

Mandates of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
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2 July 2018

Managing Director,

We have the honour to address you in our capacities as Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 34/3 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **upcoming review of the terms of the 2017 International Monetary Fund (IMF) loan to the Government of Cameroon in light of allegations of human rights violations in the Anglophone regions**.

According to the information received:

On 26 June 2017, the IMF approved a loan to the Government of Cameroon which "aims to restore the country's fiscal and external sustainability and unlock job-rich, private sector-driven growth".¹ Under the loan terms, Cameroon agreed to a recurring obligation to report, within two weeks, "[a]ny decision, decree, law, order or circular having economic or financial implications, from its publication date or effective date".²

In at least two instances in 2017, one from January to April (before the conclusion of the loan), and one in the beginning of October (after the conclusion of the loan), the Government of Cameroon shut or slowed down internet services in certain regions of the country. The regions targeted are primarily inhabited by the Anglophone minority group in the Northwest and Southwest Cameroon.

Concerns about these shutdowns and their impact on the Anglophone population's freedom of expression and access to information, as well as access to basic health care and other services that rely on internet connectivity, were raised in communications by Special Procedures mandate holders sent to the Government of Cameroon on 3 February 2017

¹ International Monetary Fund, Press Release No. 17/248, "IMF Executive Board Approves US \$ 666.2 Million Arrangement Under the Extended Credit Facility for Cameroon (26 June 2017).

² Technical Memorandum of Understanding, p.36.

(CMR 2/2017); 10 February 2017 (CMR 3/2017); 10 November 2017 (CMR 4/2017) and 25 April 2018 (CMR 1/2018). We regret that we have not received any response to these communications from the Government of Cameroon. The full text of the communications can be accessed from the Communications Database of Special Procedures: <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

Internet access in the affected Anglophone regions has continued to be intermittently unavailable and problematically slowed or ineffective through 2018. It has been reported that the shutdowns and slowdowns have had a debilitating effect on the economy, affecting not only media companies but also businesses, as they are dependent upon internet for transactions and operations. The economic harm has been estimated to have been between USD 3.2 million and USD 38.8 million.

In light of the 30 June 2018 deadline for IMF's next review of Cameroon's compliance with the terms of the loan, we would like to request that the IMF ensures that Cameroon has complied with the terms of its loan by fully and accurately reporting "[a]ny decision, decree, law, order or circular having economic or financial implications, from its publication date or effective date", as stated in the Technical Memorandum of Understanding between the IMF and the Government of Cameroon.

As the most influential global actor in terms of fiscal policies, the IMF is well-placed to include the economic impact of alleged human rights violations, including the impact of internet shutdowns in its review and assessments of compliance with the terms of the loan. In the same vein, international financial institutions need to ensure that their operations, recommendations, policy advice and lending conditionalities respect human rights.

The decision of the Government of Cameroon to shut down the internet appear incompatible with the country's obligations under international human rights law, in particular the right to freedom of opinion and expression and the linguistic and minority rights of the Anglophone population. Please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We would welcome any comments that you may have on our observations above, as well as any alternative evidence or information that the IMF may wish to submit in response to this communication.

We would appreciate receiving any response or information within 60 days. Your response will be made available in a report to be presented to the Human Rights Council for its consideration.

A copy of this letter will be shared with the Government of Cameroon.

Please accept, Excellency, the assurances of our highest consideration.

Juan Pablo Bohoslavsky

Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the rights to freedom of expression and the rights of minorities as guaranteed under articles 19 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Cameroon on 27 June 1984. We would like to recall that any restriction to the right to freedom of expression must adhere to the standard established under article 19(3) of the ICCPR. In this connection, we would like to underline that the shutdowns do not appear to have a legitimate objective, as required under article 19(3), nor do they appear legitimate and proportionate. The shutdowns and slowdowns represent a significant hindrance to a vital means of communication for a large number of the population. Furthermore, we would also like to highlight that Human Rights Council resolution 32/13 condemns measures that seek to deliberately disturb access to information online(A/HRC/RES/32/13).

We also make reference to the report of the previous Special Rapporteur on minority issues following her country visit to Cameroon in 2013, where reference is made to the discrimination of the Anglophone minority in the country (A/HRC/25/56/Add.1).