

Corporal punishment of children in Cameroon: Briefing for the Universal Periodic Review, 30th session, 2018

From the Global Initiative to End All Corporal Punishment of Children, September 2017



Global Initiative to
**End All Corporal Punishment
of Children**

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 repeated recommendations to prohibit it by the Committee on the Rights of the Child and during the 2nd cycle UPR of Cameroon in 2013.

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 in 2018 and make a specific recommendation that Cameroon enact legislation as a matter of priority to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, and repeal any legal defences for its use.

1 Review of Cameroon in the 2nd cycle UPR (2013) and progress since

1.1 Cameroon was reviewed in the second cycle of the Universal Periodic Review in 2013 (session 16).

The issue of corporal punishment of children was raised in the compilation of UN information¹ and the summary of stakeholders' information.² During the review, the Government rejected a recommendation to prohibit all forms of corporal punishment through legislation, stating that while it agreed with the recommendation it was not able to implement it by 2014.³

1.2 Since the review in 2013, the new 2016 Penal Code was enacted but did not explicitly prohibit corporal punishment, despite recommendations to do so by the Committee on the Rights of the Child and during the Universal Periodic Review. The Government has stated that a Civil Code was being drafted to combine provisions on children's rights and family law but there does not seem to be any plans to enact a legal ban of all corporal punishment.

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 in 2018 and make a specific recommendation that Cameroon draft and enact legislation as a matter of priority to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, and repeal any legal defences for its use.**

¹ 11 February 2013, A/HRC/WG.6/16/CMR/2, Compilation of UN information, para. 39

² 7 February 2013, A/HRC/WG.6/16/CMR/3, Summary of stakeholders' views, para. 63

³ [n.d.], A/HRC/24/CMR/Add.1 Unedited Version, Report of the working group: Addendum

2 Legality of corporal punishment in Cameroon

Summary of current law and opportunities for achieving prohibition

In Cameroon, corporal punishment of children is lawful in the home, alternative care, and in some day care settings. It is unlawful in schools and in the penal system. A Civil Code is being drafted to combine previous drafts of the Child Protection Code and of the Family Code: this provides an opportunity to enact explicit prohibition of corporal punishment in all settings.

- 2.1 **Home (*lawful*)**: 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 a 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. It was subsequently decided to combine the two Codes into a single Civil Code.⁴
- 2.3 **Alternative care settings (*lawful*)**: There is no explicit prohibition of corporal punishment in alternative care settings, where it is lawful as for parents.
- 2.4 **Day care (*partially 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. Corporal punishment is possibly prohibited in nursery education under article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 1998.
- 2.6 **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.⁵
- 2.7 **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

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

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

Government has reported a decrease in the use of corporal punishment in police stations, following awareness raising and public education on the issue.⁶

2.8 **Sentence for crime (unlawful):** 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 2010, the Committee on the Rights of the Child recommended that corporal punishment of children in Cameroon be prohibited in all settings, including the home.⁷ The Committee had previously recommended an end to corporal punishment in schools.⁸ In 2017, the Committee reiterated its recommendation to explicitly prohibit corporal punishment in law in all settings including the home and institutions.⁹

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and since 2011 the Committee on the Rights of Persons with Disabilities.

⁶ [December 2014], CRC/C/CMR/3-5 Unedited Version, Third-fifth state party report, para. 82

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

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

⁹ 2 June 2017, CRC/C/CMR/CO/3-5, Concluding observations on third/fifth report, Advance unedited version, para. 24