

Child's Right Protection in Cameroon

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Abstract

Children are human beings below the age of 18 years. They are distinctive and privileged since they are a vulnerable group of human beings. Children have human rights such as the right to education, health and a standard of living. These rights have to be respected and protected. As per the Triple Prong Theory of Protect, Promote and Fulfil, it is the responsibility of the state to ensure that its citizens enjoy their human rights. The ideas that animated children's right movement developed after the Second World War and the atrocities of The Holocaust. Children are often victims of bad treatment, negative social and cultural practices, sexual abuse and all forms of economic hazardous exploitation. This research exposes child labour as a major infringement of child rights that needs to be eliminated. Children engage in this activity out of desperation or are forced. Although they are coming from poor families, some of them have to work. Others are trafficked and forced to work in plantations while others are in commercial sexual exploitation. It therefore becomes necessary to investigate on activities violating children's rights and possible mechanisms. This paper makes use of an in-depth analysis of International legal instruments protecting children's rights at the international level. These international legal instruments are ratified and applied with other national instruments protecting children's rights, yet, these rights are still violated. It is recommended that measures should be taken to intensify the fight against child labour in the area of education. Cameroon has a good legal framework for the protection of children's rights. However, child labour which is manifested in its various forms only suggests that more is expected from the government in protecting children's rights.

Introduction

Children have an exclusive and privileged place in the society since they are a vulnerable group of human beings. The age limit as set by the African Charter of the Rights and Welfare of the Child is below the age of 18 years. African children need special care and protection. In this regard, all humans below the age of 18 are so considered children and as such entitled to the enjoyment of the rights to freedom of expression, association, peaceful assembly, thought, religion and conscience.

Children are often victims of bad treatment, negative social and cultural practices, sexual abuse and all forms of economic hazardous exploitations including commercial sexual exploitation¹. They are brought to urban areas by their guardians with the aim of taking care of them and providing for their wellbeing. But thus, they are turned into slaves and even work beyond their strength. Some of them work with no pay which results to child maltreatment and injustice. They are exposed to hazardous working conditions which are extremely dangerous to their health and wellbeing as a child. Some are kidnapped and trafficked for man's selfish interests. Others are forced to beg on streets and get involved in the illegal use of drugs. These activities violate children's rights and welfare and destroy their dreams of becoming future African leaders of tomorrow².

It is true to say that International Law has always considered as one of its fundamental purposes the maintenance of peace³. Situations of human rights violations are inevitable and no matter their nature, their

¹ S. Garton Kamchedzera, "The Complementarity of the Convention of the Rights of the Child and the African Charter of the Rights of the Child", in Eugene Verhellen (ed), *Understanding Children's Rights* 1998, p 550

² <http://www.cjdr.org/2009-06/Eric-Njungwe.pdf>, visited, 05/01/2024

³ J. G. Merrills, "The Mosaic of International Dispute Settlement procedures: Complementary or Contradictory?" 54 *Netherlands International Law Review*, 2007, p 361.

occurrence is a problem and has to be addressed. The prosecution for human rights violation cases, especially as concerns children's rights is embodied in various International legal instruments.

In November 1989, the United Nations adopted the Convention on the Rights of the Child (hereafter referred to as CRC) and this treaty went into force less than a year in September 1990. African leaders decided to adopt their own version of the CRC; the African Charter on the Rights and Welfare of the Child (hereafter referred to as the African Children's Charter), which was adopted in July 1990 went into force in November 1999. These are two internationally recognized treaties protecting children's rights and welfare in Africa. There are others such as the Declaration on the Rights and Welfare of the Child, the African Charter on Human and Peoples' Rights.

In Cameroon, the CRC and the African Children's Charter (hereafter referred to as ACRWC) were recognized, accepted and ratified as part of its laws ensuring the protection of children's rights and welfare⁴. As per article 45 of the Constitution of Cameroon, the ratified treaties and international agreements take precedence over national laws. Cameroon is seen to be a monist state in terms of the status of International instruments duly ratified by the government. However, with regards to the application of ratified treaties, Cameroon is dualist as such treaties only take effect through domestication by national law.

Cameroon also has various legislative acts and decrees protecting children's rights and welfare such as (Section 1) of Law No. 2005/015 of 29 December 2005. Children should not be victims of torture. That is why Law No. 97/009 of 10 January 1997 states that the practice of torture in Cameroon has to be stopped at all cost and sanctions meted out. Section 7 of Law No. 98/004 of 14 April 1998 stipulates that everyone is entitled to education regardless of sex, religion, age, political opinion and social origin. Orphans can be adopted and guided by foster parents, foster homes or orphanages with good intention to take care of the children as per Law No. 84/04 of July 1983. However, the government has created several ministerial departments responsible for the rights of children with respect to Decree No. 2004/320 of 8 December 2004⁵.

The law generally protects children from exploitation in the workplace and specifies penalties ranging from fines to imprisonment for infringement; however, child labour, particularly in informal sectors, remained a problem. The ILO Convention No. 182 calls for the prohibition and the elimination of the worst forms of child labour as a matter of urgency by exposing the importance of a child's education and solidarity with others in protecting a child. The ILO is in partnership with organizations such as Nkumu Fed Fed, located in Cameroon in protecting children's rights especially female children from being victims of child labour. The government attempts to combat the worst form of child labour through the Labour Code. It ensures that children should not work in underground restaurants, bars, hotels or any job that exceeds their physical capacity in the industrial zone as per Law No. 017 of the Labour Code⁶.

Approximately, 2000 children live on the streets of some major urban areas in Cameroon. The Project to Fight the Phenomenon of Street Children, a governmental project in partnership with NGOs, gathered information on street children and offered healthcare, education, and psychological care; the project also bolstered the intake capacities of specialized centres.

There is a gradual alarming practice of child labour in Cameroon. According to the 2008 government statistics on child labour in Cameroon, 85.2% of working children were employed in the agriculture sector, either on some family subsistence plots or on tea, banana, and palm oil plantations. In the urban informal sector, children work as street vendors, car washers, and domestic workers.

There is concern over the types of tasks on which children are employed. Children below the age of 14 years are vendors in various streets of Buea, Douala and Yaoundé being used by their parents or foster parents to make a living out of their labour. The notorious areas in which they are found selling are Mile 17 car park, Check Point market, the streets of Molyko, Round point and Post Centre. Activities such as hawking expose children to the dangers of the streets. Children work as household helpers, and some are involved in prostitution. Some are laboured harshly in farms so as to cultivate food and sell for their parents' gain.

⁴ A. Akonumbo, "Implementation Framework for Children's Rights and Welfare Standards: Profiling the Harmonization Status of ChildLLaw" ACPF Report, 2008 p.24

⁵ Section 7 of Law No. 98/004 of 14 April 1998 on education guidance

⁶ Government of Cameroon, "Etude sur le travail des enfants au Cameroun", Institut National de la Statistique, 2007 p 2 to 3.

Children are involved in agricultural activities such as pesticide application and clearing of banana and tea plantations with machetes. These two tasks are classified as potentially hazardous forms of work for young children. Such are being carried out because those violating children's rights are ignorant of the law protecting their rights. It has however been rightly pointed out that 'any work done by a child below working and remuneration standards as established by law should be considered as economic exploitation of the child.'

Childs Rights Violation in Cameroon

There is a good enforcement mechanism of children's rights at the international and national level. This is evident in various international Conventions and Declarations such as the Convention on the Rights of the Child 1989 (CRC), and the African Charter of the Rights and Welfare of the Child 1990 (The African Children's Charter). Cameroon to this effect has ratified the CRC and the African Children's Charter. Cameroon has a good legal framework such as the Labour Code, Penal Code, and Criminal Procedure Code. This notwithstanding, there is the continuous practice of child labour. Children are taken from rural areas to urban areas by foster parents with promises of care and education, whereas, they are turned into labourers and victims of domestic violence. Some are converted into public vendors in streets aged 5 to 14 years.

This violation is also manifested in the various forms of child labour such as child trafficking and sexual exploitation especially child prostitution. The practice of child trafficking affects the protection of children's rights in Cameroon. Children are trafficked from the rural areas to urban areas to be used as labourers, hawkers, prostitutes, thieves and street beggars⁷. Cameroonian legislation is silent on harmful practices on female children such as Female Genital Mutilation (FGM), breast ironing and forced marriages. Female Genital Mutilation involves the partial or the total removal of the female genital organs for cultural reasons. It is commonly carried out in the rural areas of Cameroon like Manyu and Far North. This practice has consequences on female children such as severe pain and bleeding, shock, urine retention, ulceration of the genital regions, injury to the adjacent tissue and death. It contributes to the violation of children's rights⁸. It is against the Penal Code as it is assault.

With regards to breast ironing, it is commonly done to female children who are developing breast. It involves the pounding and massaging of the developing breast of young girls from about 8 years with hot objects to try to make them disappear. It is initially done by women with the thought of improving a mother's breast milk. This thought has gradually changed and it is now inflicted on female children as young as the age of 9. In urban areas, this practice is believed to protect a girl from sexual harassment or rape, and to prevent early pregnancy that will tarnish the family name. It is commonly done in the Littoral region of Cameroon. It leads to harmful effects such as abscess in the breast, breast pimples on and around the breast nipples, chest pain, deformities and complete disappearance of the breasts. This practice is done against their will, therefore violates their human rights.

Female children are forced to get married without their will or consent. This is because most of their parents are in financial difficulties which make them take the decision of early marriages. Some are forced due to the fact that it is a traditional practice. They get affected emotionally and psychologically. This mostly occurs in the rural areas, thus, violating children's rights⁹.

The protection of children's rights especially the right to health requires the provision of health facilities that can be achieved when there is adequate finance. Free vaccines are given to children but it is not sufficient to accord protection to them. Parents have difficulties affording hospital bills for their sick children. As a result, many suffer. Also, there are very few regional hospitals which cannot attend to all children or infants who are sick. This has led to a gradual increase in infant mortality rate¹⁰.

The right of children to education is not fully protected in Cameroon. Cameroon has a good primary and secondary education system which has provided significant improvements in educational opportunities for children such as the opportunity to be learned. However, the Cameroonian education system still faces challenges in providing quality education to all children. The curriculum needs serious modification to meet up with globalization and modernization. Regional, wealth, and gender disparities take a toll on children and

⁷ Y. Mbassi- Bikele, Education: A Quoi Servent les APEE? Cameroon- Tribune, January 16, 2013, p.1

⁸ <http://www.endfgm.eu/en/female-genital-mutilation/what-is-fgm/effects-of-fgm/>, visited, 12/01/2024

⁹ <http://www.humanium.org/en/cameroon/>, visited, 10/01/2024

¹⁰ Ibid

put vulnerable groups at risk for not attending school, and being further disadvantaged in life opportunities. Living in rural areas doubles the risk of not attending school and poor children are five times more likely to be out of school than children from rich households. This is because some parents are having financial difficulties in affording school materials for their children and prefer to labour them to hawk or sell for their educational wellbeing. These education challenges pose a threat to the economic future and viability of Cameroon and deprive children of their right to a quality education.

The Cameroon National Commission for Human Rights and Freedoms which is the main enforcement mechanism of violations of children's rights is impeded in its duty in this respect. This is due to two reasons. Firstly, the National Commission for Human rights and Freedoms is not independent from the government. This is evident from the fact that the government appoints its key staffs and funds the commission. With this scenario, it becomes difficult for the commission to write ill about the government. Serious violations of children's rights are therefore not reported. As it is often said, he who pays the piper determines the tune. Secondly, decisions of the commission relating to human rights violation are not binding. As such, it does not deter violation of children's rights¹¹.

THE CONCEPT OF CHILD LABOUR

Child labour refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend regular school. This is mentally, physically, socially or morally dangerous and harmful¹². This practice is considered exploitative by many international organizations such as the ILO, United Nations International Children's Emergency Fund (hereafter referred to as UNICEF), PLAN and ABEMO- Women of vision. Legislations across the world prohibit child labour but they do not prohibit all activities carried out by children. There are certain activities which are considered just and legal to carry out such as children attending training programs with maximum supervision, assisting parents at home with manual work, and school based activities such as manual labour. These activities help children to be brought up in a proper way, to be morally up right and to know how to serve in life.

Child labour was being employed at varying degrees throughout history. Before 1940, many children aged 5 to 14 worked in Europe, the United States and other colonies of European powers. These children worked in agriculture, home based assembly operations, factories, mining, and in services such as porting. Some worked night shifts lasting 12 hours¹³. With the rise of house hold income, the availability of schools and the enactment of child labour laws due to human rights and children's rights movements, the incidence rates of child labour fell. In most developing countries, with high poverty and poor schooling opportunities, child labour is still prevalent. In 2010, Sub Saharan Africa had the highest incidence rates of child labour, with several African nations witnessing over 50% of children aged 5 to 14 years and working. Agriculture is the highest employment of child labour in Africa. The vast majority of child labour is found in the rural settings and informal urban economy; children are predominantly employed by their parents, rather than factories.⁵⁸ Poverty and lack of schools are considered as the primary cause of child labour.⁵⁹ The total number of child labourers remains high, with UNICEF and ILO's statistics, acknowledging an estimated 168 million children aged 5 to 17 years worldwide and involved in child labour in 2013¹⁴

PROTECTION OF CHILDREN'S RIGHTS IN CAMEROON

Child protection is a prime concern in Cameroon. It is one of the country's government's priority actions assigned specifically to address the issue of protection and promotion of the rights of the child. Against this backdrop, Cameroon has ratified legal instruments protecting children's rights such as the Convention on the Rights of the Child (1993).

RIGHT TO EDUCATION

Article 29 of the Convention on the Rights of the Child basically provides that the education of the child is directed to fostering the physical, intellectual, moral and cultural development of the child, as well as the development of his personality and sense of responsibility, and to instilling a sense of respect for others and

¹¹ <http://www.ccdhr.org/press-releases/2009/08-20-CameroonHumanRightsCommission.htm>, visited, 03/01/2024

¹² <http://www.ilo.org/ipec/facts/lang--en/index.htm>, visited, 09/01/2024

¹³ D.A. Galbi, "Child Labor and the Division of Labor in the Early English Cotton Mills", Centre for History and Economics King's College, 1994, available at <http://www.galbithink.org/child.htm>, visited 08/01/2024

¹⁴ http://www.unicef.org/media/media_70610.html, visited, 11/01/2024

for the virtues of peace, tolerance and equality of the sexes. In order to make such education accessible to all, article 28, paragraph 1 (a), of the Convention requires States to make primary education “compulsory and freely available to all”. Cameroon appears to be meeting this requirement, since its authorities are committed to promoting basic education for all. The preamble to the Constitution thus affirms that “The State shall guarantee the child’s right to education. Primary education shall be compulsory¹⁵.”

The fact is that millions of children of primary school age in Cameroon are out of school; either because they are drop outs, never enrolled or are expected to enroll late. This is a reason why public primary education is declared free as per Article 47 of Public Schools Decree no. 2001/041 of 19 February 2001. This therefore means that every child whose parents do not have sufficient tuition for a child’s education is relieved from that burden.

By Decree no. 2004/320 of 8 December 2004¹⁶, the state ensures that there are various ministerial departments responsible for a child’s right to education. These are the Ministry of Basic Education (pre-school and primary), and the Ministry of Secondary Education (technical and general education).

Education is ensured and enforced for children in Cameroon in order to foster the physical, moral, intellectual and cultural development of the child. Moreover, a mass number of children can benefit from education which is the reason why public primary education is made free.

RIGHT TO HEALTH AND HEALTH SERVICES

In Cameroon, children have the right to health and health services. Article 24 of the CRC states that the child has the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness. Article 14 (1) and (2) of the African Children’s Charter states the same role, namely, protecting a child’s right to health. It is realized that the state has made efforts in protecting a child’s right to health by ratifying other instruments. Cameroon is a party to the Declaration of Alma Ata of 1978¹⁷ and thus espouses the ideal of primary medical care. There is a draft of the Child Protection Code which provides extensively for the right to health and classifies deprivation of health as ill-treatment from which children must be protected¹⁸. It is realized that more pediatric hospitals have to be established for care of children, especially those with the HIV/AIDS virus.

On the 9th of May 2014, the government of Cameroon launched its National and Multisectoral Programme to reduce child mortality rate in Cameroon, from 2014 to 2018. According to the programme, offering health services to children is not enough, but a multi-sectoral, coordinated and adequately financed action for children will promote the combat against ill health and child death.

RIGHT TO A STANDARD OF LIVING

Article 27 of the Convention on the Rights of the Child stipulates that every child has the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. Parents have the primary responsibility to secure that standard of living for the child. The State has the duty to act in such a way that they can and do assume that responsibility. The State’s responsibility may include material assistance to parents and their children. From the point of view of that provision, there have to be two main partners working together to guarantee the child an adequate standard of living: the parents and the State.

Parental responsibility

According to articles 180, 282 and 358 of the Penal Code, parents have an obligation to ensure a decent standard of living for their children. Article 180 of the Penal Code is on Alimony. This is a regular amount of money a court of law orders a person, usually a man, to pay to their partner after a divorce. It states that:

Anyone who has failed for more than two months to provide the full amount of the alimony he has been ordered to pay to his spouse, her ascendants or descendants shall be liable from one month to one year’s imprisonment and/or a fine of CFAF 20,000 to CFAF 400,000.

The money paid to the spouse is normally used to take care of the child and provide his or her daily needs.

¹⁵ The preamble to the Constitution of 18 January 1996

¹⁶ on government ministerial departments on child education

¹⁷ The Declaration of Alma Ata of 1978 is a proclamation which expressed the need for urgent action by all governments, all health and development workers, and the world community to protect and promote the health of people. It was adopted at the International Conference on Primary Health Care (PHC) from 6th to 12th September 1978. It was also the first international declaration underlining the importance of health care.

¹⁸ Sections 47 and 48 of the draft Child Protection Code.

Article 282 of the Penal Code is on abandonment of an incapable person. These are a set of people who cannot take care of themselves, such as children. It provides that:

Anyone who removes a person incapable of protecting himself by reason of his physical or mental state in order to abandon him shall be liable to one to three years' imprisonment and a fine of CFAF 5,000 to CFAF 25,000.

Article 282 (3) of the Penal Code seals parental responsibility over children's welfare when it states that:

The term of imprisonment shall be 10 to 20 years where the offender is an older relative or anyone having authority or custody de jure or de facto over the incapable person.

This law is enforced because of the attitude people have, especially women, who abandon children, mostly newly born when they are in hardship. This is common in Douala, which is found in the Littoral region of Cameroon. Abandoned new born babies and children were always found in the streets. Some die, while others grow up to be juvenile delinquents¹⁹. No matter the financial difficulties parents go through, they have to do their utmost best to ensure a good standard of living for their children. The law has provided for their right to a standard of living.

Article 358 of the Penal Code is on abandonment of the home. It provides that:

The mother or the father of a family who without legitimate reason neglects all or part of his or her moral or material obligations vis-à-vis his or her spouse, child or children by abandoning the family home or by any other means shall be liable from three months to one year's imprisonment or a fine of CFAF 5,000 to CFAF 500,000.

It has been realized that most parents neglect and abandon their family without a legitimate reason. This tends to affect the child or children. Their right to a standard of living will be seriously affected due to the separation of their parents. Finance becomes tough for the child for each parent will not want to be responsible for his welfare due to their marital or other problems. This pushes the child to the outer world, letting him or her to be exposed to juvenile delinquency. Some of them become thieves, street beggars, prostitutes and have bad company which is not fruitful for the development of a child²⁰. Therefore, parents should fulfil their role to provide for a good standard of living for their children. It will hinder them being exposed to the dangers of the world. A good example can be seen from the case of Zamcho Florence Lum v Chibikom Peter and Others where by a parent left an estate to be inherited by his female child. Even though it was a problem for the girl to inherit the property because of her brother's desire to inherit it too, it was finally decided in the Supreme Court that the female child had rights over her property.

From the aforementioned above, one can clearly see how the law binds parents to ensure a decent standard of living for their children.

State responsibility

The Government has adopted quite a wide variety of appropriate measures, which include:

- Decree No. 82/412 of 9 September 1982 on the procedure for granting State relief to indigent and needy person.
- Circular letter No. 80/I/658/MINEDUC/CTD of 18 January 1980 on admission of disabled children and children of disabled parents to public and semi-public institutions;
- Circular letter No. 90/02800/LC/MINASCOF/SG/DRS of 10 December 1990 on provision of aids to needy and disabled persons;
- Act No. 67/LF/7 of 12 June 1967 instituting a family benefits code

RIGHT OF A CHILD DURING ARMED CONFLICTS

Under article 38 of the Convention on the Rights of the Child and article 22(2) of the African Children's Charter, States parties undertake to respect and ensure respect for rules of international humanitarian law in cases of armed conflict. They agreed to take all possible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

It must be stated that Cameroon has ratified the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977 and according to the rules in force, no child under 18 years of age may be recruited into the national defense forces (the army, the gendarmerie and the police). In response to these requirements,

¹⁹ V. Bij Yongka, "Over 430 Street Children Identified in Yaounde, Douala", jimbimedia, 2008, p. 1

²⁰ Ibid

Cameroon holds various seminars for Cameroonian officers of higher echelons, one aim is to make them aware of the application of international humanitarian law in situations of armed conflict or internal disturbance. It should also be pointed out that the Red Cross and Red Crescent freely carry out their activities in Cameroon. The International Committee of the Red Cross was thus able to visit prisoners in the border conflict with Nigeria in Bakassi²¹.

On the subject of refugees, article 22 of the Convention on the Rights of the Child provides that States parties will take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee will receive protection and humanitarian assistance. In this regard, Cameroon ratified the Convention relating to the Status of Refugees on 23 October 1961 and the Protocol relating to the Status of Refugees on 19 September 1967. Pursuant to the provisions of that instrument, it is realized that Cameroon has, in cooperation with UNHCR, taken in refugees from Burundi, Congo, Liberia, Rwanda, Sudan and Chad²².

RIGHT OF A CHILD AGAINST TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture is an act causing great physical and mental pain to a human being. It is a strategic means of limiting, controlling, and repressing basic human rights of individuals and communities that is often covert and denied by authorities²³.

It is realized that children suffer from deliberate pain inflicted on them to achieve a purpose. The purpose may be to forcefully get information from the child or subdue him to an activity which is not his desire.

Article 37 (a) of the CRC requires States parties to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment. Cameroon has endorsed that principle by ratifying, in Decree No. 97/079 of 25 April 1997, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984. In application of the Convention, Law No. 97/009 of 10 January 1997 amends and supplements certain provisions of the Penal Code. Pursuant to that Act, article 132 bis, entitled "Torture", has been inserted between articles 132 and 133 of the Code. It states that:

Anyone who, by torture, involuntarily causes the death of another person shall be liable to life imprisonment; When the torture permanently deprives the victim of the use of all or part of a limb, an organ or a sense, the penalty shall be 10 to 20 years' imprisonment; When the torture causes the victim's illness or incapacity for work for more than 30 days, the penalty shall be 5 to 10 years' imprisonment and a fine of CFAF 100,000 to CFAF 1 million; When the torture causes the victim to be ill or unfit for work for 30 days or less or to suffer pain or mental or psychological distress, the penalty shall be two to five years' imprisonment and a fine of CFAF 50,000 to CFAF 200,000 francs;

What is more, torture is seen to hinder child development which makes it a high priority to address the issue

Legal Framework for the Protection of Children

Cameroon has protocols, charters, ratified international conventions that protect children's rights. These legal instruments were mentioned above. She also has national laws and regulations that govern children's rights by way of protection. Such national legislations include:

- Law No. 2004/16 of 22 July 2004, on the establishment, organization and functioning of the National Commission on Human Rights and Freedoms, to make that body independent, more operational and efficient;
- Law No. 92/04 of 14 April 1992 on school orientation, which sets the compulsory school-going age at 14 years;
- Law No. 67-LF-1 of 12 June 1967 on the penal code and all punishments for violations against children;
- Law No. 2005/007 of 27 July 2005 on the criminal procedure code, which took effect on 1 January 2007;
- Law No. 2005/015 of 29 December 2005 on combating slavery and child trafficking in Cameroon;
- Tourism act 98/006 of 14 April 1998, setting out the general provisions for practicing this activity.

Implementation of Measures Protecting Children's Rights

²¹ O. Nwobodo, "Operation cooperation between the International Committee of the Red Cross and the Nigerian Red Cross Society", *International Review of the Red Cross*, 1998, p 323.

²² COMMITTEE ON THE RIGHTS OF THE CHILD, *opcit*

²³ <http://www.ncbi.nlm.nih.gov/pubmed/19920332>, visited, 12/01/2024

Cameroon has methodically pursued efforts to ensure an enabling environment for the development of the child and his rights, through legislative and regulatory measures.

Legislative and Regulatory Measures

Cameroon adopted legislative and regulatory measures on the rights of the child and embarked on procedures. The measures are as follows:

- Adoption of Law No. 06 of 18 January 1996 on the revision of the preamble of the 2 June 1972 Constitution, which guarantees the freedom and security of every individual, with special focus on the protection of children and the youth;
- Adoption of Law No. 67-LF-1 of 12 June 1967 on the institution of the Penal Code, which has provisions that can be invoked to punish child labour cases. These are sections 292 on forced labour; 293 on slavery; 294 on proxenitism; 342 on slavery and pledging; 343 on prostitution; 344 on corrupting the youth; 345 on moral danger; 349 on blackmail or exploitation of weakness; 352 and 353 on child abduction; 355 on representation of minors, 358 on abandonment of household;
- Adoption of Law No. 92/007 of 14 August 1992 which sets the minimum age of admission to employment at 14 and bans the employment of children in dangerous work or work beyond their strength;
- Adoption of Law No. 97/12 of 10 January 1997 setting entry, stay and exit conditions for foreign nationals in Cameroon, and its implementing decree 200/286 of 12 October 2000, which requires prior parental authorization for children to be issued a travel document;
- Adoption of Law No. 2005/015 of 29 December 2005 on combating slavery and child trafficking
- Adoption of Law No. 98/004 of 14 April 1998 on guidelines for education in Cameroon, where article 7 stipulates: “the State shall guarantee the child’s right to education, without distinction of gender, political opinion, philosophy, or religious persuasion, and of social, linguistic or geographical origin”;
- Adoption of child trafficking and antislavery Law No. 2005/015 of 29/12/2005
- Decree 2004/320 of 8 December 2004 on institution by Government of several ministerial departments responsible for the rights of the child. These include the Ministry of Social Affairs (promotion of rights and social protection of the child); the Ministry of Basic Education (pre-school and primary); Ministry of Secondary Education (technical and general education); Ministry of Public Health (maternal and child health); Ministry of Women’s promotion and Family Affairs (education on responsible parenthood and family welfare); Ministry of Youth (promotion of leisure and extra-curricular activities).²⁴

Conclusion

With regards to the various rights of the child, embodied in international legal instruments, we have seen that the CRC and the African Charter on the Rights and Welfare of the Child are the main instruments that protect children’s rights. Also, there exist various mechanisms to enforce the laws. It is true to say that Cameroonian laws protecting children’s rights originate from these instruments. It is not necessary at this juncture to belabour the content of the Conventions. What is relevant here is that these Conventions provide the appropriate safeguards of the welfare of the child, given that they guarantee the child’s right to life, education, privacy, freedom from torture and harmful practices.

This paper has also demonstrated the multiple safeguards accorded to children as enunciated in national laws of Cameroon. The laws have been discussed in relation to the various rights. For example the right to education is contained in Article 47 of the public schools decree no. 2001/041 of 19 February 2001 setting the duties and responsibilities of school administration, providing for free public primary education. The Cameroon Constitution which is the Grun norm of the land provides for free primary education. This is a good step in ensuring the right to education. However, hawking by a child of a tender age during school period is rampant in Cameroon and implies that parents prefer sending their children to hawk rather than sending them to school. With regards to the right to health, there is the draft of the Child Protection Code which provides extensively for the right to health and classifies deprivation of health as ill-treatment from which children must be protected.²⁸¹ As already discussed, measures geared towards ameliorating the health conditions of children have been put in place by the government of Cameroon.

Recommendations

²⁴ Committee on the Rights of the Child, “consideration of reports submitted by states parties under article 44 of the convention, Initial reports of States parties due in 1995 , Addendum , CAMEROON”, United Nations CRC, 2000, pg 6.

-Given that child labour is a serious violation of the right of the child in Cameroon, measures should be taken to intensify the fight against child trafficking. It is recommended that the government of Cameroon should take appropriate measures to redress child labour in the area of education. The free primary education is a good step in combating child labour, but more needs to be done. The government should be engaged in a sensitization campaign to educate parents to see the importance of a child's education. This will encourage parents to send their children to school rather than subjecting them to forced labour.

-As already mentioned, hawking is a serious problem in Cameroon. To redress this situation, it is proposed that the legislation prohibiting hawking should be enforced. Given that most children often hawk against their will, that is, being forced by parents or guardians, the legislation should be directed to the parents or guardians who are the causes of hawking. Offenders should be punished. A special team carrying out a survey on children hawking should be engaged to deter this activity. This will deter parents from engaging their children into hawking. With this, one can therefore say that hawking would be exterminated in Cameroon.

-Children have the right to life and adequate medical care. The poor health condition of children in Cameroon should be redressed. In this light, the government should improve the health condition of children. The effort of the government so far in ameliorating the health condition of children is commendable. For instance the provision of free vaccines to children is a positive step. However, more still needs to be done. The government should therefore establish health centres in the various regions of Cameroon to give special attention to infants. The health centres should be accessible by all. Meaning even the poor should make use of it at the expense of the government. This will help to reduce the high infant mortality rate in Cameroon. This is because the poor will be able to have their children treated, given that high infant mortality rate in the country is as a result of poverty.

-Given that Cameroon is a developing country and like other developing countries is limited financially to combat human rights violations. It is recommended that the government should get more funds to enable her protect the right to health by children. This will greatly benefit the government to provide health facilities to children.

-Mindful of the fact that children's rights rarely come before the courts, the National Commission on Human rights and Freedoms should be more active in protecting the child's rights. As a follow up, it is necessary to reform the present system so as to guarantee the independence of the national human rights commission enunciated in the African Charter on Human and Peoples Rights.²⁸⁴ The 1990 Decree creating the NHRC should be amended to guarantee the independence of the commission. In this light the President and other top officials should be elected rather than appointed by the government. This will enable the commission to function effectively free from government influence and as such will be encouraged to report the actual situation of violation of the child's rights in Cameroon. It is imperative for NHRC to have not just an advisory function but to also have a binding force to give effect to its recommendations. It is impeded to effectively protect children's rights because its decisions are not binding. It is therefore necessary for its decisions to have a binding force so as to induce compliance with international instruments protecting the child's rights. This can also be possible by an amendment of the existing law that created the NHRC.

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