



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

BRIEFING ON CAMEROON FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Jul 2013

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

This briefing describes the legality of corporal punishment of children in Cameroon. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Cameroon, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Cameroon, in the concluding observations on the fourth/fifth state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

1 The state party's report to CEDAW

1.1 The fourth/fifth state report of Cameroon to CEDAW (21 December 2011, CEDAW/C/CMR/4-5 Advance Unedited Version) includes information on violence against women but makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

2 The legality corporal punishment of children in Cameroon

2.1 *Summary*: In Cameroon, corporal punishment is unlawful as a sentence for crime, in schools and possibly in penal institutions; it is lawful in the home and alternative care settings.

2.2 *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.² Provisions against violence and abuse in the Penal Code 1967 and the Constitution 1996 are not interpreted as prohibiting all corporal punishment of children.

2.3 Laws are being harmonised with international human rights standards, the Penal Code is under review and a new Family Code is being drafted. 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; the review of the Penal Code was expected to be a longer process. 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; it was subsequently decided to combine the two Codes into a single Family Code: we are seeking information on further developments.

2.4 *Schools (unlawful)*: Article 35 of the Law of Cameroon National Educational Guidelines No. 98/004 1998 prohibits corporal punishment.

2.5 *Penal system – sentence for crime (unlawful)*: There is no provision for corporal punishment in criminal law.

2.6 *Penal system – disciplinary measure in penal institutions (?unlawful)*: Corporal punishment appears to be unlawful but we have been unable to identify explicit prohibition. 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.

2.7 *Alternative care settings (lawful)*: Corporal punishment is lawful as for parents.

3 Recommendations by human right treaty monitoring bodies and during the UPR

3.1 *CRC*: The Committee on the Rights of the Child first raised the issue of corporal punishment of children in Cameroon in 2001, when it recommended implementation of

² For example, see the third state party report to the UN Committee on the Elimination of Discrimination Against Women: “Men justify their acts of physical violence by invoking their recognized right to administer corporal punishment.” (29 March 2007, CEDAW/C/CMR/3, page 22)

the prohibition in schools.³ In 2010, the Committee recommended prohibition of corporal punishment in Cameroon in all settings, including the home.⁴

3.2 *UPR*: Cameroon was examined in the first cycle of the Universal Periodic Review in 2009 (session 4). No recommendation was made specifically on corporal punishment, but the Government accepted a recommendation to ensure better harmonisation of national legislation with international conventions to better protect the rights of women and children.⁵ Cameroon second cycle review took place in 2013 (session 16). The Government's response to the recommendation to prohibit all forms of corporal punishment is due no later than September 2013.⁶

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

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

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

⁶ 3 May 2013, A/HRC/WG.6/16/L.13 Unedited Version, Draft report of the working group, para. 131(58)