

Human Rights Council

4th Cycle Universal Periodic Review (UPR)

The Human Rights Situation in Cameroon

44th Session (November 2023)

Joint Stakeholders' Submission from:

Franciscans International (FI)
(In General Consultative Status with the UN ECOSOC)

Denis Hurley Peace Institute

Geneva, 30 March 2023

PART 1: INTRODUCTION

A. Submitting organizations

- a. The organizations listed below present this joint submission concerning the human rights situation in Cameroon for consideration by the UPR Working Group at its 44th session.
- b. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) with General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring cases of discrimination and violence committed against individuals and groups living at the margins to the attention of the United Nations. FI relies on the expertise and first-hand information of partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of injustice.
- c. The Denis Hurley Peace Institute (DHPI) is an agency of the South-Africa Catholic Bishops Conference that supports the church and civil society in other African countries with programs that promote peace, democracy and human rights. The DHPI was founded in 2005, after the transition to democracy and with a strong history of fighting apartheid, when churches in other African countries asked the South African bishops to support them in their struggle for justice. The DHPI is currently working in Mozambique, Democratic Republic of Congo, Eswatini, Uganda, Cameroon and Nigeria.

B. Methodology

- d. This report is taking stock of the commitments made by the Government of Cameroon to implement relevant international obligations, concluding observations of the relevant Treaty Body Committees issued in the past seven years as well as recommendations accepted during its previous UPR.¹ First-hand information gathered by the submitting organizations is corroborated in the present submission by reports and articles from local and international organizations and media available on the internet.
- e. The analysis will address the human rights situation of the English-speaking minority in

¹ UNITED NATIONS GENERAL ASSEMBLY, *Report of the Working Group on the Universal Periodic Review*, 10 July 2018, A/HRC/39/15, available at: https://www.upr-info.org/sites/default/files/document/cameroon/session_30_-_may_2018/a_hrc_39_15_e.pdf (Last accessed 16 March 2023). See recommendations accepted by Cameroon: UNITED NATIONS GENERAL ASSEMBLY, *Report of the Working Group on the Universal Periodic Review, addendum 1*, 10 September 2018, A/HRC/39/15/Add.1 available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/274/70/PDF/G1827470.pdf?OpenElement> (Last accessed 16 March 2023).

the Northwest and Southwest regions. It will focus on the following rights:

- The right to adequate housing,
- The right to health,
- The right to education,
- The right to security of person, right to life, freedom from torture, arbitrary arrest and detention

PART 2: ANALYSIS OF THE REALIZATION OF SPECIFIC RIGHTS

Introduction: the anglophone crisis and the United Nations Human Rights mechanisms

1. The English-speaking community, who represents approximately 20 per cent of the Cameroonian population, has been historically marginalized and discriminated against. Indeed, present discriminations take root in the colonial past of Cameroon, which was first established in 1961 as a federal State, uniting former French and British colonies. The dismantling of federalism in 1972 saw the gradual erosion of the institutional autonomy of English-speaking regions.
2. The current crisis started between 2016 and 2017 when English-speaking lawyers, students and teachers began protesting against their under-representation and the *de facto* progressive imposition of the French language in courtrooms, schools, and other administrations by the Francophone government. The latter responded by sending its security forces and violently repressing the protests, resulting in arbitrary arrests, and the killing of protesters. The political crisis in Cameroon has escalated since October 2017 when anglophone separatists proclaimed independence, declaring a new state of “Ambazonia”.
3. For more than a decade, United Nations Human Rights mechanisms have consistently drawn attention to the human rights situation of the English-speaking minority, highlighting numerous violations of international human rights obligations by the Cameroonian government. While five United Nations Treaty Bodies have issued

concluding observations on the human rights situation of the anglophone minority,² former High Commissioner Michelle Bachelet was interested in the issue and visited Cameroon in September 2019.³

4. The last review of Cameroon under the UPR in 2018 already raised several recommendations related to the humanitarian and human rights situation in the anglophone regions. These include nine recommendations directly referring to the crisis that the government of Cameroon accepted.⁴ More than five years after its international commitments, it is clear that the government of Cameroon has failed to improve the human rights situation in the English-speaking regions, as the following sections of the submission illustrate.

A- THE RIGHT TO ADEQUATE HOUSING

Introduction

5. Military forces and separatists' groups have both been responsible for the massive destructions of homes and businesses⁵ since the beginning of the crisis, which has

² See UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, *Concluding observations on the third, fourth and fifth periodic report of Cameroon*, CRC/C/CMR/CO/3-5, 6 July 2017, available at: <https://www.ohchr.org/fr/documents/concluding-observations/crccmrc3-5-committee-rights-child-concluding-observations> (Last accessed 27 March 2023).

UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Concluding observations on the fifth periodic report of Cameroon*, 30 November 2017, CCPR/C/CMR/CO/5, available at: <https://www.ohchr.org/en/documents/concluding-observations/ccprcmrc5-concluding-observations-fifth-periodic-report> (Last accessed 19 March 2023).

UNITED NATIONS COMMITTEE AGAINST TORTURE, *Concluding observations on the fifth report of Cameroon*, 18 December 2017, CAT/C/CMR/CO/5, available at: <https://www.ohchr.org/fr/documents/concluding-observations/catcmrc5-concluding-observations-fifth-periodic-report-cameroon> (Last accessed 24 March 2023).

UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *Concluding observations on the fourth periodic report of Cameroon*, 25 March 2019, available at: <https://www.ohchr.org/en/documents/concluding-observations/ec12cmrc4-concluding-observations-fourth-periodic-report> (Last accessed on 16 March 2023).

UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined twenty-second and twenty-third reports of Cameroon*, 26 May 2022, CERD/C/CMR/CO/22-23, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FCO%2FCMR%2FCO%2F22-23&Lang=en (Last accessed 24 March 2023).

³ See summary of the report: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, *Consolidated table of OHCHR recommendations and responses received from Cameroon following an OHCHR technical mission to the country in September 2019*, November 2021, available at: <https://www.ohchr.org/sites/default/files/2022-06/Cameroon%20-%20Consolidated%20table%20November%202021.pdf> (Last accessed 29 March 2023).

⁴ See recommendations 121.58 to 121.66, *Op. Cit.* footnote n°1.

⁵ See AMNESTY INTERNATIONAL, *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions*, 28 July 2021, available at: <https://www.amnesty.org/en/latest/press-release/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/> (29 March 2023).

triggered severe internal displacement.⁶ These destructions have caused widespread panic forcing many civilians to relocate to French-speaking regions or to migrate to neighbouring Nigeria. Investigators in the Northwest region observed that the damages to houses have reached millions of Francs CFA.

Accepted UPR recommendations – 3rd cycle

6. During the third UPR cycle, Cameroon did not accept recommendations that explicitly refer to the right to adequate housing. However, as a component of the right to an adequate standard of living, the right to housing is indirectly addressed in the recommendations. In this regard, Cameroon accepted three recommendations referring to the right to an adequate standard of living. These recommendations were relevant to the current situation in the English-speaking regions because the government has committed to “*continue social programmes to combat poverty and inequality*” and to “*provide assistance to the most vulnerable Cameroonians*”.⁷

Legal and policy framework

7. Cameroon ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in June 1984. Article 11 of the ICESCR enshrines the right to an adequate standard of living, including the right to adequate housing. The Committee on Economic, Social and Cultural Rights (CESCR) in its Concluding Observations from 25 March 2019 have noted how the destruction of homes that affect English-speaking Cameroonians violates the right to adequate housing as a component of the right to an adequate standard of living. Moreover, the Committee expressed concern for “*the negative impact of this situation on the affected persons’ enjoyment of their economic, social and cultural rights (arts. 2 and 11)*” and recommended Cameroon to “*provide effective protection to displaced persons, refugees and asylum seekers so that they have access to adequate housing*”.⁸
8. International obligations regarding the right to adequate housing are reinforced by the implementation of the International Convention on the Elimination of All Forms of

⁶ According to the UN Office for the Coordination of Humanitarian Affairs, as of March 2023, 628,000 people have been internally displaced by the conflict and 2 millions people need humanitarian help. See UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITRIAN AFFAIRS (OCHA), *Cameroon, situation report*, 15 March 2023, available at: <https://reports.unocha.org/en/country/cameroon/> (Last accessed 29 March 2023).

⁷ See recommendations 121.135, 121.136 and 121.137 *Op. Cit.* footnote n°1.

⁸ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *Concluding observations on the fourth periodic report of Cameroon*, 25 March 2019, *Op. Cit.* footnote n°2. See paras. 4, 5, 7 and 8,

Racial Discrimination in its Article 5(e)(iii).⁹ In its concluding observations from May 2022, the Committee on the Elimination of Racial Discrimination (CERD) not only expressed its concern about the number of internally displaced persons in the anglophone regions, but also recommended the development, adoption and implementation of policy and legal frameworks aimed at protecting internally displaced persons “to ensure their access to public services, including [...] adequate housing...”.¹⁰

9. In addition to the international human rights law standards applicable to Cameroon, there are provisions in the domestic constitutional and legislative framework that cover various aspects of the right to housing. First and foremost, the preamble of the Constitution enshrines the right to property as one that is “*guaranteed to every person by law to use, enjoy and dispose of...*”. Although the right to property does not cover all aspects of housing, other national provisions that govern urban planning and set the standard for social housing, further encapsulate the right to housing (minimum construction standards and rights for tenants).¹¹
10. In addition, it is worth noting international humanitarian law (IHL) obligations¹² that provide for the general protection of civilian objects and property, whereby civilian objects are “*all objects that are not military objectives*” (Rule 9 customary IHL).¹³ Where there is doubt concerning an object used for civilian purposes, such as a house or school, a general presumption exists that the object is not being used for military purposes Rule 10 protects civilian objects from attack “*unless and for such time as they are military objectives*”.¹⁴ Attacks and other forms of violence against such objects are forbidden, irrespective of whether it is an international or non-international armed conflict. Therefore, such rules are binding on all parties to the conflict, including non-

⁹ See the obligation of State Parties to “*undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone...to equality before the law...*”(Article 5). This applies to the enjoyment of various rights, including the right to housing (Article 5(e)(iii)).

¹⁰ UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined twenty-second and twenty-third reports of Cameroon, Op. Cit.* footnote n°2. See paras. 21 and 28.

¹¹ See LAW N°2004/003 *governing urban planning in Cameroon*, 21 April 2004, or ORDER N° 0009/E/2/MINDUH/ *setting standards for social housing* of 21 August 2008.

¹² For the qualification of the anglophone crisis as a non-international armed conflict, see GENEVA ACADEMY, *Non-international Armed Conflicts in Cameroon*, last update January 2023, available at: <https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-cameroon#collapse2accord> (Last accessed 24 March 2023).

¹³ INTERNATIONAL COMMITTEE OF THE RED CROSS, *International Humanitarian Law Databases, Customary international law rule 9*, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule9> (Last accessed 29 March 2023).

¹⁴ See UNITED NATIONS, *Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of Non-international armed conflicts (protocol II)*, 8 jun 1977, Treaty series, Vol 112, I-17513, Article 52, available at: <https://treaties.un.org/doc/publication/unts/volume%201125/volume-1125-i-17513-english.pdf> (Last accessed 31 March 2023) and INTERNATIONAL COMMITTEE OF THE RED CROSS, *International Humanitarian Law Databases, Customary international law rule 10*, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule10> (Last accessed 29 March 2023).

State armed groups, irrespective of whether they have the ability to sign the conventions.

Promotion and protection of human rights at the grassroots level

11. The situation in the anglophone region illustrates how the government of Cameroon fails in respecting, protecting and promoting the right to adequate housing of the civilian population. Indeed, one of the main features of the conflict is its systematic destruction of homes by both military and separatist groups. Such acts of destruction are often suspected to be carried out through the collaboration of civilians with one of the two parties and often result in the destruction and looting of houses.

12. Almost the quarter of the situations that we documented between January 2018 and March 2023 involved the destruction of property in the Northwest region. Of this destruction, more than 70% was attributable to the military and 30% to separatist groups.¹⁵ Destruction of homes by the military happens on a regular basis and has been intensifying these past few months, where by 87 houses were burnt down between October 2022 and March 2023 in the Northwest Region. The destruction of homes often follows the same pattern: houses are first looted, then documents, food and clothing are destroyed before being burned and targeted civilians are killed. This was the case during the attacks perpetrated in June 2022 in Bamunka¹⁶ and in December 2022 in Yer¹⁷ and Bui,¹⁸ where State forces burned 13, 12 and 10 homes, respectively.

13. As in the above-mentioned cases, the military does not want to acknowledge its responsibility in these acts of destruction and killings. This was the case in the attack on the village of Mautu on January 10, 2021, on which Human Rights Watch reported: the State military forces acknowledged the raid, but failed to also acknowledge the destruction of property, injured and killed civilians.¹⁹ This has caused many villagers to leave after the attack. Unfortunately, these military operations are being conducted without a proper search warrant as required per the Cameroonian Constitution preamble.

¹⁵ See LE MONDE, *Cameroon troops kill 10 in crackdown on anglophone separatists*, 11 August 2022, available at: https://www.lemonde.fr/en/international/article/2022/08/11/cameroon-troops-kill-10-in-crackdown-on-anglophone-separatists_5993281_4.html (Last accessed 31 March 2023).

¹⁶ See MIMIMEFOINFO, *Anglophone crisis: Military burn down 13 houses kill business man in Bamunka*, 13 June 2022, available at: <https://mimimefoinfos.com/anglophone-crisis-military-burn-down-13-houses-kill-business-man-in-bamunka/> (Last accessed 29 March 2023).

¹⁷ See MIMIMEFOINFO, *Military burn houses, kill three in Bui, Meme divisions*, 20 December 2022, available at: <https://mimimefoinfos.com/military-burn-houses-kill-three-in-bui-meme-divisions/> (Last accessed 23 March 2023).

¹⁸ See VOA NEWS, *Cameroon military denies involvement in house burnings in Northwest region*, 23 December 2022, available at: <https://www.voanews.com/a/cameroon-military-denies-involvement-in-house-burnings-in-northwest-region/6888928.html> (Last accessed 29 March 2023).

¹⁹ HUMAN RIGHTS WATCH, *Cameroon: Nine killed in Army attack*, 4 February 2021, available at: <https://www.hrw.org/news/2021/02/04/cameroon-nine-killed-army-attack> (Last accessed on 16 March 2023).

14. This shows that Cameroon does not respect its international human rights and humanitarian obligations to guarantee the right to adequate housing for civilians. Private homes are not “*military objects*” and are not part of “*a military objective*” according to rules 9 and 10.²⁰ Moreover, people whose home have been burned down are left without shelter and often have to leave their villages for others in the anglophone zone, in the Francophone regions or in neighbouring Nigeria.²¹

15. These people are left without land or homes, and according to our information the government has not taken steps to provide housing for IDPs in accordance with its obligations under the ICERD or ICESCR. This is the case, for example, in the town of Baham (West Region) located 75 kilometres south of the border of the Northwest Region. We were told that some displaced persons have been living there since 2018. Since no specific infrastructure has been provided to accommodate them, they are facing difficulties accessing housing and land, as they try to rent affordable housing or settle on vacant properties and land.

Recommendations:

16. Taking into account International humanitarian and human rights law obligations, as well as the CESCR General Comment No.4 on the Right to Adequate Housing²², and in light of the conclusions of the Report of the Special Rapporteur on the Human Rights of internally displaced persons on housing, land and property issues in the context of international displacement,²³ our organizations recommend to:

- a) Investigate all cases of the destruction of homes of anglophone Cameroonians and prosecute those responsible.**
- b) Establish fair and effective dispute resolution mechanisms to address claims for restitution and compensation of civilians having lost their home, in accordance with the principles of Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles),**

²⁰ INTERNATIONAL COMMITTEE OF THE RED CROSS, *International Humanitarian Law Databases*, *Op. Cit.* footnotes n°13 and 14.

²¹ According to the OCHA, the number of anglophone Cameroonians in Nigeria reaches 90,000 persons as of 23 March 2023. *Op. cit.* footnote n°6.

²² UNITED NATIONS COMMITTEE ON ECONOMIC SOCIAL AND CULTURAL RIGHTS, *CESCR General Comment N°4: The right to adequate housing (article 11 (1) of the Covenant)*, 13 December 1991, available at: <https://www.refworld.org/pdfid/47a7079a1.pdf> (Last accessed 29 March 2023).

²³ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Housing, land and property issues in the context of internal displacement*, Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary, 21 April 2021, A/HRC/47/37, available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F47%2F37&Language=E&DeviceType=Desktop&LangRequested=False> (Last accessed 29 March 2023).

- c) Take all necessary measures to ensure that internally displaced persons are able to return to their home regions safely or make sure to offer them appropriate and sustainable alternatives.
- d) Take all necessary measures to prevent and stop homes destructions and forced displacement of civilians.

B- RIGHT TO HEALTH

17. The exercise of the right to health by English-speaking Cameroonians has been seriously threatened over the past seven years. While most health centers have remained functional since the beginning of the crisis, these latter are subject to regular attacks²⁴ from both the military and separatist groups.²⁵ These attacks create a climate of insecurity and panic that prevent health workers from providing full service to patients who are also victims of attacks.²⁶

UPR Accepted recommendations – 3rd cycle

18. During the third UPR cycle, Cameroon committed to improve access to health care throughout its territory by increasing the number and quality of health centers, particularly in remote areas²⁷ with a specific focus for women.²⁸

National and International obligations

19. At the national level, the right to health is guaranteed by the Constitution of Cameroon²⁹ as well as by several international conventions to which Cameroon is party.

²⁴ See for instance the attack on Mamfe hospital in June 2022: MEDECINS SANS FRONTIERES, *MSF condemns attack on Mamfe hospital in Southwest region*, 9 June 2022, available at: <https://www.msf.org/msf-condemns-attack-mamfe-hospital-southwest-cameroon> (Last accessed 23 March 2023).

²⁵ See VOA NEWS, *Cameroon's Anglophone hospital workers say they're victims of both military and separatist brutality*, 27 September 2022, available at: <https://www.voanews.com/a/cameroon-s-anglophone-hospital-workers-say-they-re-victims-of-both-military-and-separatist-brutality/6765075.html> (Last accessed 29 March 2023).

²⁶ See for instance the attack on a hospital in Kumba where patients flee: VOA NEWS, *Cameroon hospital attacked, medical staff, patients flee*, 12 February 2019, available at: <https://www.voanews.com/a/medical-staff-patients-flee-hospital-after-attack/4783843.html> (Last accessed 23 March 2023).

²⁷ See recommendations of Togo 121.144: "Continue to improve health infrastructure and access to health care, especially for the rural population" and Serbia 121.143: "Provide a sufficient number of health centres and hospitals throughout the country". *Op. cit.* footnote n°1.

²⁸ See recommendations of Viet Nam 121.145: "Further intensify its efforts to ensure right of access to health care for all, in particular access to medical care for women" and, Afghanistan 121.146: "Take all necessary action to reduce maternal mortality". *Op. cit.* footnote n°1.

²⁹ REPUBLIQUE DU CAMEROUN, Loi 96/06 du 18 janvier 1996, Portant révision de la Constitution du 2 juin 1972, modifiée et complétée par la loi 2008/001 du 14 avril 2008, *La Constitution de la République du Cameroun*, 2008, available at: http://www.assnat.cm/images/La_Constitution.pdf (Last accessed 9 March 2023).

20. The International Covenant on Economic, Social and Cultural Rights enshrines the right to health in Article 12. In this regard, we can refer to the last Concluding Observations made by the Committee on Economic, Social and Cultural Rights in 2019 that address the situation in the Northwest and Southwest regions and recommended the government of Cameroon to “*Ensure the accessibility, availability and quality of health [...] by improving the infrastructure of the primary health-care system and ensure that hospitals are adequately staffed with suitable medical personnel and have sufficient and appropriate infrastructure and equipment, along with a regular supply of medicines*”.³⁰
21. In addition, the Committee's General Comment No. 14 clarifies obligations related to the implementation of Article 12, including the non-derogable core obligation of States to ensure [§43] “*the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups*”.³¹
22. The realization of the right to health can be also linked to the implementation of Article 6 of the International Covenant on Civil and Political Rights enshrining the right to life. In its General Comment No. 36, the Human Rights Committee indicates that the duty to protect life, especially in life-threatening conditions (such as an armed conflict), implies that States should take measure to *ensure access without delay by individuals to essential goods and services such as [...] health care*”.³²
23. International obligations regarding the right to health are reinforced by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in its Article 5 (iv).³³ In this regard, the latest Concluding Observations of the Committee on the Elimination of Racial Discrimination on Cameroon in 2022 called on the State to implement measures to ensure access to health services for internally displaced persons, including ethnolinguistic communities. It also urged the government to

³⁰ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *Concluding observations on the fourth periodic report of Cameroon, Op. Cit.* footnote n°2.

³¹ See para. 47: “*It should be stressed, however, that a State party cannot, under any circumstances whatsoever, justify its non-compliance with the core obligations set out in paragraph 43 above, which are non-derogable*”, UNITED NATIONS COMMITTEE ON ECONOMIC SOCIAL AND CULTURAL RIGHTS, *CESCR General Comment No14: The Right to the Highest Attainable Standard of Health (Art. 12)*, 11 August 2000, E/C.12/2000/4, para. 43 and 47, available at <https://digitallibrary.un.org/record/425041?ln=fr> (Last accessed 23 March 2023).

³² UNITED NATIONS HUMAN RIGHTS COMMITTEE, *General comment N°36 Article 6: right to life*, 3 September 2019, CCPR/C/GC/36 para. 26, available at: <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life> (last accessed 24 March 2023).

³³ See UNITED NATIONS GENERAL ASSEMBLY, *International Convention on the Elimination of All Forms of Racial Discrimination*, Resolution 2106, 21 December 1965, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial> (Last accessed 24 March 2023).

strengthen its efforts to reduce inequalities experienced by the English-speaking population, including access to public services.³⁴

24. These international human rights law obligations must be read in conjunction with Cameroon's humanitarian obligations, which provides for guaranteed access to health care during armed conflicts.³⁵ Geneva Convention IV ratified by Cameroon specifies that the State has an obligation to maintain a functioning health system and must ensure humanitarian assistance when the population lacks essential supplies.³⁶ Finally, we can mention the Security Council Resolution 2286 adopted on 3 May 2016 that reaffirms the international obligations of States to ensure the “*respect and protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties*”.³⁷

Promotion and protection of human rights at the grassroots level

25. The situation on the ground indicates that Cameroon does not comply with its international human rights and humanitarian law obligations with respect to access to health. Indeed, while the Committee on Economic, Social and Cultural Rights clearly recommended the State to ensure the accessibility, availability and quality of the right to health, it is reported that the anglophone Cameroonians still face tremendous difficulties in accessing health centers and obtaining timely medical treatments.³⁸

26. The establishment and imposition of “ghost town” days by separatist forces in some regions, forcing the local population to lock themselves up, directly translates into a restriction on movement and closure of businesses.³⁹ Several testimonies confirm that these “ghost town” days prevent people from accessing health centers in cases of emergencies. It was the case for several pregnant women requiring urgent hospitalization in the Northwest region. They were forced to use bicycles to get to the hospital because of the lack of transportation available and were threatened by separatist groups. Very often, these women end up staying at home, endangering their

³⁴ UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined twenty-second and twenty-third reports of Cameroon*, *Op. Cit.* footnote n°2, paras. 21 and 28.

³⁵ For the qualification of the anglophone crisis as a non-international armed conflict, see footnote n° 12.

³⁶ See INTERNATIONAL COMMITTEE OF THE RED CROSS, *Fact-sheet: advisory Service on International Humanitarian Law, Respecting and protecting Health Care in armed conflicts and in situations not covered by international humanitarian law*, March 2012, available at: <https://www.icrc.org/en/doc/assets/files/2012/health-care-law-factsheet-icrc-eng.pdf> (Last accessed 24 March 2023).

³⁷ UNITED NATIONS SECURITY COUNCIL, *Resolution 2282 (2016)*, Adopted by the Security Council at its 7685th meeting, 3 May 2016, S/RES/2286 (2016), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/118/51/PDF/N1611851.pdf?OpenElement> (Last accessed 29 March 2023).

³⁸ As confirmed by the OCHA in March 2023, “*health care providers, services, and facilities as well as patients remained vulnerable with continued attacks from parties to the conflict*”, *Op. cit.* footnote n°6.

³⁹ See THE AFRICA REPORT, *Anglophone Cameroon: Buea near normal, while Bamenda a ghost town*, 25 June 2020, available at: <https://www.theafricareport.com/31216/anglophone-cameroon-buea-near-normal-while-bamenda-a-ghost-town/> (Last accessed 24 March 2023).

lives and those of their children.

27. Other examples reported to the submitting organizations in the same area include difficulties in carrying out medical treatments or transporting medical goods. This was the case for a child who had a severe epileptic seizure during “ghost town” days in the Northwest Region. Contrary to international human rights and humanitarian obligations, separatist forces did not allow the transportation of anti-epileptic drugs from the medical center to the child’s house, which worsened his condition.
28. It is also widely reported that many health centers are not fully functional, especially in rural areas. On the one side, in addition to severe material damage, alleged collusion between health workers and separatist groups have led, on several occasions, to armed forces breaking into hospitals and attacking and threatening medical personnel.⁴⁰ For example, the army invaded the Banso Baptist Hospital in Kumbo in September 2022 in search of separatist fighters and killed five civilian patients. On the other side, health workers are regularly threatened by separatist forces. It was also the case in the above-mentioned hospital a few days later where separatist fighters abducted five staff members accusing them of collaborating with the State forces.⁴¹
29. As in the case of this hospital, repeated attacks lead to operational difficulties, as the drug supply chain is often disrupted by these attacks, as well as the interruption of some of the hospital's outreach programs, depriving many patients who depend on these services. Moreover, due to the lack of funds and fear of reprisals, some health centers are understaffed.⁴²
30. Finally, blocks on some roads make it impossible to guarantee access to health centers. For example, the road linking the town of Bamenda to Kumbo in the Northwest was blocked between November 27, 2022 and February 14, 2023 around the village of Bamenssing. This meant that all those who needed to get to the Bamenda hospital from Kumbo had to go to the Foubam health center in the West Region, thus tripling the length of their journey to access a health center.

Recommendations,

⁴⁰ See CRUX, *Catholics protest in Cameroon after military searches hospital for separatists*, 22 November 2021, available at: <https://cruxnow.com/church-in-africa/2021/11/catholics-protest-in-cameroon-after-military-searches-hospital-for-separatists> (Last accessed 16 March 2023).

⁴¹ See VAO NEWS, *Cameroon’s Anglophone hospital workers say they’re victims of both military and separatist brutality*, 27 September 2022, *Op. Cit.* footnote n°25.

⁴² *Ibid.*

31. In line with international humanitarian and human rights law, the CESCR General Comment No.14 on the Right to Health⁴³ and in light of the conclusions of the Report of the Special Rapporteur on the right to health on violence and its impact on the right to health⁴⁴ as well as, the conclusions of the report of the Special Rapporteur on the situation of human rights defenders on human rights defenders operating in conflict and post-conflict situations⁴⁵ our organizations recommend to:

- a) **Take all urgent measures to ensure that everyone in the Northwest and Southwest Regions of Cameroon have a safe and secure access to the public health care system.**
- b) **Take necessary measures to develop effective measures to prevent and address acts of violence, attacks and threats against medical personnel and patients in the Northwest and Southwest Regions according to the Security Council Resolution 2286 on the protection of civilians in armed conflict and medical personnel.**
- c) **Improve the availability and the quality of the primary health-care system to ensure that hospitals are adequately staffed with medical personnel and equipment as well as regular supply of medicines.**
- d) **Investigate and prosecute all cases of violence against medical personnel and patients.**

C- RIGHT TO EDUCATION

Introduction

32. Anglophone communities are experiencing obstacles to an effective and safe access to educational facilities. Students and educators are being targeted in attacks by both the State army and the separatist groups.

UPR Accepted recommendations – 3rd cycle

33. During the third UPR cycle, Cameroon committed to improve access to and quality of education in primary and secondary schools throughout its territory. Over the 10

⁴³ UNITED NATIONS COMMITTEE ON ECONOMIC SOCIAL AND CULTURAL RIGHTS, *CESCR General Comment N°4: The right to Adequate Housing (article 11 (1) of the Covenant)*, 13 December 1991, available at: <https://www.refworld.org/pdfid/47a7079a1.pdf> (Last accessed 29 March 2023).

⁴⁴ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Violence and its impact on the right to health*, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, 14 April 2022, A/HRC/50/28, available at: <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F28&Language=E&DeviceType=Desktop&LangRequested=False> (Last accessed 29 March 2023).

⁴⁵ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Human Rights defenders operating in conflict and post-conflict situations*, Report of the Special Rapporteur on the situation of human rights defenders, 30 December 2019, A/HRC/43/51 available at: <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F43%2F51&Language=E&DeviceType=Desktop&LangRequested=False> (Last accessed 29 March 2023)

recommendations accepted, we could highlight the four recommendations aiming at improving access to education for girls.⁴⁶

Legal and policy framework

34. At the international level, Cameroon is obliged to guarantee access to school for children as a State party to the Convention on the Rights of the Child, which enshrines the right to education in Article 28 as also reflected in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. These international obligations are complemented by comprehensive national provisions⁴⁷, as well as by relevant additional political commitments such as the 2018 endorsement of Cameroon to the Safe Schools Declaration.⁴⁸
35. The Committee on the Right of the Child, in its Concluding Observations from 6 July 2017, has noted the school closures in relation to the anglophone crisis and recommended to *“Ensure the safety of children and school personnel and take measures to urgently reopen schools in security-affected regions”*.⁴⁹
36. Access to education in the anglophone region was also addressed in the Concluding Observations of the Committee on the Elimination of Racial Discrimination⁵⁰ and by the Committee on Economic, Social and Cultural Rights that recommended to *“Take steps, as a matter of urgency, to ensure that children in the Far North, Northwest and Southwest Regions of the country have access to education and conduct thorough investigations into acts of violence directed at teachers, students and parents, as well as regarding the damage done to educational infrastructure, in order to bring those responsible to justice”*.⁵¹

Promotion and protection of human rights at the grassroots level

⁴⁶ See recommendations of Poland 121.157: *“Adopt measures preventing sexual harassment by teachers and child marriage, which lead to high dropout rates of girls in secondary schools”* and, Afghanistan 121.158: *“Step up efforts to raise the school enrolment rate for girls”*, *Op. Cit.* footnote n°1.

⁴⁷ See *Loi 98/004 du 14 avril 1998 d’orientation de l’éducation au Cameroun* in which the law *“enshrines education as a basic human right, guaranteeing all Cameroonian children equal access to education regardless of sex, language, or geographic origin”*.

⁴⁸ See GCPEA PRESS RELEASE, *Cameroon is the 81st Country to Endorse Safe Schools Declaration*, September 10, 2018, available at: <https://protectingeducation.org/news/cameroon-is-81st-country-to-endorse-safe-schools-declaration/> (Last accessed 16 March 2023).

⁴⁹ See UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, *Concluding observations on the third, fourth and fifth periodic report of Cameroon*, *Op. Cit.* footnote n°2, paras. 38 and 39.

⁵⁰ UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined twenty-second and twenty-third reports of Cameroon*, *Op.Cit.* footnote n°2, para 21.

⁵¹ UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *Concluding observations on the fourth periodic report of Cameroon*, *Op.Cit.* footnote n°2, para 61.(f).

37. The situation in the anglophone regions shows that the government of Cameroon has been failing to ensure a safe access to education for about 20% of its population for almost seven years. Indeed, as of March 2023, the OCHA estimates that 54% of schools are still closed in the Northwest and Southwest regions, which represents more than 350,000 students.⁵² While the number of schools that reopened has gradually increased, with 80% of schools closed in 2020, children continue facing great insecurity, preventing them from safely accessing education on a daily basis.
38. According to the information received, separatist groups prevent many children from accessing education because they oppose formal education and the corresponding government school calendar. Therefore, while the school year started on 5 September 2022, some separatist groups imposed a “back to school lockdown” preventing students from accessing schools before 1 October.⁵³ Observers note that separatist groups also threaten teachers and force them to adopt a curriculum consistent with their ideology (the creation of so-called “community schools”). Many parents are reluctant to send their children to school for fear of abduction and physical attacks. Some remote schools, like those in the Kikiakom village, are functioning because it is controlled by the separatist groups.
39. However, the general trend is that schools in urban centers are reopening and operating, while schools in rural areas are still closed or barely functioning. For instance, the submitting organizations have been informed that learning conditions in rural areas in the Northwest region remain very precarious. Many infrastructures have been damaged, and most teachers and school administrators have fled to urban areas because they are subject to physical threats, torture and abductions by the separatist groups.⁵⁴ This was the case for example on the 14th of March 2023 in Meluf where separatist groups invaded one primary and three secondary schools, but also in April 2022 where students at the Government Bilingual High School of Kumbo were abducted and taken to Mbuluf by separatists.
40. With schools closed for nearly seven years, children have been more likely to be victims of various forms of violence, including trafficking or recruitment as child soldiers into the conflict. Observers noted that both sides of the conflict recruited and used children.

⁵² OCHA, *Cameroon Situation Report*, 15 March 2023, *Op. Cit*, footnote n°6.

⁵³ See ACAPS, *Crisis in Sight Weekly Picks*, 21 September 2022, available at: <https://reliefweb.int/report/cameroon/crisisinsight-weekly-picks-21-september-2022> (Last accessed 27 March 2023).

⁵⁴ See ALJAZEERA, *Several teachers kidnapped in restive Cameroon region*, 4 November 2020, available at: <https://www.aljazeera.com/news/2020/11/4/at-least-six-teachers-kidnapped-in-restive-cameroon-region> (Last accessed 16 March 2023).

⁵⁵ Children could be used as informants, porters, and even combatants. In the Northwest region, children as young as 15 were seen carrying weapons with separatist fighters. In addition, it was reported that many female students were forced to drop out of school for financial reasons, making them more vulnerable to sexual exploitation or child and forced marriage.⁵⁶

Recommendations

41. In compliance with international humanitarian and human rights law and in the light of the conclusions of the report of the Special Rapporteur on the situation of human rights defenders on human rights defenders operating in conflict and post-conflict situations,⁵⁷ our organizations recommend to :

- a) **Take all necessary urgent measures to ensure the security of all students and education personnel in the Northwest and Southwest Regions throughout the academic year.**
- b) **Take all necessary measures to ensure the reintegration of English-speaking children who are out of school, especially in rural areas,**
- c) **Investigate and prosecute all cases of violence directed at teachers, students and parents, as well as the cases of destruction of educational infrastructures.**

D- THE RIGHT TO SECURITY OF PERSON, RIGHT TO LIFE, FREEDOM FROM TORTURE, ARBITRARY ARREST AND DETENTION

42. The crisis pits the State army against various factions of separatist groups spread throughout the two anglophone regions. Since 2017, both parties to the conflict have committed serious human rights violations and abuses against civilians,⁵⁸ putting the anglophone population in a situation their right to life and right to be freed from torture or cruel, inhuman or degrading treatment or punishment are constantly

⁵⁵ See WATCHLIST, *Children and Armed Conflict*, July 2021, available at: <https://watchlist.org/publications/children-and-armed-conflict-monthly-update-july-2021/> (Last accessed 16 March 2023).

⁵⁶ See UNICEF, *Over 80 per cent of schools in anglophone Cameroon shut down, as conflict worsens*, 21 June 2019, available at <https://news.un.org/en/story/2019/06/1041071> (Last accessed 16 March 2023).

⁵⁷ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Human Rights defenders operating in conflict and post-conflict situations*, *Op.Cit*, footnote No45 para. 64. .

⁵⁸ See ALJAZEERA, *Violence in Cameroon's Anglophone Crisis takes high civilian toll*, 1 April 2021, available at: <https://www.aljazeera.com/news/2021/4/1/violence-in-cameroon-anglophone-crisis-takes-high-civilian-toll> (Last accessed 16 March 2023).

threatened. This leads to regular abduction, torture and ill-treatment of civilians.⁵⁹

UPR Accepted recommendations – 3rd cycle

43. During the last UPR, Cameroon accepted several recommendations aimed at preventing the excessive use of force, illegal arrests and torture.⁶⁰ The State has also committed to ratifying international instruments, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, which should provide better protection of the rights of all Cameroonians.⁶¹

Legal and policy framework

44. At the national level, the Constitution of Cameroon enshrines the right of every individual to security and protection from arbitrary arrest and detention.⁶² It reflects international obligations under Article 9 of the International Covenant on Civil and Political Rights as well as Article 5.a-5.b-5.d of the Convention on the Elimination of Racial Discrimination.

45. Cameroon's international obligations to guarantee the right to security of the person have been reiterated by UN Treaty Bodies over the past six years. Among others, the Human Rights Committee, in its Concluding Observations of 2017, raised its concerns about the situation of people who have been arbitrarily arrested or detained.⁶³

46. More recently, the Committee on the Elimination of Racial Discrimination clearly addressed the *“human rights violations and abuses perpetrated by security forces [...] and by non-State armed groups, including unlawful killing, rape and other forms of gender-based violence, torture, arbitrary detention, abduction, enforced displacement”*. The Committee recommended specific measures to end the aforementioned violations, and to ensure accountability regarding these violations perpetrated by the parties to the

⁵⁹ See HUMAN RIGHTS WATCH, *Cameroon: separatist abuses in Anglophone Regions*, 16 February 2022, available at: <https://www.hrw.org/news/2022/06/27/cameroon-separatist-abuses-anglophone-regions> (Last accessed 28 March 2023).

⁶⁰ See for example recommendation 121.116 (Slovakia): *“Investigate all reported cases of violations and abuses, and hold perpetrators to account in accordance with the rule of law, in the context of concerns raised about arbitrary arrests, excessive violence and extrajudicial executions by government forces, armed groups against members of the country’s English-speaking minority, and allegations of torture of detainees suspected of belonging to terrorist groups”*. *Op. cit.* footnote n°1.

⁶¹ See recommendation of 121.13 and 121.14, *Op. cit.* footnote n°1.

⁶² Constitution of Cameroon: Preamble and Article 6 of the Human and Peoples’ Rights, *Op. Cit.* footnote n°29.

⁶³ UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Concluding observations on the fifth periodic report of Cameroon*, *Op. Cit.* footnote n°2, paras 33 et 34.

conflict.⁶⁴

47. Additionally, we can highlight the Concluding Observations of the Committee against Torture that also addressed the “*use of force, extrajudicial execution, ill-treatment or arbitrary arrests*”, in the context of the 2016 protests. These observations are however still relevant to the current situation of the entire anglophone region.⁶⁵

48. Finally, we note that despite its international commitments, Cameroon has not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, nor the International Convention for the Protection of All Persons from Enforced Disappearances.⁶⁶

Promotion and protection of human rights at the grassroots level

Extra-judicial killings of civilians

49. Since the beginning of the crisis, both the military and the separatist groups have continued to attack civilians. Manslaughters committed by the State army go beyond the execution of the separatist fights (the “Amba boys”). The killing of young children⁶⁷ and medical personnel⁶⁸ illustrates the gross violations of international human rights and humanitarian law that are committed in this conflict. The submitting organizations have received repeated and concurring reports about people pulled out of their houses and summarily executed by both parties to the conflict. Indeed, family members of separatist groups tend to be targeted by the military. Both parents and children are being arrested and sometimes killed by the military for simply being a family member of a separatist fighter. On the other side, civilians who are suspected to have a link to the military are being killed by the non-State armed groups.⁶⁹

50. Almost the half of the situations that we documented between January 2018 and March 2023 involved the killing of civilians in the Northwest region. Killings are perpetrated through violent assassinations, including shootings, beheadings and burning alive. Local

⁶⁴ UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined twenty-second and twenty-third reports of Cameroon*, *Op. Cit.* footnote n°2, paras. 22 and 23.

⁶⁵ UNITED NATIONS COMMITTEE AGAINST TORTURE, *Concluding observations on the fifth report of Cameroon*, 18 December 2017, *Op. Cit.* footnote n°2, paras 19 et 20.

⁶⁶ See ratification status of Cameroon available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=30&Lang=EN

⁶⁷ See for instance FRANCE 24, *There are no words: children slaughtered in attack on school in Cameroon*, 25 november 2020, available at: <https://www.france24.com/en/africa/20201025-there-are-no-words-children-killed-in-attack-on-bilingual-cameroon-school> (Last accessed 16 March 2023).

⁶⁸ See for instance MEDECINS SANS FRONTIERES, *Doctors Without Borders condemns the killing of a community health worker in Southwest Cameroon*, 11 July 2020, available at: <https://www.msf.org/doctors-without-borders-condemns-killing-community-health-worker-south-west-cameroon> (Last accessed 16 March 2023).

⁶⁹ See HUMAN RIGHTS WATCH, *Armed Separatist Attacks on Students, Teachers, and Schools in Cameroon’s Anglophone Regions*, *op. cit.*

observers also reported that more than 1000 people have been killed in the Bui and Donga Mantung districts of Cameroon's Northwest region. This number appears to be underestimated as, in many cases, people are abducted, arrested, and taken to military camps where they are tortured to death and are reported missing.⁷⁰

Arbitrary arrests, abductions and torture of civilians

51. In the Northwest region, it has been reported that separatist groups have imposed a mandatory annual tax on civilians up to 2,000 CFA francs per person for the right to move within public spaces. When people refuse to pay, separatist fighters abduct and torture them.⁷¹

52. The situation concerning religious people is also very worrying since they are often accused of collaborating with one side or the other and are subjected to attacks and threats. For example, the St. Mary's Catholic Church in the diocese of Mamfe in the Southwest region was burned down on September 16, 2022, and five priests, one nun, and three lay persons were abducted by separatist groups and later released.⁷² In the diocese of Kumbo (Northwest), separatist groups accused the local church of colluding with the army after the army killed a separatist fighter in November 2022. This event increased the pressure on Catholic communities, which have suffered physical attacks, threats and arrests.⁷³

Recommendations

53. In compliance with international humanitarian and human rights law, our organizations recommend to:

- a) Take all necessary measures to ensure the security, right to life, prevention from torture and cruel, inhuman or degrading treatment of all anglophone Cameroonians against State forces and non-State actors' acts violating international human rights and humanitarian law.**
- b) Investigate all cases of arbitrary arrests, abduction and extra-judicial killings,**

⁷⁰ See for instance HUMAN RIGHTS WATCH, *Cameroon: Survivors of Military Assault Await Justice*, 26 February 2021, available at: <https://www.hrw.org/news/2021/02/26/cameroon-survivors-military-assault-await-justice> (Last accessed 16 mars 2023).

⁷¹ See as well VOA NEWS, *Cameroon's speratists say Splinter Groups kill, Abduct fights*, 26 September 2022, available at: <https://www.voanews.com/a/cameroon-s-separatists-say-splinter-groups-kill-abduct-fighters-6764157.html> (Last accessed 29 March 2023).

⁷² See CATHOLIC NEWS AGENCY, *Catholic church burened, priests and religious sister kidnapped in war-torn Cameroon*, 18 September 2022, available at: <https://www.catholicnewsagency.com/news/252326/catholic-church-burned-down-priests-and-religious-sister-kidnapped-in-cameroon> (Last accessed 29 March 2023).

⁷³ See report on similar events in 2021: MISSIO, *Soldiers threaten sisters and patients at a Cameroon hospital*, 19 November 2021, available at: <https://missio.org.uk/soldiers-threaten-sisters-and-patients-at-a-cameroon-hospital/> (Last accessed 29 March 2023).

against anglophone Cameroonians.

- c) Duly prosecute those responsible for arbitrary arrests, abduction and extra-judicial killings, against anglophone Cameroonians.**
- d) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearances.**