

CIVIL ACTION 237

Declaration from Cameroonian civil society

We, Leaders of Cameroonian civil society organizations, gathered within the Platform, “CIVILE ACTION 237”, having taken part in Geneva in the Universal Periodic Review process, both during the pre-session in September 2023 that during the 44th session, when Cameroon appeared before the Working Group, for the fourth time, within the framework of the Universal Periodic Review (UPR) of the United Nations Human Rights Council (HRC) on Tuesday, November 14, 2023, Room 20, at the Palais des Nations in Geneva, from 2:30 p.m. to 6:00 p.m., take note of the responses of the Cameroonian Government to the concerns of the international community expressed within the framework of the 3rd Cycle of the UPR in 2018;

In order to reassure ourselves that the recommendations/suggestions of Cameroonian Civil Society formulated in the form of Alternative Reports and presented to the Human Rights Council are taken into account, two strong delegations of Civil Society leaders on behalf of Action Civile 237, Led by Ms. Maximilienne NGO MBE for the September 2023 Pre-session, and by Citizens Dr. Hilaire KAMGA and Philippe NANGA for the Ordinary Session, participated in the work of the 44th Session of the Working Group on the UPR.

1. Cameroonian civil society, through CIVILE ACTION 237, notes that the situation in Cameroon was examined on the basis of the national report – information submitted by the State of Cameroon, a compilation of information from reports by human rights experts. , better known as "Special Procedures", international human rights treaty bodies and other United Nations bodies and information from other stakeholders, including regional organizations and civil society;

2. Action Civile 237 notes, with regret, that the strong and plethoric delegation of the Cameroonian Government (MINJUSTICE, MINDEF, SED, DGSN, MINREX, CDHC) endeavored to respond to the concerns of other States expressed within the framework of the UPR, while avoiding fundamental concerns of Cameroonian civil society on points of serious importance for the effectiveness of human rights in Cameroon.

3. Also, the Leaders, grouped within “Civil Action 237” find themselves, in the urgent need, to formulate this declaration which takes up some important subjects addressed within the framework of the UPR of Cameroon (A), to then clarify their position in order to formulate recommendations (B).

A- Important topics addressed within the framework of Cameroon's UPR

ON THE GOVERNMENT'S AMBIGUOUS DISCOURSE ON THE ENGLISH-SPEAKING CRISIS.

4. Since October 1, 2017, the date of the proclamation of the independence of the “Federal Republic of Ambazonia” by separatist groups, the clashes between the Cameroonian army and non-state armed groups, the “separatist forces”, commonly called “Ambazonians” or “Ambas”, have never stopped. Residents of the North-West and South-West regions are caught in the crossfire.

5. Credible testimonies show, on the one hand, how the soldiers who suspect them of collaborating with the separatists pour gasoline on their houses before setting them on fire, and rape women and girls in revenge attacks against them. And on the other hand, how armed separatist groups storm their villages to kidnap people and demand ransoms, steal their livestock, kill those they suspect of collaborating with the Cameroonian authorities, or of not joining to the new rules they impose. Likewise, the “Ghost Towns” imposed by armed separatist groups continue to be followed in the 02 regions in crisis.

6. Civil society strongly deplores the manifest bad faith of the Government which speaks of a gradual return of populations to the villages and attributes the persistence of terror to non-state separatist armed groups which it describes as "terrorists" while the organizations of the Civil society continues to document numerous serious human rights violations (extrajudicial executions, torture, arbitrary arrest and detention,

war crimes, etc.) and that hundreds of people are still detained, prosecuted or judged by military courts. Civil society deploras, moreover, the accentuation of the deterioration of the situation by the absence of the legal qualification of the armed conflict which should lead to the obligations attributable to the protagonists;

7. Civil society regrets the obstacles of the Cameroonian authorities to any dialogue process initiated by certain institutions or third countries (Canada and Switzerland), even though it is increasingly obvious that only dialogue between belligerents is likely to put a definitive end to this crisis which continues to claim numerous victims, at least 350 dead, only for the first 10 months of 2023 (civilians, defense and security forces, non-governmental armed groups).

ON THE DEATH PENALTY

8. Civil society notes that since the Report of the Working Group on the Universal Periodic Review – Cameroon, A/HRC/39/15, of July 10, 2018, at the end of the 3rd cycle of the UPR, no measures have been taken. taken by the Cameroonian Government with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, the aim being to abolish the death penalty for all crimes.

9. The Government continues to maintain that since the 1990s, no death sentence has been carried out, the presence of this sentence in the penal code is only there as a deterrent and that any death sentence is submitted to the President of the the Republic which can exercise its constitutional power. However, civil society reaffirms that this practice is contrary to human rights and in contradiction with national law and regional and international instruments that protect the right to life.

ON THE SITUATION OF DISABILITIES

10. Civil society notes, with satisfaction, the Ratification of the United Nations Convention on the Rights of Persons with Disabilities and the Protocol to the African Charter on Human and Peoples' Rights relating to the rights of persons with disabilities following Decrees No. 2021 /751 and No. 2021/753 of December 28, 2021 although efforts will have to be made for its effective implementation in accordance with international legal instruments relating to human rights;

ON THE CAMEROON HUMAN RIGHTS COMMISSION

11. Civil society took note of the creation by Law No. 2019/014 of July 19, 2019 which governs the organization and functioning of the Cameroon Human Rights Commission (CDHC) which replaced the National Commission for Human Rights and Freedoms but deploras, with regret, that this national human rights institution does not comply with the requirements of the Paris Principles of December 20, 1993 concerning the status and functioning of institutions national measures for the protection and promotion of human rights and does not contribute to the full realization of human rights in Cameroon;

ON DETENTION

12. Civil society deploras that incommunicado detention and arbitrary detention continue in Cameroon at a worrying rate and with disregard for respect for human rights. Threats of arrest and detention continue to weigh on media workers and human rights defenders. Just like the use of Habeas Corpus, although available, remains inefficient and ineffective in all jurisdictions in Cameroon.

13. Prison overcrowding has become glaring with the non-effectiveness of the alternative measures to detention provided for by the 2016 Penal Code and the fact of the non-separation between the convicted and the accused.

14. It should also be noted the deterioration of material conditions of detention with the absence of food of sufficient quality and quantity and almost non-existent access to care for detainees. Although Cameroon maintained that the budget allocated to feeding prisoners was increasing.

ON THE RESTRICTION OF FREEDOM OF ASSEMBLY AND DEMONSTRATION

15. Civil society notes, to strongly deplore it, that restrictions on freedom of assembly are tightening in Cameroon with the almost systematic ban on meetings and demonstrations of political parties and civil society organizations.

16. In addition, the excessive use of force against demonstrators and participants in public gatherings is becoming widespread in Cameroon, as are sentences of up to 5 years for people who simply wanted to exercise their right to demonstrate.

ON THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS AND VOTING RIGHTS.

17. **Civil Action 237** notes, with regret, that the recommendation made to the State of Cameroon to revisit the electoral law has not seen any action to date. Even though many associative actors, politicians and international institutions consider that the current electoral legislative framework remains conflicting or even conflict-provoking and alienates several citizens from the electoral process.

ON THE EXCESSIVE USE OF FORCE

18. Civil society notes that serious violations and attacks committed by the Cameroonian defense and security forces are increasing with recurring recourse to illegal arrests and arbitrary detentions of citizens.

19. Civil society maintains that it is unacceptable that law enforcement regularly uses lethal force against peaceful protesters, and that they have arrested and humiliated people solely because they were exercising their right to protest in this way. was the case for the activists (still in detention) of an opposition party.

ON THE PRACTICE OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT AND THE ESTABLISHMENT OF THE NATIONAL PREVENTION MECHANISM

20. Civil society, while welcoming the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, deplores the fact that civil society organizations do not always have access to places of deprivation of freedoms in Cameroon to document cases of torture.

21. The same is true of the blatant impunity developed towards the perpetrators of acts of torture accompanied by too light repression in the event of criminal prosecution of said perpetrators.

22. **CIVIL ACTION 237** denounces the incorporation of the MNP within the CDHC which, however, already has in its prerogatives the necessary mandate to visit places of detention as it wishes.

23. Clearly recalls in doing so that the NPM, as required by the optional protocol to the Convention against Torture, is still awaited in Cameroon.

ON HUMAN RIGHTS DEFENDERS

24. Civil society strongly regrets that the State of Cameroon continues in its traditional dilatory on the laws on freedoms of communication, association, assembly and demonstration, to claim to the United Nations Tribune that the adoption of a Specific legislation to protect human rights defenders is not "relevant" while civil society actors continue to be regularly persecuted in the exercise of their work.

25. Ultimately, Action Civile 237 regrets that the Cameroonian government continues to fall into its traditional evasion to link the constraints of non-respect of human rights to the burden of debt, to the slow evolution of administrative practices in their adaptation to the demands of human rights, harmful traditional practices, health and budgetary constraints which have increased in particular with the impacts of COVID-19, the Russian-Ukrainian crisis as well as the persistence of security crises in certain regions of the country, the rise of hate speech and inflections towards living together.

B- Position of Civil Society and recommendations

HAVING REGARD TO ALL OF THE ABOVE, CIVIL ACTION 237:

26. **Take note clearly,** of the final declaration of the Cameroonian government expressing its total availability before the Working Group of the Universal Periodic Review (UPR) of the United Nations Human

Rights Council (HRC) to continue to cooperate with international bodies and Organizations Non-Governmental, to advance the cause of the protection and promotion of human rights in Cameroon;

27. Note, with satisfaction, the commitment of the Cameroonian government to particularly ensure actions undertaken which have enabled the improvement of the situation of people with disabilities;

28. Expresses satisfaction on the announcement before the United Nations of the process already underway to revise the anti-terrorism law with a view to making it more consistent with the requirements of international legal instruments relating to human rights;

29. Emits, clearly, serious reservations on various points of the report presented by the Cameroonian Government before the Working Group for the fourth time, within the framework of the Universal Periodic Review (UPR) of the United Nations Human Rights Council (HRC) on Tuesday, November 14 2023;

On questions relating to the Anglophone Crisis,

30. Request, insistently, government armed forces and non-state armed groups in the English-speaking regions to immediately cease their attacks against civilian populations;

31. Condemn, with the last energy, all human rights violations by government armed forces and all crimes perpetrated by separatist armed groups;

32. Condemns, with firmness, the fact that the Cameroonian government maintains so-called pro-government self-defense militias, without legal status, for the purpose of terrorizing populations in the English-speaking regions and asks it to immediately put an end to this unacceptable practice and contrary to legal instruments international standards relating to human rights;

33. Demands, with determination, that all belligerent forces in the NOSO conflict comply with the requirements of international humanitarian law, in particular the Geneva Conventions of 1949 and their additional protocols of 1977;

34. Ask, insistently, the Cameroonian government to repair all the damage and harm caused by these massacres in accordance with its international commitments provided for in section II of the UN Principles concerning reparation which defines the obligations of the State of Cameroon as follows: obligation to prevent violations; • obligation to carry out an investigation, bring the perpetrators to justice and punish them; • obligation to provide genuine access to justice for all individuals who have been victims of a violation (through impartial remedies/procedures); • obligation to grant full reparation to victims or their beneficiaries;

35. Strongly recommend the Cameroonian Government to ensure that the security forces respect the standards of international law applicable during their operations and that any allegations of violations and abuses of human rights are investigated promptly and measures taken to combat impunity and prevent it from happening again;

36. Remember Finally to the parties to the conflict (government forces and armed separatist groups) that they are bound by International Humanitarian Law (IHL) and must answer for massacres of civilian populations;

37. Demands insistently of the Cameroonian Government to immediately engage in sincere and unconditional dialogue with the separatist forces to achieve lasting peace in the context of the Anglophone crisis, with the facilitation/mediation of a third party;

On the Cameroon Human Rights Commission and the National Protection Mechanism

38. Clearly requires to bring the CDHC into compliance with the Paris Principles. This supposes, among other things, that the representatives of the corporatists or associations present within this institution are effectively designated by their peers.

39. Ask insistently, that in the absence of reviewing the MNP absorbed by the CDHC, that the State of Cameroon create, in accordance with the OPCAT, another MNP involving Civil Society actors working for human rights.

On the right to participate in public affairs and voting rights.

40. Demands, with firmness, before any future election, a revision of the Electoral Code at the same time enshrining a reform of the election management body that is ELECAM;

41. Clearly insist that this revision of the Electoral Code, by appropriating the recommendations¹ of the Civil Society Working Group as well as that of political parties, devotes among other things, independent candidacies under accessible conditions, for all elections organized in Cameroon;

42. Demands firmly that restrictive measures, notably inappropriate and unfair taxation, to the best use of freedom of association, be lifted. These include the pernicious provisions of the 2022 finance law relating to the taxation of non-profit associations;

On the question of prisons

43. Clearly requires of the Cameroonian Government to fight against prison overcrowding by implementing alternative measures to detention provided for by the Penal Code, to continue efforts aimed at separating convicts and defendants;

44. Calls insistently the Government to ensure the improvement of material conditions of detention by guaranteeing food of sufficient quality and quantity and access to care by providing prisons with medicines and medical personnel and guaranteeing access to places of deprivation of liberty;

45. Ask firmly the Government to adopt a specific legal framework for the protection of women and minors deprived of their liberty.

On the protection of Human Rights Defenders

46. Demands, with the greatest firmness, of the government to strengthen the protection of human rights defenders by speeding up the adoption of a law on the protection of defenders in accordance with international norms and standards on the one hand, by guaranteeing them a conducive and secure working environment in particular by revising the provisions of the Digital Code relating to the dissemination of false information.

To the international community:

47. Urges the Security Council, the United Nations General Assembly, the United Nations Human Rights Council and human rights organizations to contribute effectively to ending impunity of actors human rights violations;

48. Urgently requests the United Nations Security Council to proceed with the legal qualification of the armed conflict in the English-speaking regions of Cameroon in accordance with article 39 in order to arrive at the obligations attributable to the protagonists;

49. Pray, insistently, the international community and friendly countries of Cameroon:

- Act urgently to persuade the Cameroonian government to initiate a process of resolving the Anglophone crisis through direct negotiations with the leaders of armed separatist groups;
- Condemn the crimes committed by Cameroonian security forces, militias and armed separatists, and publicly call on the government of Cameroon to urgently open thorough, independent and impartial investigations;
- Highlight the injustice of cases of arbitrary detention and call for the release of all those arbitrarily detained;

¹The Civil Society Working Group on the Reform of the Electoral System has published a proposal for amendments likely to improve the Cameroonian electoral system

- Call for protection for journalists, human rights defenders and activists, both in English-speaking regions and nationally.

50.Cameroonian Civil Society, through Civil Action 237, is finally committed to supporting all victims in the process of structuring and defending their interests.

51.Finally, Civil society, through Civil Action 237, decides to set up a permanent monitoring mechanism of the commitments made by Cameroon within the framework of this 4th Universal Periodic Review.

Done in Geneva, November 16, 2023

For the “CIVIL ACTION 237” Platform

- 1- **Dr Hilaire Kamga; platform of civil society organizations**
- 2- **Maximilienne Ngo mbe; REDHAC**
- 3- **Philippe Nanga; A Future World**
- 4- **Aqbor Balla; CHRDA**
- 5- **Cyrille Rolande Bechon; NDH**
- 6- **Jan Claude Fogno; Mandela Center International**