

**AFRICAN UNION**

**African Committee of Experts on the  
Rights and Welfare of the Child**



**UNION AFRICAINE**

**Comité Africain d'Experts sur les Droits et  
le Bien-être de l'Enfant**

**الاتحاد الأفريقي**

*"An Africa Fit for Children"*

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**CONCLUDING RECOMMENDATIONS BY THE AFRICAN COMMITTEE OF  
EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC) ON THE  
REPUBLIC OF CAMEROON'S REPORT ON THE STATUS OF IMPLEMENTATION  
OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD**

**JANUARY 2017**

## **I. INTRODUCTION**

1. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) extends its compliments to the Government of Cameroon and wishes to acknowledge with thanks receipt of the first periodic report on the status of implementation of the African Charter on the Rights and Welfare of the Child. The Committee congratulates the State Party for sending an important high-level, inter-ministerial delegation led by the Magistrat Sub-Director of the International Cooperation, Ministry of Justice, to discuss the report during its 28th session held in Banjul, The Gambia, from 21<sup>st</sup> October to 1<sup>st</sup> November 2016.
2. After considering the report from Cameroon, the Committee has the honour to forward to the Government of Cameroon the following observations and recommendations.

## **II. PROGRESS IN THE IMPLEMENTATION OF THE CHARTER**

3. The Committee welcomes measures taken by the Government of Cameroon to safeguard the rights of children by ratifying regional and international instruments protecting the rights of children. The Committee further recognizes the steps taken by the government to domesticate these instruments thereby making them available to children in Cameroon along with adopted measures to implement recommendations from treaty bodies with the creation of an inter-ministerial committee under the office of the Prime Minister.

## **AREAS OF CONCERN AND RECOMMENDATIONS**

### **A. General Measures of Implementation**

4. The Committee notes with concern that the Civil Code which was recommended to be adopted in its last concluding observation to the State Party is yet to be effected. The Committee also notes that the name to be given to this Code (Child Protection Code and the Code of Persons and the Family) is ineffective to adequately ensure the safeguarding of the rights of children. In this vein, the Committee recommends that Cameroon changes the name of the Code to "Child Rights Code" to ensure that the rights of children and their protection is clearly reflected in the document.
5. It further notes that despite efforts to harmonize laws, this has been slow. The committee therefore recommends fasttracking the harmonization of its laws with the Charter along with translating the Charter into local languages to ensure its effective dissemination and understanding and effective application by both government departments and CSOs.
6. Furthermore, despite the existence of an inter-ministerial committee the implementation of the Committee's recommendation and by extension other

treaty bodies have been slow. The committee recommends the quick and effective implementation of its recommendations and that of other treaty bodies.

7. The Committee further notes that a National Child Protection Policy is yet to be completed by the government. The Committee therefore recommend the government to accelerate the development of this policy and to ensure its effective implementation.

## **B. Definition of a child**

8. The Committee appreciates the State party's efforts to put its legislation in accordance with the Charter by preparation of a draft Code on Child Protection and the draft code on Persons and Family, which defines a child as a person below the age of 18 years and establishes the minimum legal age for marriage of boys and girls at the age of 18 years respectively. However, the Committee is concerned that the definition of the child is not yet in line with the Charter. The Committee therefore, implores the State party to speed up measures to harmonize its domestic legislation fully with the Charter regarding the definition of the child and urges the State party to raise the legal age of marriage of girls to 18 years so as to be equal with that of boys.

## **C. General principles**

### **Non-Discrimination**

9. The Committee acknowledges efforts the State Party has taken to create measures to facilitate the access to school and retention of children especially the girl child. However, the Committee is deeply concerned by the operationalization of inclusive education which is still being affected by the lack of qualified employees and adequate infrastructure.
10. The Committee is further concerned that girls, indigenous children, children with disabilities, refugee children, children from poor rural areas, and children in street situations suffer particular disadvantages with regard to education, access to health and social services. In this regard the Committee urges the State party to:
  - Strengthen efforts to end all discriminatory practices against children and ensure respect for the rights of all children in the State party, including indigenous and refugee children, children living in poor rural areas and children with disabilities;
  - Provide and make accessible to all children free education, health care systems including psycho-social support where necessary to vulnerable children.

### **Best interest of the child**

11. The Committee recognizes the achievements of the State Party especially in the administration of juvenile justice, particularly with the provision of legal services to children in conflict with the law. Despite this effort, the Committee remains concerned that the principle of the best interests of the child is not fully incorporated in the State Party's current legislations concerning children.

Moreover, the Committee is concerned over the limited consideration of the rights of the children in the formulation of the municipal development plan (PCD).

12. The Committee urges the State party to take all appropriate measures to ensure that the principle of the best interest of the child is fully adopted in all legal provisions and implemented in practice in judicial and administrative decisions along with programmes and health services which have an impact on children.

### **Survival and Development**

13. The Committee acknowledges efforts of the State Party to ensure the full and harmonious development of the child in key areas such as education and health. The committee recommends awareness –raising programmes for women on prenatal and post natal health care as well preventive measures, immunization and nutrition. However, the Committee would like to have information with regards to the efforts of the State Party in:

- Reducing infant mortality rate
- Universal access to drinking water and sanitation services. The Committee would also like to receive information on programmes and facilities put in place to ensure child survival in the State Party.

### **D. Civil Rights and Freedoms**

#### **Name, Nationality, Identity and Registration of Birth**

14. The Committee notes with appreciation the achievements of the State Party in the area of birth registration and welcomes efforts made to ensure an increase in registration. However, the Committee would like to receive information with respect to the status of disadvantaged children, and children living in inaccessible regions and request for information on registration with regards to the difference between urban and rural areas.
15. In light of the above, the Committee urges the State party to strengthen and operationalize its National Civil Status Bureau (BUNEC), Promote and create more awareness raising on the importance of birth registration and Make registration centres easily accessible and without cost for birth registration and cost of judicial rulings.

### **Protection against abuse and torture**

16. The Committee is appreciative of the State Party's effort to fight against torture, inhumane or degrading treatment and sexual violence against children. Notwithstanding, the Committee is deeply concerned with the unrelenting practice of ill treatment against children and is deeply concerned that alleged cases of torture against children are not duly investigated and perpetrators not brought to justice. The Committee is further concerned over the lack of legislation to prohibit and put in place measures for the punishment of perpetrators. In light of the above mentioned, the Committee urges the State party to;

- Put in place all necessary measures to prevent acts of torture and inhuman or degrading treatment or punishment.
- Make provision for mechanisms through which child victims can contact authorities in the case of abuse in particular the creation of accessible toll-free number throughout Cameroon.
- Provide and put in place a care protocol and assistance for child victims of sexual violence and other forms of inhumane treatment.
- Ensure that children victims of torture and ill treatment have effective access to appropriate complaint mechanisms or procedures;
- Provide care, recovery, reintegration and compensation and other forms of assistance for child victims of torture
- Ratify the Optional Protocol to the Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Freedom of expression**

17. The Committee recognizes the efforts of the State Party with respect to the establishment of the Children's Parliament and Youth Municipal Councils and student governments and that children are given the right to be heard through the use of magazines and other avenues. However, the Committee notes with concern that the Children's Parliament and the Children and Youth Municipal Council are yet to be institutionalized by the State Party. In light of this, the Committee recommends that the State Party;
- Institutionalise the Children's Parliament and the Youth Municipal Council ;
  - Operationalize and make active children government in every primary school ;
  - Encourage more efforts to ensure that children's views are given due consideration in the family, schools and communities ;
  - Provide mechanisms to ensure that children's parliaments, student governments and municipal councils incorporate and reach children at the regional and local levels.

### **E. Family environment and alternative care**

#### **Adoption**

18. The Committee notes with satisfaction that the State Party has adopted a manual on procedures for child adoption. However, the Committee is concerned that the State Party is yet to ratify the Hague Convention on Children Protection and Cooperation in Respect of Intercountry Adoption. The Committee therefore urges the State Party to ratify and implement the Hague Convention and reinforce the system on the supervision of social-oriented public and private activities for a long term child placement.

## **F. Basic Health and Welfare**

19. The Committee appreciates and welcomes the strategies and programs put in place to improve Child and maternal health in many spheres. However the Committee notes with concern the drop in budget allocated to the health sector. The Committee is also very concerned about the limited increase on the breastfeeding rate in Cameroon. The Committee further notes with concern the increase rate of malnutrition in the country and infant and maternal mortality rate, the continuing unavailability of safe drinking water, inadequate sanitation facilities mostly in rural areas, as well as the inadequacy of health-care facilities and qualified health personnel.

In light of the above, the Committee urges the State Party to;

- Put in place a mechanism to boost the health situation of children and pregnant women in the country by providing preventive measures in order to reduce infant and child mortality in the country.
- To increase its budget allocation for health care services
- Set in place measures to increase access to safe drinking water and improve sanitation
- To Improve the health-care infrastructure, recruit and train more health workers.
- Draw up a strategic plan to fight against viral hepatitis;
- Provide free treatment for hepatitis B and C;
- Administer free vaccine against hepatitis B and C;
- Provide care to children highly addicted to narcotics and alcohol;
- Apply legislative and regulatory measures prohibiting the sale and consumption of narcotics and alcohol to children.
- Adopt laws protecting persons affected and infected by HIV;
- Lead studies into the phenomena of Orphans infected by HIV.

## **G. Education, leisure and cultural activities**

### **The right to education**

20. The Committee acknowledges the State Party's efforts to improve the supply and access to quality education creating new schools and programs in schools for both primary and secondary schools. Nonetheless, the Committee notes with concern the increase in the number of school drop-outs, the limited aid and assistance given to students with visual or hearing difficulties as well as the limited number of qualified personnel.

In this regard, the Committee recommends to the State Party to:

- Convene the national conference on education to take into account the new problems;
- Revise the sectorial strategy in education in order to insert education in urgent situations;
- Continue to recruit more teachers to improve the ratio student/teacher;
- Reinforce trainers capacities in inclusive education;
- Provide adequate materials to students with hearing and visual impairments who registered for official examination;
- Provide sufficient attention to highly talented athletes identified in school competitions;
- Establish a first cycle league of secondary education in order to avoid intrusion in the league B competition;
- Promote the creation of a municipal library;
- Ensure full implementation of universal free primary education.

## **Leisure, Recreation and Culture**

21. The Committee acknowledges efforts by the State Party's to increase access to leisure and cultural activities. The Committee however notes with concern that the lack of leisure equipment and infrastructure in towns and villages. The Committee is also concerned over the lack of a cultural policy to implement cultural activities as well as the limited number of qualified personnel. The Committee therefore recommends that the State Party to:
- a. Draw up cultural policy applied throughout its territory;
  - b. Increase the number of playgrounds and leisure centers in communities and ensure its accessibility to all children;

## **H. Special Protection Measures**

### **Children with disabilities**

22. The Committee appreciates and welcomes measures taken by the State Party to safeguard and protect the rights of disabled children, notably the establishment of platforms such as the Inclusive Society for Persons with Disabilities. However the Committee is concerned that the challenges faced by disabled children are not adequately addressed by such platforms. The Committee therefore recommends the State Party to:
- Ensure the accessibility of public schools for children with disabilities ;
  - Take measures to ensure the accessibility of medical and other services for children with disabilities ;
  - Ensure the participation of children with disabilities in deliberation and decision making of issues related to them.

## **Child Labour**

23. The Committee welcomes measures implemented by the State Party to tackle child labour, including the setting up, in 2014, of a National Committee on the fight against the worst forms of child labour, the organization of several multi-sector campaigns and workshops on issues related to child trafficking as well as the adoption of the National Policy on the Comprehensive Development of the Young Child. Notwithstanding, the Committee notes with concern the number of children involved in child labour and the number of children living on the street. The Committee therefore urges the State Party to continue the implementation of legislative and other measures adopted to combat child labour by:
- Ensuring the application and implementation of the existing laws, texts and regulations on the prevention of the worst forms of child labour;
  - Implementing a national plan of action to fight against the worst forms of child labour;
  - Establishing rehabilitation centers equipped with professional staff on social reintegration services to assist child victims;

## **Administration of Juvenile Justice**

24. The Committee welcomes the achievements of the State Party in the administration of juvenile justice, particularly with the provision of legal assistance to children in conflict with the law. However the Committee is concerned about the living conditions, wellbeing and education of children in detention. The Committee therefore urges the State Party to:
- Ensure access to education for children in detention;
  - Improve the living conditions of detained children by providing more rooms and playgrounds as well as ensuring environmental hygiene.

## **Protection against Harmful Social and Cultural practices**

25. The Committee appreciates the measures taken to fight against harmful traditional practices including the creation of a platform for collaboration between the State (MINPROFF) and the Council of Imams and Muslim Dignitaries of Cameroon (CIDIMUC) to eliminate FGM. The Committee also notes the broadcasting of programmes on the rights of children in the fight against harmful traditional and cultural practices amongst other strategies. However, the Committee recognises the need for more action in the area of child marriage and child cohabitation and the practice of FGM. The Committee therefore urges the State Party to:
- Adopt a law on FGM and on other forms of serious injury to the privacy of girls ;
  - Take measures against other subtle forms of child marriage (children cohabitation).

## **Refugee children**

26. The Committee welcomes the efforts of the State Party in ensuring the protection and well being of refugee children in the country. However, the Committee notes with concern the limited measures taken to cater for their educational needs especially refugee children in camps. The Committee therefore, recommend that the State Party;
- Reinforce the Law on special measures for the protection the child refugees;
  - Ensure camps have centers for children below school going age;
  - Endow sites with appropriate non formal centers for the numerous out-of-school adolescents;
  - Reinforce the Law concerning special measures for the protection of child refugees;
  - Create sites with specific formal education centers for children below school age;
  - Create sites with appropriate non formal centers for the high number of out-of-school adolescents;
  - Reinforce assistance in water supply, hygiene and sanitation in the refugee campsites;
  - Create new sites to reduce congestion in already existing sites;
  - Coordinate technical services and humanitarian interventions.

## **Sexual Exploitation**

27. The Committee recognizes and appreciates efforts the State Party has taken to ensure child protection against all forms of violence, more especially sexual abuse by recognizing and implementing the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. The Committee therefore, recommends for the State Party to:
- Reinforce the National Law to put an end to sexual violence and exploitation on children;
  - Ensure the application of existing texts and regulations;
  - Put in place a fair, secured and transparent system to signal and denounce cases of sexual abuse, that will assure to parties involved, the right to be heard (toll-free number, vigilance committee, care protocols for sexually abused children);
  - Encourage more studies on the phenomenon of sexual violence of children;
  - Provide psychological care to sexually abused children and Intensify medical and psychological assistance to those children;

## **G. Conclusion**

28. The African Committee of Experts on the Rights and Welfare of the Child observes that the Government of Cameroon has adopted several texts and adopted measures for the protection and promotion of the Rights and Welfare of the Child. The Committee recommends the State Party to harmonize its various legislations with the provisions of the Charter as well as effectively implement the Child Welfare Code. The African Committee avails itself of this opportunity to renew to the Government of Cameroon the assurance of its highest consideration.