

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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STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION
TO MARK THE 19TH INTERNATIONAL DAY
FOR UNIVERSAL ACCESS TO INFORMATION

28 September 2024

Theme. - *Mainstreaming Access to Information and Participation in the Public Sector*

The Cameroon Human Rights Commission (hereinafter “the Commission” or “the CHRC”), 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 at a conference organised by the International Network of Freedom of Expression Advocates from 15 countries, namely Albania, Armenia, Bosnia-Herzegovina, Bulgaria, Georgia, Hungary, India, Latvia, Macedonia, Mexico, Moldova, Romania, Slovakia, South Africa and the United States of America, in Sofia, Bulgaria, from 26 to 28 September 2002, the participants agreed that the final day of the conference, 28 September, should be observed every year as the *Right to Know Day*¹, to “send a consolidated message on the need for greater access to information to raise public awareness”²,

Emphasizing that it was during the 38th session of its General Conference, held in Paris from 3 to 18 November 2015, that the United Nations Educational, Scientific and Cultural Organization (UNESCO) by Resolution No. 38C/57, proclaimed 28 September, *International Day of Universal Access to Information (IDUAI)*. This resolution was reaffirmed four years later by Resolution No. A/RES/74/5 adopted by the United Nations General Assembly (UNGA) at its 74th session, on 15 October 2019

Noting that through the celebration of this day, the United Nations “works to protect and promote access to information as a fundamental human right and an essential step towards the attainment of the Sustainable Development Goals,”³

¹ United Nations Educational, Scientific and Cultural Organization (UNESCO), General Conference, 38th Session, Paris 2015, “Proclamation of 28 September as the International Day of Universal Access to Information”, 5 pp., esp., p. 5, https://unesdoc.org/ark:/48223/pf0000235297_eng, accessed on 22 September 2024.

² Ibid., p. 4.

³ See UNESCO, « Understanding the importance of the International Day for Universal Access to Information in today's context of digitalization », <https://www.unesco.org/en/days/universal-access-information>, accessed on 13 August 2024.

Noting with satisfaction that the relevance of the 2024 IDUAI theme, *Mainstreaming Access to Information and Participation in the Public Sector*, provides an opportunity to assess the progress made in promoting access to information in Cameroon, while analysing the areas in which progress urgently needs to be accelerated,

Recalling that this theme will be discussed at the Global Conference on Universal Access to Information in Ghana, scheduled for 1 to 2 October 2024⁴, **whose main objective is “to offer Government and civil society a list of best practices for mainstreaming the right to information into the organisation systems and culture of different public authorities”⁵**,

Noting that access to information is “an integral part of freedom of expression and is an important tool for promoting the rule of law, building trust [and contributing to] sustainable development in areas such as health, environment, addressing poverty, and fighting corruption”⁶,

Noting that, access to information:

“is critical for enabling citizens [not only] to exercise their voice, to effectively monitor and hold government to account, [but also] to enter into informed dialogue about decisions which affect their lives. It is seen as vital for empowering all citizens, including vulnerable and excluded people, to claim their broader rights and entitlements”⁷,

Emphasizing that “the right to receive information is part of freedom of expression [which] gives you the right to receive information that other persons are willing to provide [or] to receive information about decisions [taken] by the State”⁸, including public institutions and administrative bodies, as well as regional and local authorities,

Considering that in the preamble of the Constitution of the Republic of Cameroon of 18 January 1996:

“[t]he Cameroonian People [...] affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, The African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto, [including ...] the freedom of communication, of expression [and] of the press”,

Considering that Article 19(2) of the International Covenant on Civil and Political Rights states that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”,

Emphasizing that according to the Human Rights Committee's General Comment No. 34 on Article 19 of the ICCPR, on freedom of opinion and expression⁹ of 29 July 2011,

⁴ See UNESCO, “Concept note, Global Conference on Universal Access to Information 2024”, Accra, Ghana, <https://www.unesco.org/fr/articles/international-day-universal-access-information-iduai-2024>, accessed on 12 August 2024.

⁵ *Ibid.*

⁶ See UNESCO, “Right to Information”, <https://www.unesco.org/en/right-information#:~:text=Access%20to%20information%20serves%20as,addressing%20poverty%20and%20fighting%20corruption>, accessed on 26 August 2024.

⁷ See Huma Haider / Claire McLoughlin / Zoë Scott, “Communication and governance”, *GSDRC Applied Knowledge Services*, <https://gsdrc.org/topic-guides/communication-and-governance/access-to-information-and-its-constraints/>, accessed on 21 August 2024.

⁸ See, Human Rights Guide, “Access to information”, <https://www.guideDroitshomme.fr/en/themes/freedom-of-expression-media/access-to-information>, accessed on 21 August 2024.

⁹ United Nations Human Rights Committee, General Comment No. 34 on Article 19 of the ICCPR on Freedom of Opinion and Expression of 29 July 2011, p. 14, esp. p. 5.

States parties should proactively put in the public domain Government information of public interest, [...] make every effort to ensure easy, prompt, effective and practical access to such information, [...] enact the necessary procedures, whereby one may gain access to information, [particularly through] the timely processing of requests for information [by ensuring that] the [f]ees for requests for information should not be such as to constitute an unreasonable impediment to access to information, [and finally] provide reasons for any refusal to provide access to information. Arrangements should be put in place for appeals from refusals to provide access to information as well as in cases of failure to respond to requests,

Considering that Article 19 of the Universal Declaration of Human Rights states that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media [in strict compliance with the regulations in force in each country]”,

Considering also that the African Commission on Human and Peoples' Rights (ACnHPR), through the Declaration of Principles on Freedom of Expression and Access to Information in Africa adopted at its 65th Ordinary Session on 21 October to 10 November 2019 in Banjul, (The Gambia), “affirms the principles for anchoring the rights to freedom of expression and access to information”¹⁰, which is a fundamental human right in conformance with Article 9 of the African Charter on Human and Peoples' Rights (AChHPR), which states that “every individual shall have the right to receive information”¹¹,

Noting that the AChHPR, adopted on 27 June 1981, in Nairobi, Kenya, during the 18th Conference of the Organisation of African Unity (OAU), and which came into force for Cameroon after its signature on 23 July 1987, and ratification on 20 June 1989, provides in its Article 9(1) and (2) that “every individual shall have the right to receive information [as well as] the right to express and disseminate his opinions within the limits of laws and regulations”.

Noting also that the *African Declaration on Internet Rights and Freedoms*, adopted on 7 August 2014 in Nairobi (Kenya) affirms:

- in its preamble that: “the internet is a vital tool for the realisation of the right of all people to participate freely in the governance of their country, and to enjoy equal access to public services”, and
- states in its second key principle that:

access to internet should be available and affordable to all persons in Africa without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Access to the internet plays a vital role in the full realisation of human development, and facilitates the exercise and enjoyment of a number of human rights and freedoms, including the right to freedom of expression and information,

Noting that, a large number of government agencies and institutions contribute to the implementation of the policy on universal access to information in Cameroon through the Internet and social media particularly, the Ministry of Communication (MINCOM), the Ministry of Posts

¹⁰ See African Commission on Human and People's Right (ACnHPR), "Declaration of Principles on Freedom of Expression and Access to Information in Africa", https://www.chr.up.ac.za/images/researchunits/dgdr/documents/ati/Declaration_of_Principles_on_Freedom_of_Expression_ENG_2019.pdf, accessed on 13 August 2024.

¹¹ See African Union (AU), “*African Charter on Human and People's Rights*”, p.4, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf, accessed on 13 August 2024.

and Telecommunications (MINPOSTEL), the National Communication Council (NCC), Cameroon Telecommunications (CAMTEL), the Telecommunications Regulatory Agency (ART) and the National Agency for Information and Communication Technologies (ANTIC),

Highlighting that some official information is still published in only one of the two official languages, hindering access to information for non-bilingual citizens. This violates Article 1(3) of the Constitution of Cameroon of 18 January 1996, which stipulates that "*the official languages of the Republic of Cameroon shall be English and French, both languages having the same status [and] the state shall guarantee the promotion of bilingualism throughout the country*",

The Commission notes and deplores that access to information and citizens' freedom to participate in public life face significant challenges, particularly due to inadequate telecommunications infrastructure in many areas. This hampers Internet access and other media, exacerbating the digital divide between urban and rural communities,

The Commission also notes and deplores that access to information is severely restricted in regions affected by insecurity as a result of the Boko Haram terrorist activities in the Far North Region and repeated attacks by secessionist terrorists in the North-West and South-West Regions. This situation hampers people's access to public services, to decision-making processes, and to opportunities to engage in political, socio-economic and cultural life,

The Commission observes that:

- high illiteracy rate in some communities in Cameroon makes it difficult to disseminate and understand written information, justifying the use of other, more effective means of communication, including in mother tongue
- the resistance of many civil servants to comply with the principle of transparency in public administration hinders people's access to information and citizens' participation in the process of drawing up, implementing and evaluating public policies, including development projects in their localities,

The Commission equally remains concerned about the difficulties journalists face in the abovementioned terrorism-stricken areas, particularly as regards the collection and dissemination of information, which hamper the exercise of their profession,

The Commission expresses deep concern, following the press release published by the ART¹² on 11 September 2024, that the persistent and near-endemic instability of the Internet and electricity networks is hampering access to real time information. This is due to frequent breaks in optical fibre cables on certain sections of the national network, outdated equipment in some areas, as well as insufficient electricity supply. The 2023 report from the Ministry of Economy, Planning, and Regional Development (MINEPAT) states that the electrical energy production capacity is 1,700 megawatts (MW) in 2023, leaving a shortfall of 3,300 MW to be addressed by 2030, compared to the 5,000 MW targeted for 2030 under Cameroon's National Development Strategy (NDS 30)¹³. Additionally, the country continues to face issues with the transportation of electrical energy, with

¹² See *Digital Business Africa*, « Cameroun : l'ART attribue la dégradation des réseaux mobiles aux défaillances énergétiques et de la fibre Optique », <https://www.digitalbusiness.africa/cameroun-lart-attribue-la-degradation-des-reseaux-mobiles-aux-defaillances-energetiques-et-de-la-fibre-optique/>, accessed on 27 September 2024.

¹³ See *Ecomatin.net*, « Cameroun : le taux de desserte en énergie électrique reste en deçà de 50% en 2023 », <https://ecomatin.net/cameroun-le-taux-de-desserte-en-energie-electrique-reste-en-deca-de-50-en-2023>, accessed on 27 September 2024.

the transportation of electrical energy, which are generally exacerbated by various forms of fraud

¹⁴,

The Commission commends Government efforts to implement the *Project to Accelerate Digital Transformation in Cameroon* (PATNuC), launched by the Minister of Posts and Telecommunications (MINPOSTEL) on 23 August 2023, in partnership with the Ministry of Agriculture and Rural Development (MINADER) and the Ministry of Livestock, Fisheries and Animal Industry (MINEPIA)

The Commission also commends the *ongoing* reform of the country's digital legislation, through the PANuC, which has involved the preparation since September 2023 of 13 legal instruments, including five draft laws and eight draft decrees¹⁵ aimed at ensuring universal access to information, namely:

- *concerning draft laws*
 - the preliminary draft law on electronic communications in Cameroon
 - the preliminary draft law on electronic commerce and electronic transactions
 - the preliminary draft law on e-government
 - the preliminary draft law on the right of access to [and use of public] information and the digital transformation of the administration
 - the preliminary draft law on the protection of personal data in Cameroon
- *concerning draft decrees*
 - the draft decree on the regulation of electronic communication activities
 - the draft decree on access [to communication network] and [their] interconnection
 - the draft decision on the Electronic Communications Regulatory Authority (ARCE) [for] infrastructure sharing and international roaming [of information] for the application of Articles 83, 84, 85, 88 and 91 to 95 of the law on Electronic Communications in Cameroon
 - The draft decree on electronic exchanges between administrative bodies and between administrative bodies and users
 - the draft decree on the organisation and operation of the national e-gov agency "govtech"
 - the draft decree on the application of the law on the protection of personal data in Cameroon
 - the draft decree on the creation and implementation of the "cameroun.data.gouv.cm" portal
 - the draft decree to amend Decree No. 2019/150 of 22 March 2019 on the organisation and functioning of the *National Agency for Information and Communication Technologies*,

¹⁴ See *Investiraucaeroun.com*, « *Le Cameroun perd 6,5% d'énergie électrique dans le transport et 29% au moment de la distribution* », <https://www.investiraucaeroun.com/energie/0305-4172-le-cameroun-perd-6-5-d-energie-electrique-dans-le-transport-et-29-au-moment-de-la-distribution>, accessed on 27 September 2024.

¹⁵ See *Droitmediasfinance.com*, "Cameroun : le public consulté sur 14 projets de texte sur le numérique (données personnelles, transactions électroniques et govtech)", <https://droitmediasfinance.com/index.php/531-cameroun-le-public-consulte-sur-14-projets-de-texte-sur-le-numerique-donnees-personnelles-transactions-electroniques-et-govtech>, accessed on 25 September 2024.

The Commission commends the NCC for the organisation of an awareness raising campaign to some media houses, (*Cam 10 TV, Info TV, Vision 4 and WAfrica*) in Yaoundé on 29 August 2024. The campaign focused on *managing debate programmes, handling information sourced from social media networks, and the journalist's social responsibility*, during which this organ urged media professionals to uphold the standards and ethics of their profession,

The Commission is pleased by its participation in the 13th Government Action Fair (SAGO 2024) under the theme *Governance and better living conditions for citizens* held at the Yaoundé Multipurpose Sports Complex, from 20 to 27 July 2024. During this event the CHRC, through its competent services raised the awareness of Cameroonian citizens on its missions, its mandate, its actions for the promotion and protection of human rights and the prevention of torture in all places of detention. Hundreds of visitors were informed of their rights including their rights to access information,

The Commission welcomes on-going development by MINCOM of the project for the implementation of a system for collecting and recording acts of human rights violation involving communication actors and media professionals in particular,

The Commission is pleased to acknowledge the training session organised by the Association for Media Peace in partnership with the *African Union of Broadcasting (AUB)* -a leading African audio-visual research and innovation organisation- on 9-10 July 2024, for media professionals in the northern Regions of Cameroon on the theme " *Artificial Intelligence: Media and Peace in the Sahel*". The aim of this training was to familiarise media professionals in that part of the country with the basics of artificial intelligence and its practical application in their daily work. For two days in Maroua, journalists from the North, Far North and Adamawa Regions were equipped through theoretical and practical training in artificial intelligence. By the end of the training, the approximately 60 participants had learned how AI can enhance the collection, processing and distribution of journalistic content in a landscape often influenced by misinformation¹⁶, including messages inciting hatred, propaganda promoting terrorist activities, or the circulation of hate speech,

The Commission also commends the efforts of the Telecommunications Regulatory Board (ART) to promote the right to information. In a press release published on 11 September, the Agency noted the "*continuous deterioration in the quality of mobile electronic communications services provided by the mobile operators MTN Cameroon, Orange Cameroon and CAMTEL for their 2G/3G/4G subscribers*". The Agency identified several causes for this issue, including "frequent breaks in optical fibre cables, outdated equipment in some areas and insufficient *electrical energy supply*". To reassure users, it announced that "*the technical teams of the [above-mentioned] operators are working hard [...] to restore optimal operating conditions for their public electronic communications networks as quickly as possible*"¹⁷,

¹⁶ See *Le Robert* online dictionary, an infox is "*a misleading or deliberately biased information that contributes to disinformation*", <https://dictionnaire.lerobert.com/definition/infox>, accessed on 25 September 2024.

¹⁷ See Cameroon Telecommunications Regulatory Board, Communiqué, "*Deterioration in the quality of mobile electronic communications services offered by operators MTN Cameroon, Orange Cameroon and CAMTEL* ", <https://www.art.cm/en/content/communiqu%C3%A9-continuant-d%C3%A9t%C3%A9rioration-qualit%C3%A9-mob%C3%A9le-%C3%A9lectronique-communications-service>, accessed on 16 September 2024.

The Commission recalls that Law No 2019/020 of 24 December 2019, to amend and supplement certain provisions of Law No 2016/007 of 12 July 2016 on the Penal Code provides for specific penalties for offences relating to access to administrative documents via social media, in particular in Section 189¹⁸ on the illegal acquisition of copies of official "government papers", Section 300¹⁹ on tampering with correspondence and Section 310²⁰ on professional confidence,

The Commission reiterates its recommendations made during the previous International Day for Universal Access to Information:

- *Government*
 - 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 investigations, judicial procedures, appropriate sanctions and professional production of fake documents or counterfeits, at the national level as well as international cooperation,
 - continue to improve
 - 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 deconcentrated services of the State
- *National Communication Council (NCC)* should ensure that a Code of Good Practices to combat disinformation is adopted and hold accountable to those who create or assist in spreading false information that could incite to violence, undermine the best interests of the State and disrupt the proper functioning of public and private institutions
- *Public and private enterprises* should 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,

¹⁸ See Section 189 of the Penal Code which states "[w]hoever takes, without authority or permission, a copy document the property of the Government shall be punished imprisonment for from 1 (one) month to 1 (one) year".

¹⁹ Section 300(1) of Penal Code, which provides "[w]hoever without permission from the addressee destroys, conceals or opens another's correspondence shall be punished with imprisonment for from 15 (fifteen) days to 1 (one) year or with fine of from CFAF 5 000 (five thousand) to CFAF 100 000 (one hundred thousand), or with both such imprisonment and fine".

²⁰ Section 310 (1) of Penal Code, which provides "[w]hoever deliberately draws up off record accounts uses false documents records false income and expenses or destroys accounting documents earlier than provided for by law, shall be punished with imprisonment for from 5 (five) to 10 (ten) years and with fine of from CFAF 200 000 (two hundred thousand) to CFAF 2 000 000 (two million)".

The Commission notes that out of the 220 recommendations accepted by the State during the adoption of the *Report of Cameroon* on 26 March 2024 after undergoing the fourth cycle of the Universal Periodic Review (UPR), two are focused on access to information. The Commission has distributed these relevant recommendations to State structures, civil society organisations and political parties, each as far as it is concerned as follows:

- the recommendation to "guarantee access to sexual and reproductive health information and services, including family planning services" addressed to the Ministries of Public Health (MINSANTE), Social Affairs (MINAS) and the Ministry of Women's Empowerment and the Family (MINPROFF)
- the recommendation to "guarantee the accessibility and quality of health and medical services through the use of digital technologies" was addressed to MINSANTE, MINCOM, MINPOSTEL and the Ministry of Mines, Industry and Technological Development (MINMIDT),

The Commission encourages pupils, students, public authorities, members of local communities, community leaders, outreach workers and information centre managers to continue training in information and communication technologies to improve access to information, particularly in the Far North Region, which suffers from the digital divide,

The Commission calls on the public authorities and their partners to take further steps to facilitate journalists' access to information, including in insecure areas, by facilitating their access to reliable, quality information for reporting and information programmes that are useful to all,

The Commission reiterates its recommendation calling on MINPOSTEL to ensure the stability of Internet networks and on The Energy of Cameroon (ENEO), the driving force of the electricity sector in Cameroon, to guarantee a constant supply of electricity through reliable and efficient technological equipment,

The Commission will spare no effort to further promote and protect human rights, particularly **the right to access information**, through awareness-raising campaigns, advocacy, fact-finding missions, handling of complaints, self-initiated investigations, training workshops, handling of complaints and by visiting all detention facilities,

The Commission also invites any person who has experienced or witnessed a human rights infringement in general, and specifically in this case a breach of the right to information, to report it by calling the CHRC at its Head Office or branch offices via its **toll-free number, 1523** (free calls even without telephone credit).

Useful CHRC addresses

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