

Corporal punishment of children in Cameroon: Briefing for the Universal Periodic Review, 44th session, Oct./Nov. 2023



*From the Global Partnership to End Violence Against Children,
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This submission provides an update on the legality of corporal punishment of children in Cameroon since its review in the third cycle UPR in 2018. Corporal punishment prohibition is still to be fully achieved in the home, alternative care settings and day care; prohibition in penal institutions requires confirmation.

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Cameroon, corporal punishment of children is lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child, other human rights treaty bodies, and during the 3rd cycle UPR of Cameroon in 2018.

We hope the Working Group will note with concern the legality of corporal punishment of children in Cameroon. We hope states will raise the issue during the review this year and make a specific recommendation that Cameroon accelerates its efforts to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.

1 Review of Cameroon in the 3rd cycle UPR (2018) and progress since

1.1 Cameroon was reviewed in the third cycle of the Universal Periodic Review in 2018 (session 30). Recommendations to prohibit corporal punishment in all settings were made.¹ The Government rejected the recommendations, stating that “as per section 350 of Penal Code, assault on children is an aggravating circumstance”.²

¹ 18 April 2018, A/HRC/38/14, Report of the working group, paras. 141(180), 141(196) and 141(197)

² 12 September 2018, A/HRC/39/15/Add.1 Advance unedited version, Report of the Working Group: Addendum

1.2 Following the review, no legislation to explicitly prohibit corporal punishment of children in all settings seems to have been adopted.

1.3 **We hope the Working Group will note with concern the legality of corporal punishment of children in Cameroon. We hope states will raise the issue during the review this year and make a specific recommendation that Cameroon intensify its efforts to enact a law to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.**

2 Legality of corporal punishment in Cameroon

Summary of current law and opportunities for achieving prohibition

Prohibition is still to be achieved in the home, alternative care settings and day care; prohibition in penal institutions requires confirmation.

A right to inflict corporal punishment on children is recognised under French civil law and English common law. The acceptance of corporal punishment in childrearing necessitates clarity in law that no kind or degree of corporal punishment is lawful or acceptable. Legislation should repeal the “right” to inflict corporal punishment and prohibit such punishment by all persons with authority over children, including by parents.

2.1 **Home (lawful):** Corporal punishment is lawful in the home. The legal system is based on French civil law and English common law, and a right to inflict corporal punishment on children is recognised. The Constitution 1996 states in the preamble (unofficial translation): “Every person has the right to life and to physical and moral integrity. They must be treated with humanity in all circumstances. Under no circumstances may any person be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” But neither this nor provisions against violence and abuse in the Penal Code 2016 are interpreted as prohibiting all corporal punishment of children.

2.2 Laws are being harmonised with international human rights standards. The new Family Code was expected to be drafted by the end of 2011 and it was anticipated that it would include provisions on child protection. Early drafts of a Child Protection Code and Family Code (January 2010) stated that discipline in the family should be administered with respect for the child’s dignity but did not prohibit all corporal punishment. According to the initial state report to the African Committee of Experts on the Rights and Welfare of the Child in 2015, “finalisation of the persons and family bill” was underway, as was “ongoing finalisation and adoption of the Child Protection Code”, which would strengthen protection for children from all forms of abuse and violence.³ It was subsequently decided to combine the two Codes into a single Civil Code.⁴ The Government reported in May 2018 that the drafting of the Civil Code

³ Government of Cameroon [2015], *Initial state party report on the Implementation of the African Charter on the Rights and Welfare of the Child*

⁴ See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21675&LangID=E>, accessed 1 August 2017

was still ongoing.⁵ A National Child Protection Policy was adopted in 2017 but we have been unable to examine the text.

2.3 The Government reported to the UN Committee on the Rights of the Child in 2014 that the Penal Code, then under review, punished offences against the physical integrity of children and that rehabilitation and awareness raising measures concerning corporal punishment were being implemented, but did not indicate an intention to reform the law to prohibit all corporal punishment.⁶ The New Penal Code which was passed into law in July 2016 is similar to the previous Penal Code and does not include the prohibition of corporal punishment of children.

2.4 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment in alternative care settings, where it is lawful as for parents (see under "Home").

2.5 **Day care (lawful):** There is no explicit prohibition of corporal punishment in all early childhood care and in day care for older children: it is lawful as for parents (see under "Home"). Corporal punishment is possibly prohibited in nursery education under article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 1998 (see under "Schools").

Schools (unlawful): Corporal punishment is unlawful in schools under article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 1998 (unofficial translation): "The physical and moral integrity of the student is guaranteed in the educational system. Therefore corporal punishment and all other forms of violence, discrimination of any kind, and the sale, distribution and consumption of alcoholic beverages, tobacco and drugs are prohibited." The Government has reported a decrease in corporal punishment in schools following awareness raising on the issue.⁷

2.6 **Penal institutions (?unlawful):** Corporal punishment appears to be unlawful as a disciplinary measure in penal institutions, but we have been unable to confirm explicit prohibition in law. Article 615 of the Code of Criminal Investigation states that "the use of force in the process of arrest, detention or execution of a sentence is a crime except where authorized by law". Decree No. 92/052 1992 prohibits police from using the baton or whip as a means to extract confessions, and ill-treatment against detainees is punishable under Order No. 080 1983. The Government has reported a decrease in the use of corporal punishment in police stations, following awareness raising and public education on the issue.⁸

2.7 **Sentence for crime (unlawful):** Corporal punishment is unlawful as a sentence for crime. It is not among permitted sentences in the Criminal Procedure Code 2005 and the Penal Code 2016.

3 Recommendations by human rights treaty bodies

3.1 **CRC:** In its concluding observations on the state party's initial report in 2001,⁹ the Committee on the Rights of the Child recommended to Cameroon that it monitor and enforce the ban of corporal punishment in schools and train teachers. In its concluding observations on the state

⁵ 5 May 2018, A/HRC/WG.6/30/CMR/1, National report to the UPR, para. 82

⁶ [December 2014], CRC/C/CMR/3-5 Unedited Version, Third-fifth state party report, para. 81

⁷ [December 2014], CRC/C/CMR/3-5 Unedited Version, Third-fifth state party report, para. 82

⁸ [December 2014], CRC/C/CMR/3-5 Unedited Version, Third-fifth state party report, para. 82

⁹ 12 October 2001, CRC/C/15/Add.164, Concluding observations on initial report, paras. 54 and 55

¹⁰ 18 February 2010, CRC/C/CMR/CO/2, Concluding observations on second report, paras. 7, 8, 37 and 38

party's second report in 2010¹⁰ and on the third/fifth state party's report in 2017,¹¹ the Committee recommended that Cameroon explicitly prohibit corporal punishment in all settings.

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¹⁰ 18 February 2010, CRC/C/CMR/CO/2, Concluding observations on second report, paras. 7, 8, 37 and 38

¹¹ 6 July 2017, CRC/C/CMR/CO/3-5, Concluding observations on third/fifth report, para. 24