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**COMMISSION DES DROITS
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Numéro Vert.- 1523



REPUBLIC OF CAMEROON
Peace – Work – Fatherland

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**STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION TO MARK
THE 18TH INTERNATIONAL DAY FOR UNIVERSAL ACCESS TO INFORMATION**

28 September 2023

Theme: *The Importance of the Online Space for Access to Information*

The Cameroon Human Rights Commission (hereinafter referred to as “the Commission”), established by Law No. 2019/014 of 19 July 2019, and implemented on 29 April 2021, following the swearing-in of its commissioners before the Supreme Court sitting in combined chambers,

Bearing in mind that it was through Resolution 38 C/57 of 17 November 2015, that the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), at its 38th session held from 3 to 18 November 2015, proclaimed 28 September as the *International Day for Universal Access to Information*¹,

Recalling that the purpose of this day is to “*promote the right to universal access to information through all platforms, as [one] of the essential means to achieve the 2030 Agenda for Sustainable Development*”²,

Further recalling that, due to the importance of access to information, the United Nations General Assembly, at its 74th session, adopted Resolution 75/5 of 15 October 2019, proclaimed 28 September as the **International Day for Universal Access to Information**,

¹ See <https://www.unesco.org/fr/days/universal-access-information>, accessed on 4 September 2023.

² See *Celebration of the First edition of the International Day for Universal Access to Information*, <https://www.unesco.org/fr/articles/celebration-de-la-premiere-journee-internationale-de-lacces-universel-linformatique>, accessed on 4 September 2023.

Noting that it was during a United Nations press conference held on 28 September 2016, in Kinshasa, Democratic Republic of the Congo (DRC), that the representative of UNESCO, Mr. Abdourahamane DIALLO, emphasized the importance of this day and its major stakes by stating that *“the right to information is essential for transparent and accountable governance and sustainable development; it is a prerequisite for public participation in the formulation of social policies and the decision-making process of governance bodies”*³,

Considering that *“informed citizens can make informed decisions, for example, when going to the polls. Only when citizens know how they are governed, can they hold their governments accountable for their decisions and actions. Information is power. Therefore, universal access to information is the cornerstone of both healthy and inclusive knowledge societies”*⁴,

Emphasizing that through this celebration, the United Nations promote and advocate *“access to information as a fundamental freedom and an essential pillar of building inclusive knowledge societies”*⁵,

Bearing in mind the theme of the day, *“The importance of the online space for access to information”*, which will be discussed at the Global Conference on Universal Access to Information in Oxford, United Kingdom, on 28 September 2023,

Considering that this year’s objective is to *“ensure access to information in the Internet age”* by addressing issues such as *“Internet accessibility and connectivity; the role of governments, the judiciary, and information commissioners as catalysts for the right to information in securing the proper functioning of the Internet; as well as the need for international cooperation in strengthening access to information for [human] rights and the achievement of the goals of the 2030 Agenda”*,

Recalling *“access to information is an integral part of freedom of expression and an important tool for promoting the rule of law, other rights, and building trust, [and that it is ultimately] a catalyst for sustainable development in areas such as health, environment, poverty reduction, and combating corruption”*⁶,

Further recalling that several professional organizations of journalists and opinion leaders are strongly urging the State to submit a bill to Parliament on citizens' free access to information,

Noting that, *Le Robert* dictionary, defines the Internet as *“le réseau informatique mondial”* (Global Internet Network in French),

³ Ibid.

⁴ United Nations International Day for Universal Access to Information: 28 September, <https://www.un.org/en/observances/information-access-day>, accessed on 4 September 2023.

⁵ See United Nations Educational, Scientific and Cultural Organization (UNESCO), Right to information, <https://www.unesco.org/en/right-information>, accessed on 5 September 2023.

⁶ Ibid.

Pointing out that, according to the *Larousse* dictionary, the Internet derives from the Anglo-American term “*International network*”, which refers to the “*international telematic network, stemming from the American military network Arpanet (designed in 1969) and resulting from the interconnection of computers worldwide using a common protocol for data exchange [IP] (Internet Protocol)*”,

Noting that the online space, which operates through the Internet, encompasses information and communication technologies, including networks, content, digital services and applications, connected devices and environments, virtual and augmented reality, artificial intelligence, robotics, automated systems, algorithms and data analysis, biometrics, and technology in the field of implants, etc.,

Acknowledging that the Internet has revolutionised the techniques of sharing and circulation of information by making them more available, faster, and accessible than in the past, thereby transforming our way of communicating, working, learning, and entertaining, as well as connecting people around the world through user-friendly platforms for discussions and sharing of ideas,

Considering the preamble of the Constitution of the Republic of Cameroon of 18 January 1996, which states that “[t]he Cameroonian People [...] *affirm their attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the United Nations Charter, the African Charter on Human and Peoples' Rights, and all related and duly ratified international conventions, including [...] freedom of communication, freedom of expression [and] freedom of the press*”,

Further considering that Article 19 of the Universal Declaration of Human Rights states that the fundamental right to freedom of expression includes the freedom “*to seek, receive, and impart information and ideas through any media and regardless of frontiers [and that] everyone has the right to freedom of opinion and expression, which includes the right not to be subjected to interference with their opinions and the right to seek, receive, and impart information and ideas through any media and regardless of frontiers*”⁷,

Considering further that the African Commission on Human and Peoples' Rights (ACnHPR), through the *Declaration of Principles on Freedom of Expression in Africa* adopted on 21 October 2019, supplemented Article 9 of the AChHPR, which states that “[e]veryone has the right to information”,

Noting that Article 9 (1) and (2) of the African Charter on Human and Peoples' Rights (AChHPR), adopted on 27 June 1981 in Nairobi, Kenya, signed on 23 July 1987, and ratified by Cameroon on 20 June 1989, provides that “*everyone has the right to information*” and “*everyone has the right to express and disseminate their opinions within the framework of the law and regulations*”,

Also taking into account the *African Declaration on Internet Rights and Freedoms*, also known as the *African Declaration (AD)*, adopted on 7 August 2014 in Nairobi (Kenya) where

⁷ See <https://www.unesco.org/fr/access-information-laws>, accessed on 6 September 2023.

the parties promote “standards and principles of transparency in the formulation of internet policies and the implementation of human rights on the African continent”⁸,

Keeping in mind the African Model Law on Access to Information, drafted from November 2010 to June 2012 and adopted in 2013 by the African Commission on Human and Peoples' Rights, an instrument presented as guide for the formulation of national laws on access to information for all member countries⁹ of the African Union, with the main objective of “assisting legislators and policymakers of the member states of the African Union in addressing all issues that arise in the African context in the adoption or revision of laws on access to information and to serve as a reference for the evaluation of these texts in light of regional or sub-regional standards for the protection of [human] rights”¹⁰,

Reaffirming the 2030 Agenda for Sustainable Development adopted by United Nations Resolution 70/1 of 25 September 2015, and the commitments contained therein, including the commitment to promote peaceful and inclusive societies for sustainable development, inter alia, by ensuring public access to information and protecting related fundamental freedoms, based on national laws and relevant regional and international agreements,

Considering the programmes of UNESCO, including the *International Programme for the Development of Communication (IPDC)* and the *Information for All Programme*, which provide a platform for all stakeholders to participate in international discussions on policies and guidelines related to access to information,

Highlighting that “the online reference library, based on information, strategic planning, and publicly available data, has published key titles for the adoption and use of digital technology in Cameroon between 2022 and 2023. According to its report published in February 2023, it appears that 12.89 million people are interconnected through the Internet communication networks. This gives Cameroon an Internet penetration rate of 45.6%, with 3.90 million social media users in January 2023, or 13.8% of the total population”¹¹,

Noting further that, along with the Minister of Posts and Telecommunications, the Cameroonian government efforts to accelerate digitisation in the country are bearing fruits, as “over the past four years, the mobile broadband penetration rate in our country has increased from 18% to 39% thanks to various measures implemented to strengthen competition and regulatory accountability”¹²,

⁸ See <https://www.apc.org/fr/news/la-declaration-africaine-des-droits-et-libertes-de-linternet-disponible-en-un-plus-grand-nombre>, accessed on 7 September 2023.

⁹ See <https://www.camer.be/49209/11:1/plaidoyer-pour-le-droit-a-linformation-au-cameroun-freedom-of-information-act-cameroon.html>, accessed on 11 September 2023.

¹⁰ African Commission on Human and Peoples' Rights, [AUC, Model Law booklet cover3.indd \(up.ac.za\)](#), p.11.

¹¹ See *Le Jour*, « Cameroun-Numérique 2023 : le taux de pénétration d'internet estimé à 45,6% », published <https://lejour.cm/cameroun-numerique-2023-le-taux-de-penetration-dinternet-estime-a-456/#:~:text=Economie-,Cameroon%2DNum%C3%A9rique%202023%20%3A%20le%20taux%20de%20p%C3%A9n%C3%A9tration%20d'internet%20estim%C3%A9%20%C3%A0%2045%2C6%25>, accessed on 23 September 2023.

¹² Excerpt from the speech of the Minister of Post and Telecommunications, Minette LIBOM LI LIKENG, at the First Meeting of the Ministerial Alliance for Digital Nations organized by the Commonwealth Telecommunications Organization, held on 21st and 22nd February 2023 in London, United Kingdom of Great Britain and Northern Ireland.

Noting that, in Cameroon, several government agencies and institutions contribute to the implementation of the government's policy on universal access to information, including through the Internet and social networks, namely the Ministry of Communication (MINCOM)¹³, the Ministry of Posts and Telecommunications (MINPOSTEL)¹⁴, the Ministry of Justice (MINJUSTICE)¹⁵, the Secretary of state to the Minister of Defense in charge of the National Gendarmerie (SED), the General Delegation for National Security (DGSN), the General Directorate of External Research (DGRE)¹⁶, the National Communication Council (CNC)¹⁷, *Cameroon Telecommunications* (CAMTEL)¹⁸, the Telecommunications Regulatory Agency (ART)¹⁹ and the National Agency for Information and Communication Technologies (ANTIC)²⁰,

Noting that, in recent years, several countries around the world have resorted to cutting off or restricting access to the Internet, and therefore to information, in order to maintain public order, with more than 187 shutdowns recorded in 35 countries in the world in 2022²¹, among which 142 blackouts recorded in 35 Sub-Saharan African countries between 2014 and 2023²², with the most recent being on 26 August 2023, in Gabon ²³,

Noting that internet shutdowns and restrictions are mostly due to the fact that, in times of crisis, some governments temporarily restrict or shut down the internet to prevent the spread of calls for violence and insurrection, hate speech, and misinformation, as the internet has become the channel of communication by excellence for all types of information, including that liable to put the security of the State to a severe test,

¹³ Charged with implementing government policy on communications, including universal access to information, freedom of expression and freedom of opinion.

¹⁴ Charged with developing and monitoring the implementation of national policy on the security of electronic communications networks and information systems.

¹⁵ Charged with laying down the law in relation to digital law offences committed via social networks.

¹⁶ Charged with investigating allegations of digital rights violations and transmitting the results of their investigations to MINJUSTICE for action.

¹⁷ Charged with assisting the public authorities in drawing up, implementing and monitoring national social communication policy.

¹⁸ Charged with implementing government policy on Internet access and digital platforms.

¹⁹ Charged with regulating the telecommunications sector.

²⁰ As well as being the Internet regulator, one of the missions of the National Agency for Information and Communication Technologies (ANTIC) is to regulate, control and monitor activities relating to the security of electronic communications networks and information systems through the Cyber Incident Prevention and Response Centre (CIRT), which monitors the use of national cyberspace and carries out digital investigations in the event of cybercrime observed on social networks.

²¹ *Record number of countries enforced internet shutdowns in 2022- Report*, <https://www.theguardian.com>, accessed on 27 September 2023.

²² *Tournons la page, « État des lieux des coupures de l'internet en Afrique depuis 2014 »* (Internet blackouts in Africa since 2014), May 2023, p.6.

²³ See <https://www.rfi.fr/fr/afrique/20230915-coupures-internet-afrique-mode-emploi-techniques>, accessed on 26 September 2023.

The Commission observes with concern that incidents at sea affecting the fibre optic²⁴ managed by *Cameroon Telecommunications* have a negative impact on people's access to information, including for national and international financial transactions, which consequently infringes upon the full enjoyment of many other rights and freedoms, such as:

- the right to health,
- the right to education,
- freedom of expression,
- freedom of communication and press,
- the right to access decent employment,
- the right to development,
- the right to participate in public affairs,
- the right to access justice and the right to a fair trial, etc.,

The Commission commends Government's efforts in promoting the right to quality information for all, including through:

- The promulgation on 25 July 2023, by the President of the Republic, of Law No. 2023/009 establishing the Charter for the Protection of Children Online in Cameroon,
- The signing of Decree No. 2022/169 on 23 May 2022, whereby Cameroon acceded to the Budapest Convention on Cybercrime, adopted on 23 November 2001, in Budapest, Hungary,
- The dissemination, through social media, of the press release published on 22 September 2023, by the National Communication Council, informing the public that had sent a letter to the broadcasting operator Canal Plus International asking it to "immediately suspend, until further notice, the broadcasting of the channel named Canal Plus Elles in Cameroon, *“following the recurrent dissemination of “obscene practices with homosexual tendencies”*”,
- The organization by various government agencies and socio-political forces of campaigns to streamline the information and communication technology (ICT) in Cameroon²⁵, following the press release by the Cameroon Human Rights

²⁴ See <https://www.investiraucameroun.com/gestion-publique/0609-19723-internet-une-nouvelle-coupure-de-la-fibre-optique-perturbe-le-service-au-cameroun>, accessed on 26 September 2023.

²⁵ - The significant Government Communication of 18 May 2023, titled "*Action against Hate Speech*," delivered by the Minister of Communication and Government Spokesperson, the Minister of Territorial Administration, and the Chairperson of the National Commission for the Promotion of Bilingualism and Multiculturalism;

- The radio-press release of the Minister of Territorial Administration on 22 May 2023, where he recalls the sanctions provided by the law against the authors and propagators of hate speech in the media and social networks, stating that administrative authorities have received instructions to take precautionary measures and if necessary the suspension of activity or the closure of the communication organ, or all services which are vectors for the propagation of messages promoting tribalism, xenophobia and hate;
- The billboard campaign by the Civil Cabinet of the Presidency of the Republic on the same theme, launched at the beginning of June 2023;
- The campaign launched on the 5th of June 2023 by the Cameroon people's Democratic Movement (CPDM) for the massive distribution of massages promoting national solidarity and social cohesion;

Commission (CHRC) on 20 April 2023²⁶ condemning the proliferation of hate speech on social networks. In the press release, the Commission notably highlighted that “*the fight against hate speech is everyone's responsibility*”,

- The publication of administrative documents on the websites of most public administrations and other state institutions, including the Presidency of the Republic, in accordance with this 1 and 2 of Article 49 of Law No. 90/52 of 19 December 1990, on social communication in Cameroon, which states that “*unless otherwise provided by legislative or regulatory provisions, access to administrative documents is free. This includes all files, reports, studies, minutes, statistics, directives, instructions, circulars, notes, and any other documents falling within the scope of positive law acts*”;

The Commission recalls that the Penal Code of the Republic of Cameroon provides specific sanctions for offenses related to access to administrative documents through social media, particularly in its sections 189 on the copies of government papers, 300 on tampering with correspondence, and 310 on professional confidence.

Echoing the words of Ms. Audrey AZOULAY, Director-General of UNESCO, who stated that “*access to reliable information saves lives, while disinformation and rumours can cost lives; that is why this human right [...] is among the objectives of the 2030 Agenda for Sustainable Development*”²⁷,

The Commission recommends that the Government:

- ratify the African Union Convention on Cybersecurity and Personal Data Protection, adopted on June 23, 2014, in Malabo, Equatorial Guinea,
- submit to Parliament a bill on citizens' free access to information;
- ensure that information from all legal communication channels is accessible to all,
- promote the three fundamental principles of the *African Declaration of Internet Rights and Freedoms*, which promote universal access to information, namely *e-learning*, *e-governance*, and *teleworking*, in partnership with private sector companies and civil society organizations, through information campaigns,
- establish a digital platform that would foster synergy of actions among stakeholders involved in the fight against cybercrime, particularly regarding the professional production of fake documents or counterfeits, at the national level as well as international cooperation, investigations, judicial procedures, and appropriate sanctions,
- continue to improve:

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- The sanctions imposed by the National Communication Council at its 38th ordinary session on June 2, 2023, against four press organizations and their journalists, guilty of disseminating hate speech.

²⁶ CHRC press release of 20 April 2023 on the trivialisation of hate speech in the media, <https://www.cdhc.cm/admin/fichiers/Autres2023-04-2117-24-22.pdf>.

²⁷ See <https://www.unesco.org/fr/days/universal-access-information-day>, accessed on 15 September 2023.

- The quality of telecommunications infrastructure and services to better serve administrations, businesses, and citizens, through faster and more efficient digital information circulation
- The circulation and sharing of digital information between central administrations and decentralised services
- The digitisation of certain administrative procedures (e-procedures via [review the use of this word] dedicated networks or via the Internet);

The Commission recommends that the National Communication Council (NCC) ensures that a Code of Good Practices against disinformation is adopted and that the authors or accomplices of false information or *fake news* that could undermine public order and disrupt the proper functioning of public and private institutions be systematically punished,

The Commission urges the media to demonstrate greater professionalism by disseminating reliable and useful information, including through the Internet and social networks as well, which can contribute to the economic, political, and social development of our society, and to the preservation and consolidation of peace and national unity, a sine qua non for fully enjoying human rights,

The Commission calls on public and private enterprises to effectively and efficiently use information and communication technologies to achieve productivity gains and enhance their competitiveness in the markets, for stronger and sustainable economic growth, which is crucial for poverty eradication.

The Commission, for its part, will spare no effort to further promote and protect human rights in general, including *the right to information and freedom of expression* in particular, through awareness campaigns, advocacy, fact-finding missions, handling of complaints, self-initiated investigations, training workshops, and as part of the prevention of torture, by visiting all detention facilities,

The Commission also invites any person who has experienced or witnessed a human rights infringement in general, and specifically a breach of the right to information, to report it, including through its **toll-free number, 1523** (toll free, even without airtime).

Yaoundé, 28 SEPT 2023



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