

**COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN**

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**CAMEROON HUMAN
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**SUB-COMMISSION IN CHARGE
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**STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION TO MARK
THE WORLD CHILDREN'S DAY**

Theme: *For Every Child, Every Right*

20 November 2023

The Cameroon Human Rights Commission (hereinafter: "the Commission"), established by Law No. 2019/014 of 19 July 2019 and rendered operational on 29 April 2021 following the swearing-in of its Commissioners before the Supreme Court sitting in Joint Benches,

Bearing in mind that every 20 November marks the *World Children's Day*, which serves to advocate respect for the Rights of every child,

Considering that this day marks the commemoration of both the United Nations General Assembly's adoption of the Declaration of the Rights of the Child through Resolution No. A/RES/1386 (XIV) on 20 November 1959, and the adoption of the Convention on the Rights of the Child on 20 November 1989, which entered into force on 2 September 1990 and was ratified by Cameroon on 11 January 1993,

Considering that the United Nations Committee on the Rights of the Child (CRC), in celebrating the 2023 World Children's Day under the theme "***For Every Child, Every Right***", calls upon "[m]others and fathers, teachers, nurses and doctors, government leaders and civil society activists, religious and community elders, corporate moguls and media professionals, as well as young people and children themselves" to play an important role in making this day relevant to their societies, communities and countries¹,

¹ See <https://www.un.org/en/observances/world-childrens-day#:~:text=Th%C3%A8me%202023%20%3A%20Pour%20chaque%20enfant.et%20les%20droits%20des%20enfants>, accessed on 6 November 2023.

Recalling that the United Nations, through the above-mentioned theme, calls upon States to raise awareness among their populations of *all the rights of the child*, including the rights of the girl child, to promote and highlight these rights, and to translate them all as set forth in the Convention on the Rights of the Child into concrete actions that positively impact children worldwide²,

Recalling that, according to Article 1 of the Convention on the Rights of the Child, *"a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier"*,

Noting that in Cameroon, a child, from a biological perspective, may reach majority by marriage, hence the phrase *"unless the age of majority is attained earlier under the law applicable to the child"*³ in the above-mentioned definition of the child,

Noting that, in the light of this definition, Article 1(k) of the Maputo Protocol, adopted in Mozambique on 11 July 2003 and ratified by Cameroon on 13 September 2012, defines a girl as a woman *"even if she is still biologically a child, she will legally be considered an adult"*⁴,

Considering the Preamble to the Constitution of Cameroon of 18 January 1996 which states that

the human person, without distinction of race, religion, sex or belief, possesses inalienable and sacred Rights, [that] all persons shall have equal rights and obligations, [that in addition] the State shall provide all citizens [including children], with the conditions necessary for their development [and] the right to education [and that] primary education shall be compulsory [for all children],

Considering that the Cameroon Penal Code punishes violations of the rights of the child, in particular by virtue of:

- Section 277, which deals with *"grievous harm"* and consequently punishes the perpetrator of bodily harm, including genital mutilation, with 10 to 20 years imprisonment
- Section 350 (1) on *"assault on children"*, which provides for *"death [penalty] and imprisonment for life where the offences [are] committed against a person under 15 years of age, and the penalties prescribed by Sections 279(1), 280 and 281 shall be doubled [in such a case]"*
- Section 356 (1), (2), (3) and (4) on *"forced marriage"*, which provide, among other sanctions, *"imprisonment for from five to 10 years and with fine of from CFAF 25,000 to CFAF 1,000,000 [for] whoever compels anyone to marry"*,

² See <https://www.un.org/en/observances/world-childrens-day#:~:text=Th%C3%A8me%202023%20%3A%20Pour%20chaque%20enfant,et%20les%20droits%20des%20enfants>, accessed on 6 November 2023.

³ Pierre Esaïe MPILLE, *Les Droits de la femme et de l'enfant, Entre universalisme et africanisme*, L'Harmattan, 2012, p. 15.

⁴ *Ibid.*

Considering further that Section 76 of Law no. 2010-12 of 12 December 2010 on cybersecurity and cybercrime in Cameroon provides that

[w]hoever uses electronic communication or an information system to design or publish a child pornographic message or message likely to seriously injure the self-respect of the child shall be punished with imprisonment from 5 (five) years to 10 (ten) years or a fine of from 5,000,000 (five million) to 10,000,000 CFA francs or both of such fine and imprisonment

and that Sections 80, 81 and 82 of the same law mention the penalties applicable to violations of the rights of the child in relation to the digital environment,

Considering that the provisions of Article 18 (1), (2) and (3) of the African Charter on Human and Peoples' Rights (ACHPR), which entered into force on 22 October 1986 and was ratified by Cameroon on 20 June 1989, provides that

[t]he family shall be the natural unit and basis of society. It shall be protected by the State, which shall take care of its physical health and moral, [...] assist the family which is the custodian of morals and traditional values recognised by the community, [...] ensure the elimination of every discrimination against [the child] and [...] ensure the protection of [his] rights [...] as stipulated in international declarations and conventions,

Considering that the African Charter on the Rights and Welfare of the Child (ACRWC), adopted in July 1990, entered into force on 29 November 1999 and ratified by Cameroon on 5 September 1997, states in Article 3 that

[e]very child shall be entitled to the enjoyment of rights and freedoms recognised and guaranteed in this Charter, irrespective of the child's or his/her parent's or legal guardian's race, ethnic group, colour, sex, language, religion, political or other opinion, national or social origin, fortune, birth or another status,

Noting that the above-mentioned Protocol to the ACHPR on the Rights of Women (Maputo Protocol), protects the child, in particular in:

- Article 3 on the right to dignity
- Article 4 on the right to life, integrity and security of the person
- Article 5 on the elimination of harmful practices
- Article 12 on the right to education and training
- Article 13 on economic and social welfare rights

Acknowledging that the CRC, at its 40th session, held in Geneva from 12 to 30 September 2005, adopted General Comment No. 7 (2005) on "*Implementing child's rights in early childhood*", which, inter alia, develops Article 34 of the Convention on the Rights of the Child and devotes an entire subsection to "*sexual exploitation and sexual abuse*" of children⁵,

⁵ "Young children, especially girls, are vulnerable to early sexual abuse and exploitation within and outside families. Young children in difficult circumstances are at particular risk, for example girl children employed as domestic workers. Young children may also be victims of producers of pornography; this is covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 2002", CRC, Extract from General Comment No.7(2005) on implementing child's rights in early childhood, (g), p. 18.

Bearing in mind that a combined reading of some human rights instruments relating to civil and political rights and economic, social and cultural rights, together with the Convention on the Rights of the Child, make it possible to come up with the following list of rights of the child:

- the right to have a name, nationality and identity
- the right to health protection and to adequate food and balanced diet
- the right to education
- the right to be safe from violence, maltreatment and all forms of abuse or exploitation
- the right to protection from all forms of discrimination
- the right not to be enrolled in war nor to be subjected to war
- the right to shelter, relief and to enjoy decent living conditions
- the right to relax and play
- the right to freedom of information, expression and participation
- the right to have a family, to be cared for and loved,

Noting that Article 2 (2) of the same Convention requires States Parties to take all appropriate measures to implement all the rights contained therein

Considering that the Declaration of the Rights of the Child sets forth four fundamental principles, namely:

- the principle of non-discrimination
- the principle of the best interests of the child
- the right to life, survival and development, and
- the right to express views that are considered as per their age and maturity⁶,

Noting that the United Nations General Assembly Committee on Social, Humanitarian and Cultural Affairs, at its 78th session on 5 October, *expressed concerns over the situation of children, characterised by the growing number of young victims of armed conflict [...] and the emergence of new threats, particularly in the digital sphere*⁷,

Emphasizing that during the same session, the Special Representative of the Secretary-General for Children and Armed Conflict, Ms Virginia GAMBA, reported that the Commission recorded 27,180 cases of grave violations against children in 2022, including killing, maiming, abduction, attacks on schools and hospitals,⁸ resulting in many children being separated from their families,

Noting that in Israel, 33 children were killed and 30 others taken hostage by Hamas during the attacks they perpetrated in Israel as from 7 October 2023, and that the war that ensued in reprisal caused 4,630 children killed, 9,000 injured and 1,500 others missing in the Gaza

⁶ See <https://www.unicef.fr/convention-droits-enfants/>, accessed on 20 October 2023.

⁷ See UNO, *Third Committee notes that children's rights are diminishing faced to ever growing threats*, <https://press.un.org/fr/2023/agshc4377.doc.htm>, accessed on 7 November 2023.

⁸ *Ibid.*

Strip as at 17 November 2023, according to statistics published by the United Nations Children's Fund (UNICEF),

Noting that over 100,000 children in the Far-North Region⁹ and more than 700,000 children in the North-West and South-West Regions¹⁰ have been affected by armed struggles,

Noting also that, according to the United Nations, "over 855,000 children in Cameroon have been deprived of schooling due to instability in the [North West and South West] regions"¹¹,

Determined to ensure that *the Rights of the Child* are fully promoted, protected and guaranteed to enable the full development of children and foster a culture of harmonious coexistence of children in society,

The Commission commends the efforts of the Government of Cameroon in this respect, in particular

- the official reception of the final phase of the Strategic plan to modernize, restore and equip the Cameroonian Childhood Institution (ICE) in Bétamba, in the Ntui Sub-division, Mbam-et-Kim Division, Centre Region, by the Minister of Social Affairs on 25 January 2022, and
- the effective holding of the Children's Parliament (CP), in the month of June each year since its inception on 16 June 1998, whose main objective is 'to provide children, on a voluntary basis, with an appropriate framework for exercising their rights of expression and participation, according to the United Nations Committee on the Rights of the Child's decision to enshrine children's parliament as one of the best means to fulfill commitments under the UNCRC'¹²;

The Commission also commends Government's political will to complete and strengthen the legal framework for child protection, as reflected in the promulgation by the President of the Republic on 25 July 2009 of Law No. 2023/009 to institute the Charter on Child Online Protection in Cameroon¹³;

The Commission also commends the measures taken by State institutions and their partners to promote and protect children's rights, including:

⁹ Cf. <https://www.unicef.org/press-releases/unicef-calls-immediate-release-abducted-school-children-north-cameroon>, accessed on 7 November 2023.

¹⁰ Cf. <https://reliefweb.int/report/cameroon/violence-impacts-over-700000-children-due-school-closures-cameroon>, consultée le 7 novembre 2023.

¹¹ Cf. <https://www.unicef.org/fr/communiqu%C3%A9s-de-presse/les-attaques-et-les-enlevements-visant-des-enfants-dans-certaines-zones-de-l'Afrique-de-l'Ouest-et-du-Centre-suscitent-des-inquiétudes>, accessed on 7 November 2023

¹² See MINAS, *Parlement des enfants*, <http://www.minas.cm/fr/parlement-des-enfants.html>, accessed on 7 November 2023.

¹³ In his message to the youths on 10 February 2023, the President of the Republic, « *Aware of these threats, [announced that he has] instructed the Government to draw up a charter to guarantee the protection of children on the Internet in our country* », *op. cit.*

- the celebration of the 33rd Day of the African Child on 16 June 2023, coupled with the launching by the Minister of Social Affairs of the first session for 2023 of the National Commission for the Protection of Children in Moral Danger, Delinquent or Abandoned, and
- the official launch on 1 June 2023 at the *Cercle Municipal* in Yaoundé of the series of activities to mark the Third Cameroon Children's Month;

The Commission, for its part, *has carried out several actions* to promote the rights of the child through the issuance of the Press Release on Protecting Child Rights on School Guidance and Counselling, on 26 August 2023, as well as the publication, since 20 November 2022, of statements complemented by visuals to mark:

- African Human Rights Day, 21 October
- Global Handwashing Day, 15 October
- International Day for Universal Access to Information, 28 September
- International Sign Language Day, 23 September
- International Day of Peace, 21 September
- International Day to Protect Education from Attack, 9 September
- African Civil Registration and Vital Statistics Day, 10 August
- International Day of the World's Indigenous People, 9 August
- International Day against Drug Abuse and Illicit Trafficking, 26 June
- World Refugee Day, 20 June
- Day of the African Child, 16 June
- International Day of Female Genital Mutilation, 6 February
- International Day of Education, 24 January;

The Commission observes with dismay that:

- in the regions of Cameroon affected by security issues, particularly in the Far-North, North-West and South-West Regions, serious breach of the rights of children continue to be committed by *Boko-Haram* and secessionist terrorists, namely:
 - o killing and maiming of children
 - o recruitment and use of children by armed groups and gangs
 - o early and forced marriage of children
 - o rape and other forms of sexual violence against children
 - o abduction and sale of children
 - o forced child labour
 - o denial of children's access to humanitarian assistance
 - o attacks on schools and hospitals

- on 30 September 2023, out of 2,198,347 forcibly displaced persons in Cameroon, 477,277 were registered refugees and 1,066,254 internally displaced persons, of whom 55 per cent and 62 per cent respectively were children¹⁴
- these violations have serious consequences for children, such as physical and moral damage, school drop-outs, juvenile delinquency, prostitution, drug use, etc.
- the use of drugs and other psychotropic substances is reaching alarming proportions in our society
- 15-year-olds are affected by the use of drugs and other psychotropic substances, with a 15 per cent higher prevalence in schools
- 90 per cent of sexual violence against young children of both sexes is perpetrated within the family or with friends¹⁵
- over 3,000,000 girls in Cameroon are undereducated or not enrolled in school, mainly in the three northern regions¹⁶
- that approximately 1,000,000 Cameroonian children need protection from violence¹⁷;

The Commission also deplores the upsurge in the phenomenon of child kidnapping with ransom demands in most regions of the country, with negative consequences for the mental and physical health of the victims and their families;

Aware of the new challenges faced by children and their families as a result of armed struggles, including:

- civil status registration
- the protection of children within families against all forms of violence, abduction, early and forced marriage, forced labour
- availability of systematic care services (physical and psychological) for children victims of rape or other forms of violence
- school enrolment for children in general, and girls in particular
- keeping children away from places where drugs and other psychotropic substances are used
- reorganising and resettling the families of refugee and internally displaced children;

¹⁴ Nations Unies – Haut-Commissariat des Réfugiés, *Cameroon : Statistiques des personnes déplacées de force*, publiées en septembre 2023, p. 1.

¹⁵ <https://www.voaafrique.com/a/cameroon-la-justice-pour-les-enfants-victimes-de-violences-sexuelles>, accessed on 7 November 2022]

¹⁶ See <https://www.humanium.org/fr/la-sous-scolarisation-des-jeunes-filles-au-cameroon/>, accessed on 7 November 2023

¹⁷ United Nations, *Cameroon: more than 855,000 children deprived of school by instability in the English-speaking regions* (UNICEF), <https://www.unicef.org/fr/communiqu%C3%A9s-de-presse/les-attaques-et-les-enlevements-visant-des-enfants-dans-certaines-zones-de-l'Afrique-de-l'Ouest-et-du-Centre-suscitent-des-inquiétudes>, accessed on 7 November 2023

The Commission is pleased that during the 42nd Ordinary Session of the African Committee of Experts on the Rights and Welfare of the Child, which took place in Addis Ababa from 6 to 17 November 2023, and during the Universal Periodic Review (UPR) held on 14 November 2023 in Geneva, issues relating to the Rights of the Child were raised, such as:

- the rights to citizenship and nationality, given the low rate of birth registration and the Government's statement on 14 November 2023 during the UPR that 30 per cent of births in Cameroon were not registered in 2022
- the situation of children in prison
- child labour
- female genital mutilation
- child health
- insufficient support for children affected by terrorist attacks
- the low level of school attendance by indigenous children
- the high cost of education and discrimination in access to education between boys and girls and against indigenous children and children from minority ethnic groups
- access to education for internally displaced and refugee children;
- early and forced marriage of children
- the negative impacts of terrorist attacks on education
- the safety of pupils, their parents, teachers and school infrastructure in regions where attacks on education are on the increase
- the phenomenon of drugs in schools and universities
- enrollment of children by terrorist groups
- sale of children
- girls who are victims of violence
- child abuse
- children without parental supervision
- discrimination between children of married and unmarried parents
- low inclusion of the girl child
- the State's failure to deposit instruments of ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- the failure to ratify the UNESCO Convention against Discrimination in Education;

The Commission is also pleased with the signing, on 14 July 2023 at the CHRC Head Office in Yaounde, of a Memorandum of Understanding between the National Human Rights Institution and the Cameroon Child Rights Civil Society Organisations Network (CAM-CRIN), as part of strengthening its actions to protect the Rights of the Child;

The Commission once again condemns, in the strongest terms, the gruesome attack perpetrated by secessionist terrorists on the night of 5 to 6 November in Mamfe, Manyu

Division, South-West Region, which resulted in the death of over twenty civilians¹⁸ (including two children) and extensive material damage;

The Commission firmly condemns any act that aims to violate the fundamental rights of children, in particular all forms of discrimination and violence against them, and ***reiterates its call*** to the public authorities and families to track down and arrest the perpetrators of such acts, as well as acts that have a negative impact on the environment, and bring them before the competent courts;

The Commission makes clear that the resilience of children with special needs should be encouraged and supported through the effective implementation of physical, technical and financial accessibility of public services to this vulnerable group, in particular *through new measures to adjust infrastructure and communication facilities*;

The Commission reiterates its 2022 World Children's Day's recommendations to the Government for the as follows:

- adopt the Oslo Safe Schools in Armed Conflict Declaration to better ensure children's right to education in regions affected by insecurity
- take new exceptional measures to facilitate access to education for internally displaced children in other cities in the country, including those with disabilities, to promote the inclusion of all children;

The Commission further recommends that the Government:

- adhere to the Declaration of the Global Coalition to Protect Education from Attack of 15 November 2015 on Safe Schools already endorsed by 51 States
- speed up the process already underway to draw up a Child Protection Code
- adopt new measures to improve the quality of education and school infrastructure
- strengthen free schooling and equal access to education for boys and girls by adopting the standard of 12 years of genuinely free education, nine of which must be compulsory, including for children with disabilities and in rural or remote areas
- take further practical steps:
 - to ensure the availability of systematic care services (physical and psychological) for children victims of rape or other forms of violence
 - to facilitate
 - issuance of birth certificates, as well as internally displaced and refugee children's access to primary and secondary education in the cities where they live
 - resettlement of families with internally displaced or refugee children and their integration in host cities
 - enrolment of all children in schools, and of young girls in particular, especially in areas of high insecurity

¹⁸ Cameroon Tribune, *Mamfe: Terrorists massacre over 20 in Egbekaw*, accessed on 7 November 2023.

- to keep children away from places where drugs and other psychotropic substances are used
- to take all necessary, appropriate and reasonable measures to further protect children against violations of their rights within the family circle or among friends

The Commission specifically recommends that the Ministry of Social Affairs maintains efforts to raise awareness among parents on the consequences of abandoning children to the streets on their physical and mental health, and on the vulnerability of this group of people in our society, especially in terms of juvenile delinquency, prostitution, drugs and substance use;

The Commission specifically recommends that civil society organizations continue to work towards the promotion and protection of all the Rights of the Child;

The Commission recommends that parents be ever more vigilant about their children, especially in the family circle and among friends, where most of the rape and all forms of violence against children happen;

The Commission reiterates its appeal to the armed terrorist and secessionist groups active in the Far North, North West and South West regions to lay down their arms so that every child can enjoy all his or her rights, including the

- right to life, liberty and security of person
- the right to be protected from all forms of physical and psychological violence, sexual abuse, exploitation, abduction and enrollment as a soldier
- right to health
- right to education;

The Commission, for its part, will spare no effort to continue to promote and protect all the Rights of the Child through training workshops, awareness-raising campaigns, advocacy, fact-finding missions, the handling of complaints or self-initiated investigations and, in the context of the prevention of torture, through visits to all places of detention;

The Commission also urges any victims or witnesses of human rights violations, and of the Rights of the Child in particular, to contact it through its **toll-free number 1523** (it is free of charge, no need for airtime).

Yaoundé, **20 NOV 2023**

Contact the CHRC at:

Website: www.cdhc.cm

Facebook and X (former Twitter) accounts: Cameroon Human Rights Commission

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