

Corporal punishment of children in Cameroon

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Child population 11,472,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Summary of necessary legal reform to achieve full 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.

Alternative care settings – Corporal punishment should be clearly prohibited in all alternative care settings (foster care, institutions, places of safety, emergency care, etc).

Day care – Corporal punishment is possibly unlawful in nursery education under education law, but legislation should be enacted which prohibits it in all early childhood care (crèches, kindergartens, preschools, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

Penal institutions – Confirmation is required that legislation clearly prohibits corporal punishment in all institutions accommodating children in conflict with the law.

Current 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. 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.

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.¹ It was subsequently decided to combine the two Codes into a single Civil Code.² The Government reported in May 2018 that the drafting of the Civil Code was still ongoing.³ A National Child Protection Policy was adopted in 2017 but we have been unable to examine the text.

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.⁴ 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.

Alternative care settings

There is no explicit prohibition of corporal punishment in alternative care settings, where it is lawful as for parents (see under “Home”).

Day care

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

¹ Government of Cameroon [2015], *Initial state party report on the Implementation of the African Charter on the Rights and Welfare of the Child*

² See <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21675&LangID=E>, accessed 1 August 2017

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

⁴ [December 2014], CRC/C/CMR/3-5 Unedited Version, Third-fifth state party report, para. 81

prohibited in nursery education under article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 1998 (see under “Schools”).

Schools

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

Penal institutions

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.⁶

Sentence for crime

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.

Universal Periodic Review of Cameroon’s human rights record

Cameroon was examined in the first cycle of the Universal Periodic Review in 2009 (session 4). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendation was made and was accepted by the Government:⁷

“Take into account the comments of CRC and CEDAW in order to ensure better harmonisation of the national legislation with conventions and to allow women and children to fully enjoy their rights (Turkey)”

The second cycle review of Cameroon took place in 2013 (session 16). The following recommendation was made:⁸

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

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

⁷ 3 March 2009, A/HRC/11/21, Report of the working group, para. 76(16)

⁸ 5 July 2013, A/HRC/24/15, Report of the working group, para. 131(58)

“Enhance the legal protection of children against all types of violence and prohibit, through adequate legislative measures, all forms of corporal punishment (Poland)”

The Government rejected this, stating that while it agreed with the recommendation it was not able to implement it by 2014.⁹

Third cycle examination took place in 2018 (session 30). The following recommendations were extended:¹⁰

“Revise current legislation in order to explicitly prohibit a corporal punishment of children in all settings, including at home (Montenegro)

“Enact legislation to prohibit corporal punishment of children in all settings (Namibia)”

The Government noted the recommendations, stating “as per section 350 of Penal Code, assault on children is an aggravating circumstance”.¹¹

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“In view of the prevalence of corporal punishment within the family and the fact that violent discipline practices, despite being illegal, remain widespread in schools, the Committee, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, reiterates its previous recommendation (see CRC/C/CMR/CO/2, para. 38) and urges the State Party to:

- (a) Explicitly prohibit corporal punishment in law in all settings, including in the home and institutions;
- (b) Ensure that all cases of corporal punishment of children are investigated and perpetrators are prosecuted;
- (c) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and their leaders, on the physically and psychologically harmful effects of corporal punishment, with a view to changing the general attitude towards this practice and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.”

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.

⁹ [n.d.], A/HRC/24/CMR/Add.1 Unedited Version, Report of the working group: Addendum

¹⁰ 10 July 2018, A/HRC/39/15, Report of the Working Group, paras. 121(186) and 121(187)

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

“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.

“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....”

Prevalence/attitudinal research in the last ten years

Research conducted in 2014 as part of UNICEF’s Multiple Indicator Cluster Surveys (MICS) programme, found on average 85% of 1-14 year-old children experienced some form of violent discipline (psychological aggression and/or physical punishment) in the month prior to the survey. On average 80% of children experienced psychological aggression, 45% physical punishment and 20% severe physical punishment (hit or slapped on the face, head or ears, or hit repeatedly). Only 7% of children experienced only non-violent forms of discipline.

(Institut National de la Statistique (2015), *Enquête par grappes à indicateurs multiples (MICS5) 2014, Rapport de résultats clés*, Yaoundé, Cameroun: Institut National de la Statistique)

A 2010 African Child Policy Forum report on violence against children with disabilities in Cameroon, Ethiopia, Senegal, Uganda and Zambia documented a very high level of violence. Nearly a thousand 18-24 year olds took part in the study across the five countries, reporting on their experiences as children. In Cameroon, over 50% had been hit, punched, kicked or beaten, over 25% made to eat hot chilli, pepper or very bitter food or drink, and over 25% choked, burnt or stabbed. Across the five countries, 23% said they had experienced physical violence which was “mostly discipline, reasonable

and justified” and 27% physical violence which was “mostly discipline but not reasonable or justified”; 26% said they had experienced emotional violence which was “discipline, but not reasonable or justified”, 22% emotional violence that was “disciplinary, reasonable and justified”. Across all five countries, more than half (54%) of those who had been physically beaten said they had suffered broken bones, teeth, bleeding or bruising; 2% had been permanently disabled; 21% required medical attention; 13% had to miss school or work, and 20% had needed rest at home. For all five countries, the majority of respondents with physical, visual and intellectual disabilities experienced physical violence more than 10 times. The report recommends prohibition of all corporal punishment, including in the home, as a way to minimise the risk of violence against children with disabilities.

(The African Child Policy Forum (2010), *Violence Against Children With Disabilities in Africa: Field Studies from Cameroon, Ethiopia, Senegal, Uganda and Zambia*, Addis Ababa: The African Child Policy Forum)

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 their childhood. In Cameroon, 43% of respondents had been hit during their childhood, 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.

(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)

A study of children who had lost their parent(s) due to HIV-related illnesses exposed a high level of physical violence and corporal punishment in the home. The study involved 180 children: 70% of 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.

(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)