





**Cameroon**

**Parallel report by Access Now, Association for Progressive Communications (APC), and Internet Sans Frontières**

**Prepared for the 65th Session**

**(18 February - 8 March 2019) of the Committee on Economic, Social and Cultural Rights in advance of the examination of Cameroon's Compliance with the International Covenant on Economic, Social and Cultural Rights**

**Submitted electronically to cescr@ohchr.org by Peter Micek, General Counsel Access Now (peter@accessnow.org) on 25 January 2019.**

## Introduction

1. The Coalition welcomes the opportunity to submit this parallel report to the 65th session (18 February - 8 March 2019) of the Committee on Economic, Social, and Cultural Rights (**CESCR**).

2. This report focuses on the relationship between meaningful access to the internet and the enjoyment of economic, social, and cultural rights in Cameroon, and in particular, the violation of these rights that come with internet shutdowns.

3. Accordingly, this submission relates to articles 1, 2, 6, 12, 13, and 15 of the International Covenant on Economic, Social and Cultural Rights (**ICESCR**).

### *About the Coalition*

5. Access Now is an international organisation that works to defend and extend digital rights of users globally. Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the protection of fundamental rights and the internet's continued openness. Access Now engages through an action-focused global community, and Technology Arm operating a 24/7 digital security helpline.[1]

6. APC is both a network and a non-profit organisation. APC members are groups and individuals working in their own countries to advance APC's mission to empower and support organisations, social movements and individuals, in and through the use of information and communication technologies (ICTs), to build strategic communities and initiatives for the purpose of making meaningful contributions to equitable human development, social justice, participatory political processes and environmental sustainability. As of August 2017, APC has 57 organisational members and 35 individual members active in 72 countries, including in Cameroon.[2]

7. Internet Sans Frontières is a non-governmental organization, and a network of organizations, with the non-profit status under French law. The organization promotes and defends rights and freedoms in the digital space, including freedom of expression and the right to privacy, and an open web accessible to all, without discrimination. Internet Sans Frontières' expertise on Internet and Human Rights in West and Central Africa is internationally recognized.[3]

[1] For more information about Access Now, see: https://www.accessnow.org
[2] For more information about APC, see: https://www.apc.org/
[3] For more information about Internet Sans Frontières, see: https://internetwithoutborders.org

## Background

8. While access to the internet is not in itself a human right, for those who have access, the internet can act as a significant enabler of ESCRs. While most closely associated with freedom of expression and access to information, the internet can impact positively on most articles in the ICESCR, such as the right to education (Article 13), to take part in cultural life and to enjoy the benefits of scientific progress and its applications (Article 15), to work (Article 6), to health (Article 12) and to food (Article 11), among others. The internet helps people find work, work remotely, and unions to organise; it enables small farmers to access competitive market information; it is a powerful enabler of cultural participation, innovation and artistic expression; it allows online learning resources to be shared easily, and facilitates access to information on health and medical advice. Therefore, increasing access to the internet is an important consideration for states in fulfilling their obligations under the ICESCR. Inhibitors to internet access, such as the cost and appropriateness of that access, need to be addressed as part of the state's obligation to respect, protect and fulfill all human rights. Intentional disruptions internet access by states, in this context, can be considered a violation of the ICESCR.[4]

9. Approximately 25% of Cameroon's population has access to the internet[5], and Cameroon has yet to build and upgrade the infrastructure that would enable it to provide universal access to the internet. Cameroon does not appear on target meet Sustainable Development Goal 9(c), of "universal and affordable access to the internet" by 2020.[6]

10. What started in October 2016[7] as protests by lawyers, teachers, and others demanding English to be preserved as the primary language in the English-speaking minority regions triggered a brutal retaliation by the government against

[4] See Alan Finlay and Deborah Brown, Key Considerations: Economic, social and cultural rights and the internet in Association for Progressive Communications and International Development Research Centre, Global Information Society Watch 2016: Economic, social and cultural rights and the internet (10th Ed.): https://www.giswatch.org/sites/default/files/Giswatch2016_web.pdf at pages 13-8.
[5] ITU 2017 data, "Percentage of Individuals using the Internet," available at https://www.itu.int/en/ITU-D/Statistics/Documents/statistics/2018/Individuals_Internet_2000-2017.xls.
[6] See https://sustainabledevelopment.un.org/sdg9.
[7] See https://en.wikipedia.org/wiki/2016%E2%80%932017_Cameroonian_protests.

the North West and South West regions of Cameroon. To date, this conflict has displaced more 223,642 from their homes.[8]

11. On January 17, 2017, the government ordered the suspension of internet services in the North West and South West regions that lasted for 93 days.[9] After a brief resumption, the government shut down social media platforms like Twitter, Facebook, and WhatsApp on September 30, 2017.[10] Announcing the lifting of the ban, the government said it reserved the right to "take measures to stop the internet once again becoming a tool to stoke hatred and division among Cameroonians".[11] The second round of suspensions only ended on April 2018. These two regions went without an internet connection and access to social media platforms for more than 270-days in 2017 and 2018.

12. Internet shutdowns harm communities, slow and obstruct economic development, and violate a range of human rights, including by restricting access to information, inhibiting access to education and health, and restricting people from being able to work. The United Nations Human Rights Council has repeatedly condemned the intentional disruption of access to the internet and the dissemination of information online.[12] In a joint statement, the African Commission Special Rapporteur on Freedom of Expression and Access to Information, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the UN Special Rapporteur on freedom of opinion and expression, have declared that "communications 'kill switches' (i.e., shutting down entire parts of communications systems) and the physical takeover of broadcasting stations are measures which can never be justified under human rights law."[13]

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[8] See Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 30th Session https://www.refworld.org/country,COI,UNHCR,,CMR,,5b0828e34,0.html

[9] See Sophie Ngassa, 'The Damage Caused by the 93-Day Internet Blackout in Cameroon.' https://slate.com/technology/2017/08/the-damage-caused-by-cameroon-s-93-day-internet-blackout.html

[10] Africa News, Cameroon Blocks Social Media Access in Restive English-speaking Regions http://www.africanews.com/2017/09/30/cameroon-blocks-social-media-access-in-restive-english-speaking-regions/

[11] https://www.bbc.com/news/world-africa-39665244

[12] See, e.g., UN Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet*, UN Doc. A/HRC/RES/38/7: "*Condemns unequivocally* measures in violation of international human rights law that prevent or disrupt an individual's ability to seek, receive or impart information online, calls upon all States to refrain from and cease such measures, and also calls upon States to ensure that all domestic laws, policies and practices are consistent with their international human rights obligations with regard to freedom of opinion and expression online."

[13] UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, OAS Special Rapporteur on Freedom of Expression and African Commission Special

13. Internet shutdowns are also a derogation of States parties' obligation under the ICESCR to not deliberately take retrogressive measures with respect to the exercise of ESCRs. General comment No. 3 on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) states:

> The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. In this sense, the obligation differs significantly from that contained in article 2 of the International Covenant on Civil and Political Rights which embodies an immediate obligation to respect and ensure all of the relevant rights. Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is, on the one hand, a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the raison d'être, of the Covenant which is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal. ***Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.***

14. Given the powerful role that access to the internet can play as an enabler of ESCRs, it is the Coalition's position that intentionally disrupting internet access to an entire region of the country constitutes a deliberate, retrogressive measure, which Cameroon has not justified by reference to the totality of rights provided for in the Covenant, and therefore a violation of Cameroon's obligation as State party to the ICESCR.

15. Despite questions on internet access not being included in the LOIs, the Coalition is of the view that the internet is a critical enabler of ESCRs and urges the CESCR, to engage Cameroon during its 65th session on, at least, the following:

15.1 **Measures taken to facilitate the use of the internet by cultural minorities and disadvantaged and marginalized groups;**

15.2 **Urge the State party to facilitate meaningful access to the internet and refrain from intentionally disrupting internet access**, **to enable all**

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Rapporteur on Freedom of Expression and Access to Information, *Joint Declaration on Freedom of Expression and responses to conflict situations*, 2015, par. 4(c).

**persons under its jurisdiction to take part in cultural life and enjoy the benefits of scientific progress and its applications.**

## Legal Framework

16. Cameroon is a signatory of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Our research and engagement with the affected communities have uncovered numerous violations of rights affirmed by the International Covenant on Economic, Social, and Cultural Rights, including:[14]

## Non-discrimination (art. 2 (2))

17. Per Article 2, states should guarantee people's rights provided by the covenant "without discrimination of any kind as to race… language… or other status."

18. In response to the Committee's request for information on the impact of measures taken by the State party to combat discrimination against the English-speaking minority in the enjoyment of ESCRs (para 6), we can point to the 270-day internet shutdown as a form of discrimination against the English-speaking minority, effectively cutting off the region from the rest of the country and world.

19. The shutdowns targeted residents of English-speaking parts of Cameroon, demonstrating that the government engaged in infringement of the right to non-discrimination as to language.

20. People residing in the English-speaking minority regions were unable to access information, denied freedom of expression online, unable to apply for jobs, barred from working remotely and online, forced to lose economic opportunities and business revenues, prohibited from continuing their education online, and inhibited from accessing health and medical services. While the French-speaking majority regions, too, suffered harms from the shutdowns, their communities were not targeted and most were able to enjoy these rights without disruption.

21. This blatant discrimination carried out against the English-speaking minority regions of Cameroon created an 'internet segregation' and 'internet refugees,' where if those living in these regions wanted to access any services and opportunities afforded by the internet, they had to travel at least 74 kilometers to access the internet.

[14] UN General Assembly, International Covenant on Economic, Social and Cultural Rights, adopted by General Assembly Resolution 2200A (XXI)of 16 December 1966.

**Right to education (art. 13)**

20. Internet shutdowns infringe on the right to education as stipulated in Article 13 of the ICESCR.
21. The shutdown undermined pupils' rights to education because the service disruption deprived them, and their instructors, from access to valuable educational materials online. Students were unable to access and participate in their online courses, training, webinars, and virtual meetings. They also experienced difficulties in communicating with educational personnel, including teachers and mentors. Students were unable to complete online courses for which they had paid expensive fees or lost opportunities provided by scholarships they had legitimately earned. Online instructors were also unable to teach their courses. Some students could not continue their research projects and studies. Others had to move to the capital city or other French regions and stayed there to continue their online studies or researches, suffering economic hardships.
22. Teachers - in all levels of education - also found it difficult to meet their pedagogical duties. Specifically, the internet shutdown limited teachers' ability to conduct online research for their lectures and lesson plans. This is particularly true for computer science teachers, who rely heavily on online experiential learning curriculum due to limited availability of computer science textbooks and materials. Sophie Monkam Ngasse Epse Fon Nsoh is one of the technology teachers adversely affected by the government shutdown. The instructor planned to run a coding initiative for girls age 10 through 18 when the Jan. 2017 shutdown struck.[15] She was unable to register twelve of her students - from Government Technical High School in Bamenda - for the 2017 Technovation Challenge because she did not have internet access.[16]
23. The cumulative and deep impacts of this discrimination could be described as "internet segregation," a malicious form of separation that violates the spirit and letter of the Covenant.

**Right to work (art. 6 & 1(2))**

24. In response to the Committee's request for information regarding how Cameroon's Covenant obligation relating to the right to work, this Coalition notes that the 270-days long internet shutdowns exclusively implemented in the

[15] Sophie Ngassa, Slate, "The Damage Caused by the 93-Day Internet Blackout in Cameroon," available at http://www.slate.com/blogs/future_tense/2017/08/17/the_damage_caused_by_cameroon_s_93_day_internet_blackout.html.
[16] Nina Forgwe, One Young World, Cameroons Internet Shutdown Human Factors. https://www.oneyoungworld.com/blog/cameroons-internet-shutdown-human-factor

English-speaking regions of Cameroon have inhibited those residing in these regions from gaining and safeguarding their living by work.

25. During the 270-day long internet shutdown, Cameroon's English-speaking regions lost more than $82, 118, 811.[17] This estimate includes the revenue lost by businesses and the digital economy.
26. In addition, the shutdowns resulted in frequent and systematic violations of Article 1 (2) of ICESCR stipulating that, "In no case may a people be deprived of its own means of subsistence."
27. The shutdowns threatened individuals' right to subsistence and caused significant financial loss, specifically:[18]

    27.1 Families dependent on remittances for their subsistence were unable to receive these critical funds. In some cases, their inability to access remittance funds led to their starvation.

    27.2 Online businesses were detrimentally affected by the shutdown because they were deprived of their primary means to reach suppliers and clients, and fulfill orders.

    27.3 Some online business owners tried to use Virtual Private Network (VPN) services to circumvent the internet shutdowns. Their attempts were often unsuccessful, and they had to travel to cyber cafes to conduct their business. Travel time and costs placed them in economically pernicious situations.[19]

**Right to physical and mental health (art. 12)**

28. Article 12 of ICESCR requires all States party to "recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." In a joint report on the right to health, Office of United Nations High Commissioner of Human Rights and World Health Organization (WHO) elucidates that this right includes people's entitlement to the provision of health-related education and information, as well as the right to prevention, treatment,

[17] See https://netblocks.org/cost/

[18] Otto Akama, community manager of Activspaces in Cameroon's "Silicon Mountain", lamented in his interview with CNN that "(Due to the shutdown) we have empty offices all over the city. All tech companies are down. Most banks are down and ATM machines are not working so people don't have access to cash." Kieron Monks, Cameroon goes offline after Anglophone revolt, Jan. 2, 2018, CNN https://www.cnn.com/2017/02/03/africa/internet-shutdown-cameroon/index.html

[19] According to Judith Nwana, a US-based Cameroonian human rights advocate with a background in telecommunications, VPNs are expensive and not everyone can afford one or had budgeted for one. She added in her interview with Al Jazeera, "Regardless, businesses, the tech industry, healthcare and education are seriously affected." Yanro Ritzen, Cameroon internet shutdowns cost Anglophones millions, Jan. 26, 2018, Al Jazeera, https://www.aljazeera.com/news/2018/01/cameroon-internet-shutdowns-cost-anglophones-millions-180123202824701.html

and control of diseases.[20] The report also adds that "[a]ll services, goods, and facilities must be available, accessible, acceptable and of good quality."[21]

29. The realities of the internet shutdown unfortunately reveal that the Cameroonian Government ignored and violated people's right to health, despite its obligations as a State party of the Covenant. The shutdowns detrimentally affected healthcare delivery, negatively impacting all stakeholders, including patients, clinicians, and district health services.
30. The shutdowns seriously limited people's entitlement to the provision of health-related education and information.

    30.1 Online health services and digital applications used by clinical staff to share medical knowledge and to mentor less experienced colleagues were inoperable.

    30.2 The internet shutdown also compromised medical care because it hindered communication between patients and medical personnel, as online communication platforms were inaccessible. For example, doctors and patients were unable to access online applications and securely exchange medical information vital for effectively treating infants with malaria.

    30.3 The internet shutdown undermined patients' rights to the "highest attainable standard of physical and mental health" care because for 93 days their doctors were unable to access online medical databases and update their practices to reflect new medical developments. For instance, physicians were unable to access online databases, such as Center for Development of Best Practices in Health (CDBPH) and Effective Basic Services (eBASE) that have assisted them with gathering evidence to guide their practice.

    30.4 In addition, Performance Based Financing (PBF), an innovative approach to health financing, has achieved promising results in strengthening health care systems in Cameroon. PBF enables efficient allocation of funds to health facilities by monitoring performances and production by health facilities, community workers, and communities via the internet. However, the internet shutdown rendered PBF unusable, undermining the efficiency of the healthcare system.

    30.5 Apps used to assist patients and clinicians were all inaccessible due to the shutdown. For example, 'GiftedMom', Taammunde, and other

[20] The Right to Health, Fact Sheet No.31, p.3, https://www.ohchr.org/Documents/Publications/Factsheet31.pdf
[21] Ibid., p.4

apps allowed pregnant women, especially those living in rural areas, to quickly reach out to clinicians when they were in distress. Audio communications were also available in those apps, which helped overcome the barrier of illiteracy unfortunately common to rural women. However, pregnant women could not utilize these Apps due to shutdowns.

31. Abrupt internet shutdowns in the region severely curtailed communications among family members. In particular, those with family members who were seriously ill met with lamentable situations due to the shutdowns. Families struggled to speak to their sick parents and stay abreast of their status. Some could not call or video chat with their dying grandparents they had not seen for years to send their last goodbyes. These and other predicaments could lead to long-term psychological harm. Similar situations include where:

    31.1 Many found it difficult to contact family members and relatives overseas or other regions.

    31.2 Many men and women who emigrated overseas could not communicate with their children and partners in Cameroon because calling cards were too expensive for them to afford. Some children, who had seen their fathers on video calls almost everyday, did not understand the situation, and thought that their mothers did not want to show them their fathers.

    31.3 People abroad felt isolated because they were unable to communicate with their families for a long time while in strange lands.

    31.4 Many people who were worried about their family members' safety due to recent incidents of unrest were even unable to ascertain whether their family members were still alive.

32. People's right to prevention, treatment, and control of diseases were also violated due to the internet shutdown. Medical personnel were unable to upload and share data on regional medical and vaccination needs using the Expanded Program for Immunization (EPI) and Prevention of Mother to Child Transmission of HIV (PMTCT) web-based platforms, for prompt provision of medications and vaccinations.
33. Data had to be transported by paper or on flash drives on very bad roads, significantly delaying the provision process. These delays likely caused drug stock-outs and disturbed the timely administration of vaccines and medicines to acute risk patients.

34. Failing to treat the patients could have led to drug resistance and viral mutations. This is particularly critical given that Cameroon is a high-risk zone for virus mutations.

**Cultural rights and the benefits of scientific progress and its applications (art. 15)**

35. In response to the Committee's request for information on the situation of linguistic minorities and the guarantees given them regarding the use of their language (para 30), we reiterate that the intentional disruptions of access to the internet and social media targeted the English-speaking minority. By executing the shutdowns exclusively in English-speaking parts of Cameroon, the government demonstrates it is in fact violating rather than guaranteeing the rights of linguistic minorities.
36. In addition, by shutting down the internet, the government has denied affected populations their right to enjoy the benefits of scientific progress and its applications. The internet brings unprecedented access to information, as well as new applications and opportunities for advancement in science, technology, engineering, medicine, and a host of other subjects.

**The Coalition recommends the Committee ask the government of Cameroon:**

37. What measures has the government taken to facilitate the use of the internet by cultural minorities and disadvantaged and marginalized groups?
38. Have the disruptions to digital communications networks impacted the rights to education, health, and work? If so, how?
39. What measures has the government taken to extend access to the benefits of science and technology, including through the internet?

**The Coalition recommends the Committee to:**

39. Urge the State party to facilitate meaningful access to the internet and refrain from intentionally disrupting or restricting internet access, in order to better enable all persons under its jurisdiction to take part in cultural life and enjoy the benefits of scientific progress and its applications.

**Conclusion**

40. The potential and relevance of universal and affordable access to the internet in modern economies and society, including Cameroon, cannot be overstated. Its potential and relevance is equally important to the progressive realisation of ESCRs and to the vision of building inclusive information societies. Resultantly, the Coalition submits that any inquiry into the progressive realisation of ESCRs cannot be properly made in the absence of consideration into the role that

access to the internet plays, and is intended to play, in a society. Furthermore, the Coalition contends that deliberate retrogressive measures, like internet shutdowns, should be considered a violation of a State party's obligation under the ICESCR. Internet shutdowns are unfortunately a common measure undertaken by more than 43 States, in disregard of international human rights law.

41. The Coalition respectfully requests that these submissions be considered during the review of Cameroon, and that, jointly, the Coalition is invited by the CESCR to present a remote public briefing during the 65th session via videoconference. In such an event, the Coalition is available at a time suitable to the CESCR Secretariat to discuss technical requirements and to make necessary arrangements.

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*For more information, contact:*

Julie Owono
Executive Director | Internet Sans Frontières
julie@internetsansfrontieres.org | +33-6-37-72-69-83

Peter Micek
General Counsel | Access Now
peter@accessnow.org | +1-888-414-0100 x709

Deborah Brown
Global Policy Advocacy Lead | Association for Progressive Communications
deborah@apc.org | @deblebrown