



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

CAMEROON – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, ?schools, ?penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

Yes – A right to inflict corporal punishment on children is recognised. 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 explicitly repeal the “right” to inflict corporal punishment and prohibit such punishment by all persons with authority over children, including by parents.

Other legislative measures necessary

Schools – Legislation should explicitly prohibit corporal punishment in all education institutions, public and private.

Penal institutions – The law should explicitly prohibit corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care settings – Explicit prohibition should be enacted in legislation that is applicable to all alternative care settings, including public and private day care, residential care, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

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. Provisions against violence and abuse in the Penal Code (1967) and the Constitution (1996) are not interpreted as prohibiting all corporal punishment of children. In 2010 a draft Family Code and draft Child Protection Code were under discussion; as at February 2011, it had been decided to incorporate these into a revised Civil Code.

Schools

Corporal punishment is unlawful in schools under article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 (1998), which prohibits all forms of violence. We have yet to confirm that it explicitly refers to corporal punishment.

Penal system

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. The preamble to the Constitution states: "Every person has the right to human treatment in all circumstances. Under no circumstances may any person be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

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).

Alternative care

There is no explicit prohibition of corporal punishment in alternative care settings.

Prevalence research

UNICEF research published in 2010 found that 93% of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) in 2005-2006. Nearly eight in ten (78%) experienced physical punishment, while a smaller percentage (44%) of mothers and caregivers thought that physical punishment was necessary in childrearing; non-violent discipline was also widely used, experienced by 82% of children. Nearly three children in ten (28%) experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement) and 87% experienced psychological aggression (being shouted at, yelled at, screamed at or insulted). Children engaged in child labour experienced more violent discipline than those not engaged

in child labour (96% cf 93%). No significant differences in children's experience of violent discipline were found according to sex, age, household size or level of education of adults in the household.¹

A study by the African Child Policy Forum in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal found that hitting, beating and forced hard work were the most prevalent forms of violence against girls, and that most of the physical violence experienced by girls was corporal punishment. The study involved a survey of 3,025 young women (nearly 600 per country) aged 18-24 about the violence they had experienced in childhood. In Cameroon, 43% of respondents had been hit, 66% beaten, 21% kicked, 31% denied food, 7% choked or burned and 18% forced to do hard work. Parents and close relatives were the most common perpetrators of physical violence.²

According to statistics from UNICEF on violence in the family, in 2005-2006 children with disabilities were more likely to experience severe physical punishment: 30% of disabled children aged 2-9 were hit or slapped on the face, head or ears or hit over and over as hard as possible with an implement, compared with 24% of non-disabled children. Fifty-six per cent of girls and women aged 15-49 thought that a husband is justified in hitting or beating his wife under certain circumstances.³

A study of 180 children who had lost their parent(s) due to HIV-related illnesses revealed a high level of physical violence and corporal punishment in the home. Seven out of ten (70%) boys without a mother reported experiencing physical violence in the month before the study, as did 62% of non-orphan boys. Between 60% and 70% of non-orphan girls reported suffering physical punishment during the same period.⁴

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“The Committee welcomes efforts by the State party to implement the Committee’s concluding observations on the initial report of the State party. Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed.

“The Committee urges the State party to take all necessary measures to address its recommendations from the concluding observations of the initial report (CRC/C/15/Add.164) that have not yet been implemented or not sufficiently implemented, including those related to the definition of the child, corporal punishment, child abuse and neglect and juvenile justice, and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.

“The Committee notes with satisfaction that corporal punishment is forbidden in schools and is unlawful as a sentence for crime in the penal system. However, the Committee is deeply concerned that corporal punishment still occurs in schools, despite the regulations, and remains lawful and frequent in homes. In addition the Committee regrets that it is not explicitly prohibited by law in alternative care settings and in situations of employment.

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

² The African Child Policy Forum (2010), *Childhood Scars in Africa: A Retrospective Study on Violence Against Girls in Burkina Faso, Cameroon, Democratic Republic of the Congo, Nigeria and Senegal*, Addis Ababa: The African Child Policy Forum

³ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

⁴ Morgan, J. & Behrendt, A. (2007), *Silent Suffering: The psychological impact of war, HIV and other high-risk situations on girls and boys in West and Central Africa: Sierra Leone, Liberia, Cameroon, Burkina Faso*, Dakar: Plan West Africa

“The Committee urges the State party to:

- a) explicitly prohibit by law all forms of corporal punishment in all settings, including the home, alternative care institutions and in situations of employment;
- b) ensure that existing and future prohibitions are adequately monitored and enforced;
- c) take into account the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.”

Committee on the Rights of the Child

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

“... The Committee is also concerned at the very high prevalence of violence and sexual abuse against children in schools.

“The Committee recommends that the State party:

- f) monitor and enforce the ban of corporal punishment at schools and train teachers with alternative measures of discipline;
- g) take measures against teachers who are violent and abusive against students....”

Universal Periodic Review

Cameroon was examined under the Universal Periodic Review process in 2009. No recommendations were made concerning corporal punishment of children.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
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July 2011