

COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN

SOUS-COMMISSION CHARGÉE
DE LA PROMOTION DES DROITS DE L'HOMME

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CAMEROON HUMAN
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SUB-COMMISSION IN CHARGE
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STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION TO
MARK THE INTERNATIONAL DAY OF COMMEMORATION IN MEMORY
OF THE VICTIMS OF THE HOLOCAUST

27 January 2024

The Cameroon Human Rights Commission (hereinafter: "the Commission"), established by Law No. 2019/014 of 19 July 2019 and rendered operational on 29 April 2021, following the swearing in of its Commissioners before the Supreme Court sitting in joint benches,

Bearing in mind that, by Resolution A/RES/60/7 of 1 November 2005, the General Assembly of the United Nations proclaimed 27 January the **International Day of Commemoration in memory of the victims of the Holocaust**, to mark, each year, the liberation of the largest Nazi concentration and extermination camp for Jews in Auschwitz-Birkenau, Germany, by the Soviet Army, on 27 January 1945,

Also bearing in mind that:

Every year, around this date UNESCO pays tribute to the victims of Nazi persecution and raises awareness about the history of the Holocaust, its causes, impact in many parts of the world, and its consequences for our societies today¹,

Considering that:

¹ See "International Day of Commemoration in memory of the victims of the Holocaust" <https://www.unesco.org/en/articles/journee-internationale-dediee-la-memoire-des-victimes-de-lholocauste#:~:text=En%202024%2C%20l'UNESCO%20marquera,et%20les%20t%C3%A9moignages%20de%20survivants>, accessed on 1 January 2024.

Member States continue to share a collective responsibility for addressing the residual trauma, maintaining effective remembrance policies, caring for historic sites, and promoting education, documentation and research²,

Bearing in mind that UNESCO reaffirms its unwavering commitment to counter antisemitism, racism, and xenophobia (*"hostility towards foreigners or anything that is foreign"*³),

Considering that UNESCO chooses to mark the 2024 International Day with a series of events organised at UNESCO Headquarters, commemorating the memory of millions of victims of the Holocaust and reflecting on the universal legacy of this genocide through music, art and survivor testimonies,

Emphasizing that the 2024 commemoration is organised in partnership with the Foundation "Institute of Concentrationary Music Literature"⁴, the USC Shoah Foundation⁵ and generously supported by the Permanent Delegations of Belgium, Germany, Italy and Monaco to UNESCO,

Noting that under Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the United Nations General Assembly in Paris on 9 December 1948, genocide:

means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) Killing members of the group
- b) Causing serious bodily or mental harm to members of the group
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- d) Imposing measures intended to prevent births within the group
- e) Forcibly transferring children of the group to another group⁶,

² *Ibid.*

³ See Bertrand FAVREAU, « Racisme et xénophobie », in : Joël ANDRIANTSIMNAZOVINA *et al.* (dir.). *Dictionnaire des Droits de l'homme*, Quadrige/Presses universitaires de France, Paris, 2012, pp. 825-829 (spéc. p. 825).

⁴ *Institute of Concentrationary Music Literature* The 'Institute of Concentrationary Musical Literature' Foundation is a non-profit organization based in Barletta (Italy) established by notarial deed in 2014 on the initiative of a small group of promoting partners - Francesco Lotoro, Grazia Tiritiello, Daniele Barchetta, Paolo Candido - at purpose of protecting and enhancing the extraordinary heritage of music written in concentration camps and other places of military and civil captivity around the world between 1933 and 1953. See <https://www.fondazioneilmc.it/en/lafondazione#:~:text=The%20%27Institute%20of%20Concentrationary%20Musical,at%20purpose%20of%20protecting%20and>, accessed on 1 January 2024.

⁵ *USC Shoah Foundation* is a nonprofit organisation dedicated to making audio-visual interviews with survivors and witnesses of the Holocaust (which in Hebrew is called the Shoah) and other genocides, a compelling voice for education and action. See https://en.wikipedia.org/wiki/USC_Shoah_Foundation, accessed on 1 January 2024.

⁶ *Dictionnaire des Droits de l'homme*, 2008, 455 pp.

Noting also that racism refers to *"a theory of racial hierarchy, based on the belief that social status depends on social characteristics and which concludes that it is necessary to preserve the superior race from interbreeding with other races"*⁷ and that this definition of racism applies *mutatis mutandis* to tribalism,

Recalling that under the terms of the European Court of Human Rights (ECHR) *"no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a [...] democratic society"*⁸,

Recalling also that hate speech is defined by the United Nations as:

as any communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to someone's religion, ethnicity, nationality, race, colour, descent, gender or other identity⁹,

Emphasising that the fight against hate speech must be seen as an absolute priority for safeguarding democracy and the rule of law, and for preserving the values of peace, unity and harmonious coexistence,

Considering that the preamble to the Constitution of 18 January 1996 states that *"no person shall be harassed on grounds of his origin, religious, philosophical or political opinions or beliefs"*,

Further considering that Article 2 of the African Charter on Human and Peoples' Rights adopted on 27 June 1981, ratified by Cameroon on 20 June 1989 and entered into force on 21 October 1989, forbids all forms of discrimination based on race, ethnic group, colour, sex, language, religion, political or any other opinion, national or social origin, fortune, birth or other status,

Reaffirming that the Universal Declaration of Human Rights, states in Article 2(1) that everyone is entitled to all the rights and freedoms set forth in this Declaration, *"without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"*,

Recalling that Articles 18 and 20 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966, ratified by Cameroon on 27 January 1984, states respectively that *"everyone shall have the right to freedom of thought, conscience and religion"* and that *"[a]ny advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law"*,

⁷ Ibid, 825 pp.

⁸ Droits fondamentaux et libertés publiques, collection COURS, 2022, 450 pp.

⁹ See United Nations, "Cameroon crisis: preventing the speech that incites violence", accessed on 1 January 2024.

Further recalling that the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965 and ratified by Cameroon on 24 June 1971, condemns *ethnic discrimination* and calls upon the States Parties to undertake to prevent, prohibit and eradicate all such practices within territories under their jurisdiction

Noting that Law No. 2019/020 of 24 December 2019 to amend and supplement some provisions of Law No. 2016/007 of 12 July 2016 relating to Penal Code, provides for the following in Section 241:

- (1) Whoever commits a contempt, within the meaning of Section 152 of this Code, of the race or religion of one or many citizens or residents shall be punished with imprisonment for from six months and with fine of from 5000 (five thousand) to 500 000 (five hundred thousand) francs
- (2) where the offence is committed by means of the press or wireless, radio, television, social media or any other means likely to reach the public, the maximum of fine provide for in subsection 1 above may extend to 20 000 000 (twenty million) francs,
- (3) where the offence is committed with intent to arouse hatred or contempt between citizens, or residents, the penalties provided for by the foregoing subsections shall be doubled,

Noting also that Section 241-1 of the above-mentioned law relating to contempt of tribe or ethnic group provides in:

- 1) whoever by any means makes hate speech against people or incites them to violence due to their tribal or ethnic origins shall be punished with imprisonment from one to two years and with fine of 300,000 (three hundred thousand) 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 provision 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,

The Commission commends the efforts made by the Government and specifically the National Communication Council (NCC) to curb the rise in hate speech and tribalism in public and nationwide, particularly:

- the publication by the NCC of Communiqué No. 000002/CNC/2023/PC/SG/CCT of 23 January 2024, in which it reminds the entire national media community and the public that while preserving their freedom of expression, they remain *bound*

by their role of education, information and social cohesion, in a spirit of objectivity, moderation and social responsibility, and calls on them to avoid potential divisive excesses, with the aim of uniting the entire national community around the values of fair play, patriotism, unity and social harmony

- the organisation by the NCC of an international forum at the Yaoundé Hilton Hotel on 8 and 9 November on the *Challenge of Social Media Regulation: Modalities of Collaboration between African Media Regulators and Digital Platforms* to combat disinformation, manipulation of information and tribalism, scourges exacerbated by social media to which young people are increasingly exposed today
- the radio and press release issued by the Minister of Territorial Administration on 22 May 2023, in which he reiterated the sanctions provided for by law against the perpetrators and propagators of hate speech in the media and on social media;
- the important government communication of 18 May 2023 on the theme *Government Crusade Against Hate Speech*, issued by the Ministers of Communication and Territorial Administration and by the President of the National Commission for the Promotion of Bilingualism and Multiculturalism, following the CHRC press release of 21 April 2023 on the trivialisation of hate speech in the media,

The Commission is pleased with the feedback received from public authorities on the recommendations made to them in its previous statements to mark the International Day of Commemoration in memory of the victims of the Holocaust on 27 January, particularly those from:

- *the Ministry of Higher Education*, who reported on the effective measures taken both within this Ministry and in state universities and private higher education institutions to ensure that the objectives assigned to this sector by Law No. 005 of 16 April 2001 on the orientation of higher education, such as "*strengthening national awareness, eradicating all forms of discrimination and the promotion of peace through dialogue*", are achieved
- *the Ministry of Arts and Culture* which is working to restore the dignity of the emblematic victims of the violence that has marked Cameroon's history through the organisation of commemorative events, and which is committed to gradually increasing awareness-raising to counter the rise of tribalism, which is becoming a serious problem in public administrative services
- *the Ministry of Communication, the Ministry of Basic Education and the Ministry of Women's Empowerment and the Family*, who welcomed the recommendations to combat tribalism and hate speech in Cameroon,

The Commission strongly condemns all forms of ethnic, religious and political intolerance, attacks against minority communities, particularly during inter-community conflicts in some parts of the country, and the dissemination of ethnic supremacist

messages in the media or during public or private meetings and demonstrations, disinformation, incitement to hatred on social media and the resurgence of violence in the home and in society at large,

The Commission reiterates its recommendations made on the International Day of Commemoration in memory of the victims of the Holocaust on 27 January 2023, to:

1. *the Government* to practice zero tolerance for tribalism, including its most extreme form, ethnic supremacism, which, like the Holocaust, is based on the theory of a superior ethnic group
2. *the Ministries of Basic Education, Secondary Education and Higher Education* to:
 - support the revision of school textbooks and appropriate and relevant teaching methods in order to improve the understanding of the principles of civic education and citizenship
 - ensure that education and teaching policies do not fuel conflict, but contribute to the physical and psychosocial protection of learners and their teachers, and ultimately to the restoration of peace
3. *the Ministry of Arts and Culture* to restore the dignity of the emblematic victims of the violence that has marked Cameroon's history by organising commemorative events, developing touristic sites and promoting the existing ones
4. *Civil Society Organisations* to be more active in organising activities aimed at preserving the memory of the Holocaust and raising awareness of its realities, to help prevent the recurrence of acts of distortion of history, manifestations of intolerance and targeted violence against a group,

The Commission, for its part,

- **encourages** education in schools, communities and through the media on the importance of life and respect for human dignity and on the need for collective responsibility and individual accountability for any perpetrator of hate speech, intolerance and violence against any religious, linguistic or ethnic group
- **calls upon** victims of acts of violence to report the perpetrators so that they can be brought to justice and dissuade all those who might be tempted to commit such acts,

The Commission will spare no effort to continue promoting and protecting peace and human dignity through training workshops, awareness-raising campaigns, advocacy, visits to prison, fact-finding missions and the handling of complaints or self-initiated investigations,

The Commission once again urges anyone who has been a victim or witness of human rights violations, in particular acts of discrimination, ethnic supremacy, tribalism, hate speech and violence or threats of violence, to contact it, including via its **toll-free number 1523** (free calls, even without credit airtime).


Useful CHRC addresses

Website: www.cdhc.cm

Facebook and X (former Twitter): **Cameroon Human Rights Commission**

WhatsApp: **691 99 56 90**

Yaoundé, **25 JAN 2024**



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