

**Universal Periodic Review
Human Rights Council**

Stakeholder Submission

on Internet-related Human Rights Issues in Cameroon
by PROTEGE QV



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and the
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Executive Summary

1. This submission has been prepared by Protege QV and the Association for Progressive Communications. Protège QV is a Cameroonian rights association whose mission it is to promote individual and collective initiative that target environmental protection and contributes to an increased quality of life for Cameroonian families. It's main objectives include
 - Rural development promotion of technological research solutions to local problems and natural resource management
 - Promotion and appropriation of information technologies to facilitate attainment of the Millennium Development Goals
2. APC has general ECOSOC consultative status and is concerned with human rights and their recognition with regard to the internet from the perspective of the critical role we believe the internet can play to enhance social and economic development.
3. This submission focuses on freedom of expression, freedom of association, and violence against women, highlighting how the internet is being used to promote and protect human rights, and the danger to human rights posed by recent censorship of online content in Cameroon.

Follow-up on recommendations made in the first UPR of Cameroon

4. In its first review, Cameroon accepted the recommendation made by Israel to “advance access to the right to freedom of expression and freedom of the press by ensuring current national press legislation evolves in conformity with international human rights standards”.¹
5. Despite these commitments, libel and defamation remain criminal offenses in Cameroon². Moreover, judicial harassment and arrests of journalists and writers violates human rights standards and has engendered self-censorship. There were several reports of journalists being attacked, harassed, and arrested since the first UPR of Cameroon, including the September 2011 assault of journalist Ulrich Fabien Ateba Biwole of *Le Jour* newspaper by special operations police in Yaounde³.
6. In February 2011, eight political and civil society activists were arbitrarily arrested, apparently in response to calls for demonstrations to commemorate the deadly 2008 protests, which took place on social media platforms, such as Facebook and Twitter⁴. MTN Cameroon announced the suspension of its Twitter via SMS service on 8 March and MTN's head of information, Georges Mpoudi, tweeted: “We can't comment further than ‘security reasons’ on #government instructions for #SMSTweets suspension.”⁵

¹ A/HRC/11/21* Pg 19

² Freedom House Freedom in the World 2012 – Cameroon <http://www.freedomhouse.org/report/freedom-world/2012/cameroon>

³ Ibid

⁴ Siyam, S. Daho, S. and Bikobo. (2011) Cameroon, in Finlay, A. (ed) Global Information Society Watch 2011, APC, Hivos <http://www.giswatch.org/ca/node/461>

⁵ <http://en.rsf.org/cameroun-blocked-for-10-days-is-twitter-via-22-03-2011,39850.html>

7. A 2011 report from the Special Rapporteur on Freedom of Expression stated:⁶

While blocking and filtering measures deny users access to specific content on the Internet, States have also taken measures to cut off access to the Internet entirely. The Special Rapporteur considers cutting off users from Internet access, regardless of the justification provided, including on the grounds of violating intellectual property rights law, to be disproportionate and thus a violation of article 19, paragraph 3, of the International Covenant on Civil and Political Rights.

8. In order to ensure that Cameroon's national press legislation evolves in conformity with international standards on freedom of expression, Cameroon must ensure that any legislation that restricts freedom of expression or causes intimidation and self-censorship complies with the three part test for such limitations in Article 19 of the UNDHR and ICCPR.

Other internet related human rights issues

9. During 2011 it became clear that the UPR **must** include the promotion and protection of human rights and fundamental freedoms on the internet, particularly freedom of expression and freedom of association.⁷ In 2011 the Human Rights Committee noted that freedom of expression (including the right to information) includes internet based expression.⁸ Member States' existing human rights obligations⁹ extend to taking steps to ensure access to the internet and that limitations or restrictions on freedom of expression comply with agreed international standards, including women's human rights.¹⁰

Freedom of expression and association

10. The suspension in Cameroon of MTN's Twitter service from 8 to 18 March 2011 was a violation of both Articles 19 and 20 of the UNDHR. It also prompted fears of an attempt by the Cameroonian authorities to suppress the use of social networks without a proper lawful basis. Law No. 90/052¹¹ on social communication should therefore be amended to take into account the internet. The Cameroon government should pledge to refrain from using internet and SMS shutdowns.
11. Policies that limit censorship of online communication should also be formulated in accordance with human rights standards. Telecommunication Laws such as Law No 98/014, which regulates telecommunications, should be amended to include the internet.

Violence against women and minority groups

12. In its 2009 review, Cameroon accepted recommendations to "Make all possible efforts to achieve the complete elimination of all kinds of violence against women and

⁶ Frank La Rue "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression" (26 April 2011, A/HRC/17/27) at page 21, para 78.

⁷ Human Rights Committee, General Comment 34, Freedoms of Opinion and Expression, (21 July 2011, CCPR/C/GC/34).

⁸ Ibid, para 12.

⁹ The UPR monitors existing human rights obligations: Human Rights Council, Institution-building of the United Nations Human Rights Council (18 July 2007, A/HRC/RES/5/1, affirmed in Resolution A/HRC/RES/16/21).

¹⁰ Frank La Rue "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression" (26 April 2011, A/HRC/17/27).

¹¹ Francis B. Nyamnjoh, Media ownership and control in Cameroon: Constraints on media freedom <http://waccglobal.org/en/19984-media-ownership-and-control/863-Media-ownership-and-control-in-Cameroon-Constraints-on-media-freedom-.html>

girls, including domestic violence”¹² and “Take into account the comments of CRC and CEDAW in order to ensure better harmonisation of the national legislation with conventions and to allow women and children to fully enjoy their rights”¹³

13. New research on violence against women indicates that the internet is a critical space in the struggle for fundamental rights and freedoms.¹⁴ However, it is not clear that Cameroon law adequately protects women’s human rights, particularly in relation to violence against women online.

Right to information and education

14. Online information-sharing tools also have implications for equal access to education, which Cameroon committed to in its 2009 review¹⁵. However, only 3.9% of households in the country have access to the internet.¹⁶ Because the internet enables knowledge-sharing and collaborative knowledge-creation to a previously unprecedented degree, it should be a focus for development.

15. Like the process of globalisation with which it has been closely intertwined, the spread of internet access takes place with uneven results and often exacerbates social and economic inequalities. Cameroon must work with human rights defenders, civil society and internet activists in order to address these challenges and uphold Articles 12, 18, 19, 20, 21, 26 and 27 of the Universal Declaration of Human Rights.¹⁷

National Human Rights Institution

16. The National Commission on Human Rights and Freedoms does not have adequate powers to promote and protect internet related human rights issues in Cameroon. The legislation establishing it needs to be amended so that it conforms to the Paris Principles on national human rights institutions.

We recommend that the State of Cameroon:

17. Engage with and support civil society actors, human rights defenders and minority groups on issues related to human rights online, including protection of freedom of expression and freedom of association.
18. Amend laws that provide for cutting off of internet access and undertake not to use internet and SMS shutdowns to stifle freedom of expression and freedom of association.
19. Ensure constitutional protections make it clear that freedom of expression in Cameroon includes internet related expression, in accordance with General Comment 34 on Article 19 of the Human Rights Committee.¹⁸
20. Extend legislation intended to combat violence against women to include ICTs and violence against women online.
21. Undertake to establish multi-stakeholder processes for internet related human rights issues and on internet access and development.
22. Make the National Commission on Human Rights and Freedoms so that it is fully compliant with the Paris Principles on national human rights institutions.

¹² A/HRC/11/21* Recommendation from Mexico

¹³ A/HRC/11/21* Recommendation from Turkey

¹⁴ Kee and Moolman, Sexuality and women’s rights: GISWatch 2011

¹⁵ A/HRC/11/21*

¹⁶ <http://www.internetworldstats.com/af/cm.htm> Access date: October 9, 2012

¹⁷ Internet rights charter <https://www.apc.org/en/node/5677/>

¹⁸ Frank La Rue “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” (26 April 2011, A/HRC/17/27) at page 21, note 3.