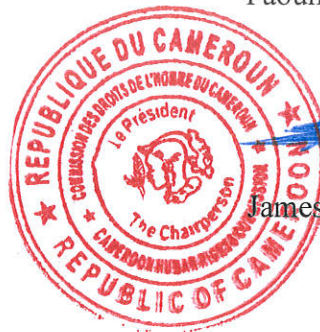
*The Commission recommends* that the State, particularly the Ministry of Justice and the National Communication Council, ensure that the code of ethics and all the rules governing media activities in Cameroon are respected, investigate these acts and punish the perpetrators since punishment has not only a restorative function for the victims but also a repressive and dissuasive function towards the actual or virtual perpetrators of these highly reprehensible acts;

*The Commission will continue to extol*, with Benetullière, the ‘benefits to society of the diversity of pluralism as such’;

*The Commission remains convinced* that there is no alternative to diversity in Cameroon and that human rights education is the most effective strategy to prevent and counter hate speech, its causes and manifestations because by developing knowledge that enables children young people and the general population to identify and claim human rights, they can recognize their own biases and those of others, thus becoming agents of a peaceful and well-informed plural society, in which the loyalty of all is guaranteed.

6

Yaoundé, the 20th April 2023



  
James MOUANGUE KOBILA