



An Analysis On The Protection Of The Child Against Child Pornography Under The Cameroonian Cyber Criminality Law.

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Abstract: The protection of the child against child pornography under Cameroonian cyber criminality law represents a critical and urgent area of legal research, focusing on the measures enacted to combat the proliferation of child pornography within the digital landscape of Cameroon. Child pornography, defined by the United Nations as any visual depiction of sexually explicit conduct involving a minor, constitutes a grave violation of children's rights and dignity. Cyber criminality, or cybercrime, encompasses illegal activities executed through computer networks, highlighting the need for robust cyber law frameworks. Cameroonian cyber criminality law, particularly Law No. 2010/012 of 21 December 2010 on Cybersecurity and Cybercrime, establishes comprehensive legal provisions to address such crimes. This research examines the efficacy and scope of these measures, scrutinizing the legislative tools and enforcement mechanisms designed to suppress child pornography. Key sections such as Article 75 of the aforementioned law explicitly criminalizes the production, distribution, and possession of child pornography, stipulating severe penalties to deter offenders. Through a detailed analysis of these legislative measures, the research aims to elucidate the effectiveness of Cameroonian legal responses in safeguarding children from exploitation in the cyber realm.

Key Words: Child, Pornography, cyber criminality Law.

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1. THE CONCEPT OF CHILD PORNOGRAPHY UNDER THE CYBER CRIMINALITY LAW.

Child Pornography can be defined as any visual depiction of sexually explicit conduct involving a minor person of age less than 18 years old. The invention of the printing press in the middle of the fifteenth century meant large scale production became possible. Pornography detailing sexual acts with children have survived from the seventeenth century with France and England being one of the most countries in the world on publication of pornographic novels. The pornography industry really took off during the early nineteenth century. The introduction of the camera, and improved printing processes, allowed pornography to be produced in a volume capable of satisfying a mass audience. By the late 1800s, pornography was widely available in England. According to John Hillary, the first real public awareness of child Pornography in America came in September 1975 in New York City. This was in preparation of the 1976 December Convention; the media focus on the impending convention meant that the issue of child Pornography became national news in America. The media uses statistics to present child pornography as a pressing social² menace.

Throughout Africa, children are extremely vulnerable to abuse and exploitation of both state and non-state actors. For example, South Africa has experienced an explosion in the availability of communication technology. In the research, most information have been gathered came from the police and prosecution staff who have been involved in cases of these nature. South African key information suggested that abandoned children are particularly vulnerable. In most countries, street children and those with limited means are especially vulnerable to coercion and those with Pornographic materials. The involvement in the manufacture of sexual abuse images is uncommon for Child prostitution because it is a way for them to make extra money³.

According to End Child Prostitution and Trafficking (ECPAT),⁴ international study conducted in Cameroon with children on the use of technologies, about 33 percent of Cameroonian children have access to adult pornography through the internet. 100% of 17-18 year old girls indicated that they had all seen pornographic videos, or images online. Child pornography is a form of child sexual exploitation. This is because children use the internet for different purpose as they come across images which turn to call for their interest making them to develop feelings of sexual activities. The Cameroon law of Law No. 2019/017 of December 24 2019 defined child pornography as any visual depiction of sexually explicit conduct involving a minor (persons less than 18 years old). Images of child pornography are also referred to as sexual abuse, the law prohibits the protection, distribution, reception and possession of any image of pornography. Violation of child pornography law is a serious crime and convicted offenders face fines and severe statutory penalties. The reason is that pornography is an offence in Cameroon so if someone is caught in the act, he will be punished.

² John Hillary an obscenity of using images of starving children to raise fund. <https://assest.publishing.service.org.UK/> government. Accessed on 12th April 2024.

³ Ibid

⁴ End Child Prostitution and Trafficking (ECPAT), <https://ecpat.org>, accessed on September 9th 2025.

Child pornography offenders are also connected on internet forums and network to share their interest, desires and experience abusing children. These online communities have promoted communication and collaboration between child pornography offenders, thereby fostering a larger relationship promise in a shared sexual interest in children. This has the effects of eroding the shame that typically would accompany⁵ this behavior, as well as desensitizing those involved in physical and psychological damage caused to the child victims. This is a crime carried out with specific victims but the criminals hide in relative anonymity provided by the internet. The development of Information and Communication Technologies (ICTs) has been a big event of the century. Over the past years, digital Technologies have been expanding tremendously. Digital revolution marked by the convergence of information technology and telecommunications, has transformed traditional economic models, the way our societies function and our lifestyle. Digital technology has invaded our privacy to the extent that individuals, companies and institutions cannot do without.

Furthermore, victims of child pornography suffer not just from the sexual abuse inflicted upon them to produce child pornography but also from knowing that images can be traded and viewed by others worldwide. Once an image is on the internet, it is irretrievable and can continue to circulate forever. The permanent record of a child sexual abuse can alter his or her life forever. Many victims of child pornography suffer from feelings of fear, humiliation, helplessness and lack of control given that their images are available for others to view in perpetuity.

Also, the internet is being highly used by its abusers to reach and abuse children worldwide. As more homes have access to the internet, more children would be using the internet thereby falling the victim to the aggression of pedophiles. The pedophiles use false identity to trap the children, contact them in different chat rooms which are used by children to interact with other children. They extract personal information from the child by winning his confidence after that they get the address of the child and start making contacts on the victim's email address as well. After having the email, they start sending pornographic images and texts to the victim. A feeling is created in the mind of the victim that is being fed, to him it is normal and everybody does it. They extract information from the child out of the house and drag him into the internet to further sexually assault him.

2. CHILD PORNOGRAPHY AND THE LAW ON CYBER CRIMINALITY AND RELATED LEGISLATION

Child Pornography and the law on Cyber criminality is an important obligation on the government or legislative body to enact laws that can punish offences carried out by cybercrimes offenders.

⁵ Chooi Shi Teoh, Ahmad Kamil Mahmood, Cybersecurity Workforce Development for Digital Economy, The Educational Review USA, January 2018.

2.1 Provisions on the laws of child Pornography by Cyber criminality law

Cameroon has not adopted a cybercrime strategy so far. In may 2016, the government launched the strategic plan for Digital Cameroon by 2020 which aimed to increase national economic growth by reinforcing the digital economy in all its domains which are; development of electronic Communication infrastructure and data processing, development of the activities that would derive from the expansion of digital sector and transportation of existing sectors through the Integration of the use of ITC. Since Pornography is one of the offences in the Cyber Criminality Act, the government of Cameroon adopted both the substantive and procedural laws or rules as well as provisions to punish crimes carried out by child pornography through the internet and in the society as a whole.

The law N° 2010/012 of 21 December 2010 was adopted by the government relating to Cyber criminality law¹¹ in Cameroon. According to section 1 of this law, the law governs the security framework of electronic communication networks and information. It defines and punishes offences related to the use of information and Communication technologies in Cameroon. Section 52(1) of the same Law on Cyber criminality provides that in case of any cyber offence, criminal investigation officers with general jurisdiction and authorized officials of the agency shall carryout investigation in accordance with the provisions of the criminal procedure code.⁶

2.1.1 Law N° 2010/012 of 21 December 2010 on Cyber criminality

The main legislative text regarding substantive law is law N° 2010/012 of 21 December on Cyber criminality and cybersecurity in Cameroon. Cybercrime offences and penalties are provided for in section 65 (1) which deal with illegal access to the internet. Offences related to child Pornography are criminalized in section (78,80,81) as well as section 83.

2.2 The Constitution of Cameroon

The Constitution¹³ of the Republic of Cameroon amended by law N° 96-06 of 18 January 1996 establishes a number of safeguards. The preamble affirms our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and People's Rights and all duly ratified international conventions relating thereto. No search may be conducted by law except by virtue of the law, the privacy of all correspondence should not be violated, no interference may be allowed except by virtue of decisions emanating from judicial power, no person may be prosecuted, arrested and detained except in the case and according to the manner determined by law and freedom of Communication, expression and press shall be granted under the conditions fixed.

⁶ Cybercriminality law of 2010, relating to Cybercrimes and Cybersecurity in Cameroon. Section 1 of this law governs the security framework of electronic communication networks and information systems, defines and punishes offences related to the use of information and Communication technologies in Cameroon.

2.2.1 Specific procedural measures

Specific procedural measures are established mainly by section 52 and 59 of law N° 2010/012 of 21 December 2010¹⁴. This provision identifies the law enforcement and judicial authorities having competence to investigate and prosecute Cybercrimes offences. It includes provisions on search and seizure of computer data (article 53), as well as on the use of electronic communications of hearing of any person in criminal proceedings (article 59).⁷ The general framework on procedural measures in criminal matters is established by the criminal procedure code of 2005 according to the law N° 2005/007 of 27 July 2005.⁸

2.2.2 Child Pornography on criminal justice system

Cameroon signed the Convention on the Rights of the Child (CRC) on 27 September 1990 and ratified it on 11 January 1993. Cameroon signed on the 5 October 2001 the two optional protocols to CRC on the involvement of children in armed conflict and on the sale of children and Child Pornography but only ratified the former on 4 February 2013.

Cameroon is considered to follow the monist approach in applying International law. This means that all international treaties which have been approved, duly ratified and published by Cameroon, become part of national law, as a result the treaty provision does not require further implementation action in order to be legally binding at the national level. Therefore the CRC has the force of law in Cameroon.

In addition, the CRC has further been adopted as part of domestic law in Cameroon through the adoption of several laws and regulations in order to protect and promote the rights of children, some of these laws are;

- Act N° 2005/05 of 29 December 2005 on combating child Trafficking and slavery⁹
- Resolution N° .A/c3/67/21/ Rev of the United Nations General Assembly on stepping up the fight against Female Genital Mutilation (2013)
- Order N° 082/PM of 27 August 2002 on the establishment of inter-sector committee to combat Child labour.¹⁰

Under the Constitution of Cameroon, every citizen has the right to access justice and define their rights in court. Child and adult victims are treated the same by Cameroonian law since there are very few specific laws providing special procedure for Child victims of rights infringement. A few crimes entail more

⁷ Law No 2005/007, it establishes the criminal procedure code. Crimes committed are punishable in the criminal procedure code according to its various sanctions of the offence.

⁸ The Constitution of Cameroon amended by law No 96-06 of 18 January 1996 established a number of safeguards. The preamble affirms our attachment to the fundamental freedoms enshrined in the universal declaration of human rights and the African Charter on Human Rights and People's Rights and all duly ratified international conventions relating thereto.

⁹ The constitution of Cameroon, Article 45 of 2008

¹⁰ United Nations, 11.C optional protocol to the convention on the rights of children in the sale of children, Child Pornography, Child prostitution, 25 May 2002.

severe penalty when the victim is a child (for instance rape, immoral earnings), while other offences especially target genital mutilation and other harmful traditional practices.

2.3 Law N° 2010/021 of December 2010 on Electronic Commerce

Electronic Commerce is fast developing in the world and Cameroon in particular. With the aim of regulating and controlling this sector, the Cameroonian legislator brought about a lot of laws on electronic commerce that is limited to the United Nations Commission on International Trade Law(UNCITAL) model law on electronic commerce. The modalities for the application of the Cameroonian law on electronic commerce were brought by Prime Ministerial Decree of 2011. E-commerce is defined by the Cameroonian law regulating electronic commerce as an economic activity whereby a person carries out through electronic means the supply of goods and services. This include all commercial transactions based on electronic processing and transportation of data, including text, sounds and images. It involves transportation over the internet.

The law brings out the various obligations, restrictions and responsibilities of those involved in electronic commerce. The Decree of 2011 on the modalities of application of the law holds that those involved in electronic commerce in Cameroon must give certain important information and such information has to be non-equivocal for easy access and must be permanent on the welcoming page of the website of the supplier of goods and services needed and accessible at each stage of the transaction, with respect to the principles governing the protection of minors.

In 1996 UNCITAL brought out a model for online consumer and commercial protection. The law was intended to provide national legislations with a model for internationally acceptable rules that would remove legal obstacle and create a more secure legal environment for electronic transaction. The model rules have had a significant international acceptance with Cameroon not left out. On the 11 of October 2017, Cameroon acceded the United Nations Convention on a use of electronic communications in international contract 2005. It entered into force on 1 May 2018.

2.4 Law No.2019/017 of 24 December

This law authorized the president of the Republic of Cameroon to ratify the Optional Protocol to the Convention on Rights to Children, on the sale of children, Child Prostitution and Child Pornography. In 2019, the Cameroonian legislator or government adopted the optional protocol to the UNCRC because it was concerned about the new danger imposed to children by the emergence of the internet. The optional protocol specifically identifies the issue of child pornography as one of the clearest imperatives. While it remains an optional protocol, its efficacy and reach is limited. Nonetheless, it set out a comprehensive, sophisticated and powerful blueprint for future instruments drafted for the purpose of covering internet child pornography and its associated problems. The optional protocol contains a provision for extra-territorial enforcement of each sexual offence.

3. Laws and regulations adopted in the fight against child pornography under Cameroonian Cyber criminality Law

In the move by the government to fight child Pornography under the Cameroonian Cyber criminality law, the Cameroonian government passed a bill in parliament to legislate on the necessary instrument and laws on child pornography as a result of the rapid increase in these crimes.¹¹ Cameroon is ranked in Africa as the third in the course of committing child pornography behind South Africa, Nigeria, and Uganda.¹²

3.1 Substantial and procedural laws

The fight against Child Pornography under the Cameroonian Cyber criminality law requires first of all the necessary substantive criminal law provision to criminalize acts such as data reference and Child pornography. This is provided in the Cameroonian criminal code of 2005. The fact that provisions exist in the criminal code that are applicable to similar acts committed outside the network does not mean that they can be applied to acts committed over the internet as well. Therefore, a thorough analysis of current national laws is vital to identify any possible gaps. Apart from substantive criminal law provisions, law enforcement agencies need the necessary tools and instrument to investigate Child pornography. Such investigations themselves present a number of challenges. Due to the international dimension of child pornography it is in addition necessary to develop the legal framework to be able to cooperate with law enforcement agencies abroad. The government in resolving this issue has put in place substantial and procedural laws to provide the various crimes and penalties associated with the said crimes. As per section 74 of the Cameroonian cyber law, it provides the various penalties associated with each crime. However, the penalties pose as a limitation to the effectiveness in implementation of the law on cybercriminals.

The main legislative text on substantial law is the law No. 2019/017 of December 24 2019 to authorize the president of the Republic to ratify the optional protocol to the convention on the human rights of the child, sale of children, Child prostitution and child Pornography in Cameroon.¹³ Cybercrimes offences and penalties are provided from art 60 to 89 of the law. It includes the criminalization of unlawful interception (art 65 sub 1), computer related fraud (art 73 sub 1), offences related to child pornography are also criminalized (art 76 ,80 and 81), as well as grooming (art 83).¹⁴

Also, not only substantial laws are provided in the aspect of child Pornography under the Cameroonian Cyber criminality law, but rather specific procedural measures have been put in place in combating

¹¹ In cracking down cyber crimes, the government created in 2015 a center for digital forensic and cyber security under the university of Buea in partnership with the ministry of post and telecommunication and the university of Bloomsburg in the U.S. According to the director of the center, John Waka, their mission is to train young Cameroonians on how to protect the country's cyberspace.

¹² Law No 2010/12 of 21 December relating to cyber security and cyber criminality referred to as cyber law.

¹³ Nchunu Justice Sama, Providing Legal and Criminal Justice in Cameroon, the role of lawyers in National Institute for trial audacity.

¹⁴ Criminal Procedure Code, section 66.

cybercrimes as provided by art 52 to 59 of law No. 2010/012 of December 21 2010. This provisions identify the law enforcement and judicial authorities.¹⁵

Having competences to investigate and prosecute offences, it includes provision on search and seizure of computer data (article 53), as well as on the use of electronic communications for the hearing of any person in criminal procedure (article 59). Judicial police officers may intercept and record electronic data (article 49). The general framework on procedural measures in criminal matters is established by Criminal Procedure Code (see Law No. 2005/007 of 27 July 2005 establishing the criminal procedure code)

3.2 Laws and decrees on Child Pornography

The government has put in place a number of laws which are aimed at regulating the performance of both public and private sector in the field of child Pornography under the Cameroonian Cyber criminality law in Cameroon. Laws such as Law No.2019/017 of December 24 2019 to authorize the president of the Republic to ratify the optional protocol to the convention of human rights of the child, sale of children, Child prostitution and child pornography and Law No. 2010 /013 of 21 December 2010 on election communication in Cameroon and Law No. 2010/012 of 21 December 2010 on electronic commerce in Cameroon are a few laws promulgated by parliament to legislate Cybercrimes.

Also, the government has passed a number of Decrees which play an important role in cybercrimes regulations. Decrees such as, Decree of 8 July 2020, a regulation containing amendments to a 2007 ministerial decree establishing measures to protect minors from sexual exploitation and abuse and creating observatory for the fight against pedophilia and Child Pornography. Decree No.62 of April 15 2020, whose function is to coordinate the activities of the Cameroonian government in preventing and combating the sexual abuse and exploitation of minors, Decree No.2012/180 of 10 April 2012 (2012 on the organization and functioning of National Agency for Information and Communication Technology (ANTIC). This agency functions as an anti- Cyber commission aimed at identifying and criminalizing cybercriminals. Decree No.2012/164 of 4 January 2012 on the condition and modalities of securing audit of electronic communication and information systems Networks. Decree No.2012/203 of 20 April 2012 on the organization and functioning of the Telecom regulation agency.¹⁶

3.3 Specialized Institutions on the fight against child Pornography

A main actor in ICT issue is the National Agency for Information and Communication Technology (ANTIC). A CERT (Computer Incident Report Team) has been established within the ANTIC. No information is available regarding the existence of specialized units within the law enforcement or the

¹⁵As setout in the best interest of children. Harmonizing laws on children in West and Central Africa. Addis Ababa.The African child policy forum (20011) p.44. The law No. 2010 of 21 December 2010 relating to cyber security and Cybercrimes in Cameroon.

¹⁶ Decree No. 2004/320 of 8 December 2004 on the protection of Children by Cameroonian ministerial department. Law No.2005/015 of 29 December 2005 Against child Trafficking and slavery in Cameroon, criminal procedure code, section 713.

prosecution service. Telecom activities are regulated since 1998 by the Telecommunication Regulatory Authority. However, Cameroon has created some instructions which help in the enforcement of cyber legislation. Here, we will be examining the stakeholders involved in the fight against child Pornography.

3.3.1 Stakeholders involved in the fight against child Pornography

Stakeholders here are the actors in the fight against child Pornography crimes where focus will be on the law enforcement agencies and anti-crime commission.

3.3.1.1 Law Enforcement Agencies

Cameroon has a more complex law enforcement system based on its French and English background that stems from colonization. At the fore front of law enforcement is the police and gendarmerie. The police have three units; the Public Security, Mobile Intervention Wings, and the Special Branch Police units which are in charge of crimes investigation. The gendarmerie on the other hand also gets involved in public security but is regarded as less- citizen friendly.

According to INTERPOL, (2011), also present in Cameroon is the international police which is a law enforcement agency in the sub Saharan Africa (SSA). This organization facilitates cross border police cooperation, airports and assist all organizations, and authorities whose mission are to prevent and combat international crimes. With its national bureau, it carries out its functions in the 188 member countries. In SSA, this bureau are controlled by the four regional bureau in Yaounde for Central Africa, Abidjan for West Africa, Nairobi for East Africa and Harare for Southern Africa, Cameroon covers the central Africa sub region in the fight against Cybercrimes.

3.3.1.2 Anti-Crimes Commission

Apart from the Law enforcement agencies mentioned above, other primary stakeholders in the fight against Cybercrime and Child Pornography are the Anti-Crimes Commissions that have been formed at the international, regional and national levels. The United Nations office on Pornography and Cybercrimes, (2001) created the Commission on Crime and Prevention and Justice (CCPCJ) in 1971 which have been constantly reviewed to meet the need of time. Within the prevalence of child pornography, CCPCJ has been equipped with cyber specialists to allow them the ability to combat national and trans-national crimes. This¹⁷ Commission has aligned with several regional groups and nation States to Foster the fight against crime in general and Cybercrime in particular. At the Regional level, the East Africa Community Task Force on Cyber Laws (EAC) is concerned with crafting and enacting laws that are effective across the IP East African Region (United Nations Conference on Trade and Development 2010). While these regional groupings are foreign ahead, SSA nation States like Cameroon, Nigeria, Kenya, Ghana, South Africa have not been left behind in the fight against Child Pornography. Nigeria, which is regarded as the safe heaven for Cybercrime in Africa, has witnessed the creation of two outstanding crime commissions; the. Economic and Financial Crimes Commission (EFCC) created in

¹⁷ Regarding the related challenges, see: Slivka/Darrow; Method and problems in computer security, journal of computer and law ,1975 page 217 et seq Quinn, Computer crime: A Growing Corporate Dilemma.

2003 and the Nigerian Cyber-Crime Working Group (NCWG). While the EFCC is involved in all economic and Financial related crimes, the NCWG which was created in 2004 implemented by the National Cyber- Security Initiative has its eyes more fixed on Cyber related crimes (Masks 2009). According to the Financial Intelligent Center (2008), The Financial Intelligent Center (FIC) established in 2002 is a center that works hand in gloves with the law enforcement agencies to fight cybercrime and cyber related crimes in South Africa. This center relates with the South African police through the Cybercrime unit and revenue services, the prosecuting authority, the asset forfeit and special investigation units. It is a positive step to have these stakeholders in place but their existence and effort depend also on the existing laws, policies and the way they are implemented. Cameroon has witnessed the creation of the National Agency for Information and Communication Technology (ANTIC) which is the main actor in ICT issues in the country but this commission is given the right to Criminalize Cybercrimes offenders. Under the Agency for Information and Communication Technology, a (Computer Incident Response Team CIRT) has been established which plays the role on Cybercrimes offence in Cameroon.

3.3.1.3 Anti-Cybercrimes strategies

Cameroon, which is among the countries affected by cybercrime and Child Pornography in Africa, is facing a dilemma as it adopts measures to address the crisis. The central African country plan to put skills and professionals and youth with similar acts, hence worsens the problem. Owing to the prevalence of these crimes which involves the use of computer network to commit fraud and identity theft, cyber police officers should be trained and assigned specific roles like identifying, locating and tracking down pornography offence. Even though Cameroon is doing this, it is on a limited scale which needs to be expanded.

Cameroon has launched a system technology expertise towards cybercriminals but there are fears that they could backfire as the beneficiaries could use the skills attained to commit a crackdown on Cybercrime. In 2018²¹, a Center for Digital Forensic and Cyber security was set up under the University of Buea in partnership with the Cameroon Ministry of Post and Telecommunication and the university of Bloomsburg in the US. Their intention is to train young Cameroonians on how to protect the country's cyberspace. In the case of attack, the trained Cameroonian will be able to mitigate its effects and bring the perpetrator to face the law said by John Waka director of the center.¹⁸

It can be seen that a lot still has to be done by the government in the fight against Cybercrimes in the country. Though the government has put in place strategies for the fight against Cybercrimes in Cameroon such as enacting laws, creation of anti-cyber commission and the law enforcement agencies, there are still enormous challenges in the process of combating child pornography on crimes.

¹⁸John Waka, Cybercriminality , Agrowing threat to digital economy 24 July 2018.

4. Conclusion

The explosion of internet use in an ever- expanding globalized world will continue to have both unimagined positive, social, economic and human consequences congruent with the negative side- effects associated with crimes facilitation in this digital age. Crimes against the individual enabled by the commercial transaction of illegal, nefarious, and intentionally cruel images of children must be crushed with the obvious, yet somewhat unrealistic goal of complete eradication. While countries must operate within their own legal framework, the dissemination of Internet Child Pornography and the various illicit activities that are catalyzed by production, distribution and collection of Child Pornography must be recognized as an international problem, subject to the tenets of international law. A single, effective, clear, and legally binding rule of law must be established and aggressive promotion by leading nation state pursued, to end the debilitating, degrading, and long- lasting effects that online child Pornography perpetrates against Child victims.

Governments action in the fight against Child Pornography should therefore aim at limiting the intensity and extent of damage caused, guarding against potential and threat through appropriate protective and preventive measures and being capable of reacting to incidents in ways that ensure crisis Management, continuity or resumption of activities or even Criminal prosecution if need be.

Cameroon has to strengthen its cyber security, not only to boost economic development, but also to consolidate peace. Therefore, a coherent policy involving all major stakeholders is imperative.

The Cameroonian government and administrative authorities have to collaborate in sensitizing the population to adopt a good security practice in the domain of ICTs. It is important to establish a genuine culture of cyber security by promoting a responsible and reasonable behaviour of citizens towards ICTs in order to benefit from them.