



RECEPTION OF CHILDREN ON THE MOVE IN CAMEROON

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Abbreviations

AU	African Union
AUC	African Union Commission
ACRWC	African Charter on the Rights and Welfare of the Child
ALDEPA	Action Locale pour un Développement Participatif et Autogéré
CAED	Center for Evaluation and Development
CCPC	Cameroon Criminal Procedure Code
CPC	Cameroon Penal Code
DAFI	Deutsche Akademische Flüchtlingsinitiative Albert Einstein (Albert Einstein German Academic Refugee Initiative)
FGM	Female Genital Mutilation
HCT	Humanitarian Country Team
HRP	Humanitarian Response Plan
ICRC	International Committee of the Red Cross
IDTR	Identification, Documentation, Tracing and Reunification
IHL	International Humanitarian Law
MINAS	Ministère des Affaires Sociale (Ministry of Social Affairs)
NEPAD	New Partnership for Africa's Development
RSD	Refugee Status Determination
RCM	Regional Coordination Mechanism
TLPS	Temporary Learning and Protection Spaces
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UASC	Unaccompanied and Separated Children

Reception of Migrant Children in Cameroon

Introduction

The protection of migrant children's rights is within the framework of the United Nations (UN). Cameroon, a state party to the UN since 1960, has shown commitments through her reception of migrants in general, and children, in particular. The rights of migrant children enshrined both in international and regional instruments have been incorporated in Cameroon's domestic Laws. However, with an increase in the number of migrant children in Cameroon, the Government often finds it difficult to separate children from the rest of the migrant population which makes it difficult for them to be treated as children.

Many migrant children are raised as refugees with the hope of returning to their countries of origin someday. They face countless problems in the receiving country, the communities and sometimes in families in which they find themselves. Some of them live in secluded areas with little or no security, some are victims of trafficking, xenophobia, female genital mutilation, child marriage, physical and mental exploitation and some are forced to join rebel groups (Boko Haram) or become child prostitutes. Due to lack of expertise in the identification of migrant children, they are sometimes detained in the same facilities as adults on suspicion of having worked with Boko Haram.

Migrant children have rights like everyone, additional rights as refugees and special rights as children. With this in mind, the Cameroon government, due to lack of infrastructure and expertise, works in close collaboration with the United Nations High Commissioner for Refugees (UNHCR) and other agencies. The UNHCR, still in charge of coordinating the protection and assistance for persons of concern, works in close collaboration with the following partners:

- **Governmental Partners:** Ministries of Youth and Civic Education, Social Affairs, the National Employment Fund, External Relations, Territorial Administration, Women's Empowerment and the Family, Public Health, Justice, Basic Education, Economy, Planning and Regional Development.
- **Implementing Partners:** African Humanitarian Action, African Initiative for Relief and Development, Catholic Relief Services, FAIRMED, International Federation of the Red Cross, International Medical Corps, Plan International, Lutheran World Federation
- **Operational Partners:** ICRC, Adventist Relief Agency, ASOL, Red Deporte, Solidarite Internationale and Care International¹

¹ UNHCR Cameroon Fact Sheet-July 2020, available at:
<https://reporting.unhcr.org/sites/default/files/UNHCR%20MCO%20Cameroon%20Factsheet%20-%20JULY%202020.pdf>

UNICEF's country programme is based on four categories; preventing and responding to the violent exploitation of children, increasing access to basic services, building a protective environment, supporting community peacebuilding and strengthening emergency preparedness and response system.²

The Ministry of Social Affairs (MINAS), in collaboration with its National and International partners, ensures the protection of vulnerable children (street children, child victims of trafficking and sexual exploitation, children living with HIV/AIDS, abandoned children and children with disabilities).

Though Cameroon has ratified many legal instruments on the rights of the child and has incorporated them into her domestic law, these rights are still being violated and more is expected from the government in protecting the rights of all children in Cameroon and migrant children in particular.

1. The Application of International Law in Cameroon

To better understand Cameroon's legal system, it's worthy to note that, Cameroon has a complex legal system due to its history of colonization. There are two legal systems which coexist in Cameroon namely; the Civil and Common law, and they are often at odds with each other. The English Common Law operates in the two English-speaking regions of Cameroon while the French Civil Law operates in the eight French-speaking regions. Cameroon's complex legal system has led some scholars to term Cameroon as "two different countries in one."³ When both legal systems intertwine, the outcome is a mixed jurisdiction; nonetheless, Section 8(1) of the 1972 judicial organisation ordinance states that judicial orders and decisions from both legal systems are enforceable throughout Cameroon, meaning a judicial decision made in a district is enforceable in another.⁴

Cameroon, a country previously known for its safety and humanitarian obligations towards refugees residing in its territory is surrounded by neighbouring countries facing internal conflicts. Since 2016, Cameroon itself has been dealing with internal conflicts and humanitarian crises. In 2020, the Humanitarian Needs Overview (HNO) identified 3.9 million people in need of Humanitarian assistance and eight out of the country's ten

² Ibid 1,pg2

³ Charles Manga Fombad, An Experiment in Legal Pluralism: The Cameroonian Bi-Jural/Uni-Jural Imbroglia, 16, U.Tas.L.Rev.209, 211(1997); available at: <http://www.austlii.edu.au/au/journals/UTasLawRw/1997/14.pdf>

⁴ Henry, Samuelson & Co, 'The Force of the Cameroon Legal System', Para. III; available at: <https://www.hg.org/article.asp?id=7156>

regions are facing one of the three parallel humanitarian crises with different causes and consequences:⁵

First is the Far North region affected by the Boko Haram related armed conflict; second is the humanitarian crisis in the Eastern Regions of Cameroon, home to refugees from the Central African Republic and the third is the socio-political crisis in the South West and North West regions with reports of human rights violations, destruction of properties, arbitrary arrest and extra-judicial killings.⁶

Despite these crises, Cameroon still serves as a haven for refugees, who mainly come from the Central African Republic, Nigeria and Chad.

As of May 2021 (UNHCR), there was an estimate of 1,948,495 people of concern in Cameroon. People of concern included 443,918 refugees; 5,878 Asylum seekers, 711,056 IDPs in the North West and South West Regions of Cameroon (English speaking Regions); and an estimate of 321, 886 IDPs from the Far North region. ⁷

However, the UNICEF situation report in February 2021,⁸ shows that, due to the ongoing armed conflict in the North West and South West Regions of Cameroon, the number of people in need has increased from 2017 to 2021 to 6.2 million while children in need of humanitarian assistance have increased to 3.2 million.⁹ Violence across the border regions of Cameroon, Chad and North-East Nigeria has triggered mass population movement across borders and children are bearing the brunt of the crisis. More than 51% of refugees are children¹⁰ and with the dramatic rise in violence, schools are being attacked,¹¹ children abducted and some of these children are recruited and

⁵ Cameroon Humanitarian Response Plan(March 2020), available at:

<https://reliefweb.int/report/cameroon/cameroon-humanitarian-response-plan-march-2020>

⁶ Cameroon Humanitarian Response Plan(March 2020), available at:

<https://reliefweb.int/report/cameroon/cameroon-humanitarian-response-plan-march-2020>

⁷ UNHCR Operational Portal Refugee Situations, available at: <https://data2.unhcr.org/en/country/cmr>

⁸ UNICEF Humanitarian action for children, available at: <https://www.unicef.org/media/87976/file/2021-HAC-Cameroon.pdf>

⁹ UNICEF Cameroon Humanitarian Situation Report, available at:

<https://www.unicef.org/media/87976/file/2021-HAC-Cameroon.pdf>

¹⁰ UNHCR Cameroon-Operational Dashboard: 2020 Indicators Monitoring, available at;

<https://reliefweb.int/sites/reliefweb.int/files/resources/75672.pdf>

¹¹ Boko Haram hits north Cameroon schools; available at: <https://reliefweb.int/report/cameroon/boko-haram-hits-north-cameroon-schools>

used as suicide bombers.¹² A vast majority of refugees live in host communities putting an additional burden on the overstretched education, social services, and health systems.

In Cameroon, Refugee status determination is still conducted by the UNHCR, pending transfer to the Eligibility and Appeals Commission. The UNHCR coordinates protection and assistance for people of concern and works in collaboration with the Government of Cameroon, Implementing Partners, Operational Partners, UN Agencies and Operational Coordination.¹³

1.1. Status of International treaties in Cameroon domestic law

The status of international law in Cameroon is incorporated through a set of laws.

Paragraph 4 of the revised 2008 Constitution of Law No.2008/001 of 14 April 2008 to amend and supplement some provisions of Law No.96/6 of 18 January 1996 to amend the constitution of 2 June 1972,¹⁴ shows the country's commitment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples Rights and all duly ratified international conventions relating thereto. Article 65 makes the preamble legally binding as it provides that, "the preamble shall be part and parcel of this constitution."

However, the muddle is created by Article 45 of the preamble, which states that:

*"Duly approved and ratified treaties and international legal agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement."*¹⁵

¹² Josiane Kouagheu-Children strapped with explosives kill nine in north Cameroon; available at:<https://www.reuters.com/article/us-nigeria-security-cameroon-idUSKBN18T19C>

¹³ UNHCR Cameroon MCO, July 2020,pg 2, available at: <https://reporting.unhcr.org/sites/default/files/UNHCR%20MCO%20Cameroon%20Factsheet%20-%20JULY%202020.pdf>

¹⁴ Para.4 pg. 4 of the Cameroon Constitution, available at: <http://africaagenda.org/wp-content/uploads/2012/04/Const.ofCameroon2008.pdf>

¹⁵ Article 45 pg. 36 of the Cameroon Constitution

The Phrase “*provided the other party implements the said treaty or agreement,*” is a derogation not to comply with international treaties to which it is a member state, as it does not clearly define who “the other party” is; Meaning, in the absence of the court’s jurisprudence, it is unclear how the provision can be interpreted and applied, notably in the context of multilateral agreements.

The nationality Code Law, Article 3, states;

*“Provisions regarding nationality contained in international treaties or agreements duly ratified and published, shall have effect in Cameroon even though contrary to the provisions of Cameroon internal legislation.”*¹⁶

The Penal Code, Article 2(1) states;

*“This Code and every provision of criminal Law shall be subject to the rules of International Law and all treaties duly promulgated and published.”*¹⁷

Cameroon uses a monist approach in the application of International Law, meaning, all international treaties duly approved and ratified and published by Cameroon automatically become part of the National Law.¹⁸

1.2. Ratified International Treaties

Due to the vulnerability of children, migrant children share universal rights with all people, additional rights as children and special rights as refugees. Concerning migrant children, Article 22 of the Convention on the Rights of the Child emphasises that *state parties to the convention will take appropriate measures to ensure that children seeking refugee status will receive both humanitarian assistance and protection.* With full knowledge of the importance attached to migrant children, Cameroon has ratified most of the important international Human Rights instruments adopted by the United Nations. Regarding the rights of “migrant” children, Cameroon has ratified the following among others:

¹⁶ Article 3, Law No.1968-LF-3 of the 11 June 1968 to set up the Cameroon Nationality Code, 1968-LF-3, 15 July, 1968, Available at: <http://www.refworld.org/docid/3ae6b4db1c.html>

¹⁷ Article 2(1), Law No.2016/007 of July 12, 2016, relating to the Penal Code, available at: <https://www.tobaccocontrollaws.org/files/live/Cameroon/Cameroon%20-%20Penal%20Code.pdf>

¹⁸ Article 45 of the Cameroon Constitution

A. International Legal Instruments relevant to migrant children

- The 1951 Convention relating to the status of refugees on the 23 October 1961 and its 1967 Protocol on 19 September 1967.¹⁹
- The 1990 UN Convention on the Rights of the Child ratified in November 1993.
- Convention No.138 of the ILO Minimum Age for Admission to Employment, 14 April 1998,
- Convention No.182 on the Worse Forms of Child Labour, on 27 May 2002,
- Supplementing the UN Convention of 15 November 2000 Against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, on February 6, 2006.
- On October 5 2001, Cameroon signed the two optional protocols to the CRC on the involvement of children in Armed Conflict²⁰ and the Sale of Children, Child Prostitution and Child Pornography²¹, with the former ratified on 4 February 2013. Unfortunately, Cameroon has not signed nor ratified the Third Optional Protocol on a Communication Procedure.
- The 1987 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was ratified on 19 December 1986,²²

B. Regional Instruments relevant to migrant children in Cameroon

- African Charter on Human and Peoples' Rights, ratified by Cameroon on 20 June 1989,²³
- African Charter on the Rights and Welfare of the Child ratified on 5 September 1997 and,²⁴

¹⁹ See "Ratification of International Human Rights Treaties –Cameroon", University Of Minnesota, Human Rights Library.

²⁰ United Nations, 11b Optional Protocol to the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000, status as at 29 June, 2005

²¹ United Nations, 11 c Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 May 2000, status as at 29 June 2015

²² UN General Assembly, Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : resolution / adopted by the General Assembly., 4 December 1986, A/RES/41/134, available at: <https://www.refworld.org/docid/3b00f00030.html>

²³ African Charter on Human and Peoples' Rights, Available at, <https://www.achpr.org/ratificationtable?id=49>

²⁴ African Charter on the Rights and Welfare of the Child, Available at, <https://www.acerwc.africa/ratifications-table/>

- The AU Convention Governing Specific Aspects of Refugee Problems in Africa on 7 September 1985.²⁵

International laws are incorporated into Cameroon national law by ratification as stated in the Constitution of Cameroon. The above international and Regional legal instruments have been directly incorporated into Cameroon domestic law.

1.3. Interpretation of the Principle of “best interest of the child” in Cameroon domestic law

Pending the adoption of the draft of the Child Protection Code and the draft of the Code for Persons and Family, that was merged to produce the Civil Code, a child is defined as “every human being below the age of 18 years unless, under the law applicable to the child, maturity is attained earlier”.²⁶

However, in Cameroon, the principle of “best interest of the child” is interpreted through a set of legislations and regulations as seen below.

A. The Cameroon Constitution

Pending the adoption of the Civil Code, a child is defined as any human being below 18 years. The Cameroon Civil Code in its Article 488 sets the age of maturity at 18, Article 52-1 of Order No. 81/02 of June 1981 on the Organisation of the Civil Registry sets the age of marriage at 15 years for girls and 18 years for boys while, Criminal Law Article 80(4) sets the age of maturity at 18.

The word “child” is only mentioned once in the Cameroon Constitution, to the right to education; that notwithstanding, the preamble is part of the constitution, hence the rights set forth have full constitutional strength. As regards the principle of the best interest of the Child outlined in Article 3 of the Convention on the Rights of the Child, based on this provision, the preamble of the Cameroon Constitution states that the

²⁵ AU Convention Governing Specific Aspects of Refugee Problems in Africa, Available at, <https://au.int/sites/default/files/treaties/36400-sl-OAU%20Convention%20Governing%20the%20Specific%20Aspects%20of%20Refugee%20Problems%20in%20Africa.pdf>

²⁶ UN Committee on the Rights of the Child, Pg. 10, Para.53; available on word docx, <https://reliefweb.int/report/cameroon/committee-rights-child-examines-report-cameroon>

*“nation shall protect and promote the family as a natural foundation of the society,”*²⁷ and concerning education, the preamble affirms that, *the state shall guarantee the child's right to education, primary education shall be compulsory.*²⁸

The principle of the best interest of the child is also applied in Cameroon through a set of criminal, civil, social and administrative provisions.

B. **Substantive Law.** On criminal matters, Chapter V of Book II of the Penal Code²⁹ punishes offences against children and their families. These offences are found in the following sections: S.342 (slavery and bondage), S.343 (prostitution), S.344 (Corruption of minors), S.346 (public indecency in the presence of a minor aged below 16), S.349 (abuse of weaknesses), S.350 (child abuse), S.352 (kidnapping of minors) S.353 and S.354 (idnapping involving fraud and violence, S.356 (forced marriage), S.357 (excessive dowry requirement), S.358 (dissertation of the home), S.360 (incest).

C. **Procedural Issues.** Regarding procedural issues, special measures have been taken throughout the penal code (Chapter II Principal Penalties)³⁰ to protect the child's best interest during the preliminary investigation, trial and sentencing. Article 27 (2) of the Penal Code states that a pregnant woman or a woman who has just delivered and has been sentenced, may start serving her imprisonment six weeks after the birth of the child. Article 27 (4) further states that, where a couple (husband and wife) has been sentenced to imprisonment, for the same or different offences, and they show that they have a common residence and a minor below eighteen years who is under their care, the sentence of one will be suspended until the other's sentence is completed. Section 720 of the Cameroon Criminal Procedure Code and Ordinance No.58/1301 of 23 December 1958³¹ state that where a minor who is below eighteen is being prosecuted

²⁷ Article 16(3) of Law No.96-06 of 18 January 1996 to amend the constitution of 2 June 1972, Constitution and Preamble of the Republic of Cameroon, pg. 36 available at: [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/162d151af444ded44125673e00508141/7e3ee07f489d674dc1256ae9002e3915/\\$FILE/Constitution%20Cameroon%20-%20EN.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/162d151af444ded44125673e00508141/7e3ee07f489d674dc1256ae9002e3915/$FILE/Constitution%20Cameroon%20-%20EN.pdf)

²⁸ Cameroon Constitution: Article 26, pg. 38

²⁹ Law No. 2016/007 of 12 July 2016 relating to the Penal Code (Cameroon), available at, <http://fakoamerica.typepad.com/files/law-relating-to-the-penal-code.pdf>

³⁰ Ibid 29

³¹ UN Committee on the Rights of the Child (CRC): Cameroon, 26 March, 2001, CRC/C/28/Add, 16,Para.35(b) Available at: <https://www.refworld.org/docid/3cb439864.html>

for an offence, he/she should be tried in chambers to avoid the public nature of the proceedings which may be detrimental to him/her. Sections 700-703 of the Cameroon Criminal Procedure Code lay down measures to be taken during the Prosecution and trials of juveniles.³²

D. **Civil matters.** The Cameroon Civil Code in its Article 303 concerning the child's custody states that, in a case where a couple decides to separate, the child will reside with the parent who is best suited to assume such custody and the child's alimony or support fee will be ordered for the child's upkeep and education.³³ Article 1384, of the Civil Code, relates to the child's custody where parents are held liable or are responsible for any offence or loss caused by their children.³⁴ In case of adoption, it must be for the child's best interest, the (adoptee). The "réserve héréditaire" or "the reserved portion" states that three-quarters of the deceased estate must be reserved for the children.

E. **Social Matters:**

Specific measures have been set up to ensure the best interest of the child in social matters; these are primarily related to the conditions and terms for hiring young people and the type of work to be performed.

- Ministerial Order No.17/MTLS/DEGRE of 27 May 1969³⁵ regarding child labour, outlines that a, '*working day in an industry is 8 hours at most with rest period for at least one hour a day for minor below sixteen.*' Children are also barred from carrying out difficult tasks that could be detrimental or dangerous to their health or morals.³⁶ Breastfeeding mothers and pregnant women are issued special leave to take care of their children³⁷.

³² Cameroon Criminal Procedure Code

³³ Code Civil Camerounais , available at:

<http://www.mintp.cm/uploads/Textes%20Généraux/TEXTES%20PORTEE%20GENERALE/CODE%20CIVIL%20CAMEROUNAIS.pdf>

³⁴ Article 1384, Civil Code

³⁵ UN Committee on the Rights of the Child: State Party Report: Cameroon , 26 March

2001, CRC/C/28/Add.16,Para.37, available at: <https://www.refworld.org/docid/3cb439864.html>

³⁶ Article 87(2) Cameroon Labour Code

³⁷ Article 85 Cameroon Labour Code

- Article 86 of the Labour Code states that any child below 14 years should not be employed unless otherwise, exemptions can be granted taking into consideration the circumstances surrounding the child and the type of work to be done.
- Ministerial Order No.16.MTLS/DEGRE of 27 May 1969³⁸ contains a list of jobs not to be performed by minors.
- Article 82 of the labour code prohibits children from working at night while Article 90 grants two and a half days per month annual leave to minors.³⁹

F. Administrative Matters:

A set of bodies have been put in place to make sure that the best interest of the child is protected, they are;

- The National Commission for the Protection of Children at Risk, Juvenile Delinquent and Abandoned Children,
- The National Committee to Combat Drug Abuse,
- The National Committee for the Social and Economic Rehabilitation and Reintegration of Disabled Persons,
- The National Prison Administration Commission,
- The National Commission on Health and Safety at work,
- The Technical Committee to Monitor the Implementation of International Human Rights Instruments

G. Health: Regarding health issues, priority is given to children through maternal and child health activities which include inter alia, training and other educational activities to improve their health and nutrients with special emphasis on vaccinations, good hygienic conditions, prevention of transmissible diseases like HIV and monitoring of pregnancies.

³⁸ UN Committee on the Rights of the Child: State Party Report: Cameroon , 26 March 2001, CRC/C/28/Add.16,Para.37: available at: <https://www.refworld.org/docid/3cb439864.html>

³⁹ Articles 82-90, Labour Code, Law No.92/007 of 14 August 1992, Available at: <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm>

Apart from the above legal framework, other measures have been taken by the Government of Cameroon and its partners to undertake the following actions. The programme which was signed on the 5th of November 2002 was built according to the rights approach and takes into consideration the age of children, some of which are:⁴⁰

- Adoption of a (renewable) cooperation convention plan between UNICEF and the Government of Cameroon, comprising of five major programmes: (Basic Education, child protection, child survival, children and HIV/AIDS, social and partner policies.);⁴¹
- Adoption of act 97/009 on 10 January 2001 on combatting torture;⁴²
- Decree 2001/109 of 20 March 2001 on the organisation and functioning of public institutions that supervise minors and rehabilitate social misfits;⁴³
- Development of the International Programme on the Elimination of Child Labour (IPEC).⁴⁴
- The West African Cocoa Agriculture Project(WACAP) and the LUTRENA Project on combating child trafficking

1.4. Definition of Unaccompanied and Separated Children

The Cameroon Constitution guarantees that “*duly approved or ratified treaties and international agreements shall, following their publications, override national laws, provided the other party implements the said treaty or agreement.*” Cameroon has ratified most of the international legal instruments relevant to the protection of refugees and children. To reinforce its commitment, Cameroon adopted Law No.2005/006 of 27 July 2005 relating to the status of refugees in Cameroon.⁴⁵

Regarding the definition of Unaccompanied and Separated Children, Cameroon is a signatory to both the Refugee Convention, the International Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. Though the Cameroon 2005 Refugee law does not define who an unaccompanied or separated child is, it makes mention of

⁴⁰ Cameroon: Initial Report on the Implementation of the African Charter on the Rights and Welfare of the Child, pg. 13-15.

⁴¹ Ibid 40

⁴² Ibid 40

⁴³ Ibid 40

⁴⁴ Ibid 40

⁴⁵Law No.2005/006 of 27 July 2005 relating to the Status of Refugees in Cameroon, Available at, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/77555/118120/F-1511175348/CMR-77555.pdf>

the word ‘*unaccompanied children*’ and clearly states in its Article 1 that, the 2005 refugee law is intended to “*define the status of refugees in Cameroon and is applied without prejudice to the international and regional conventions ratified by Cameroon.*”⁴⁶ Though Cameroon accedes to all international and regional conventions to which it is a state party, it does not fully comply with the requirements in the definition of “unaccompanied children”.

Even though the new draft Civil Code intends to define “a Child” as any human being below the age of 18 years, the fact that age of maturity varies, for example, concerning marriage (15 years for girls and 18 years for boys), voting (20 years), civil maturity (21 years) and different communities having different perceptions in the definition of a child, is a legal derogation from the definition of a child.⁴⁷

2. Reception of Migrant Children in Cameroon.

While waiting for relevant refugee management structures to be put in place as per Art. 16 of Law No. 2005/006 of 27 July 2005 concerning Refugees status and Decree No.2011/389 of November 2011,⁴⁸ UNHCR continues to carry out registration and Refugee Status Determination (RSD) procedures in Cameroon.

Regarding the UN mandate in Cameroon, the United Nations General Assembly by Resolution 32/197(20) of 20 December 1977 decided that regional commissions should take leadership and responsibility in boosting coordination and cooperation of UN activities at the regional level.⁴⁹ UNICEF, through the provision of human, technical and financial support to the African Union Commission (AUC) and New Partnership for Africa’s Development (NEPAD)

⁴⁶ Emmanuel Eloundou Mbua, ‘Law 2005/006 of 27 July 2005 Relating to the Status of Refugees in Cameroon, An Additional Hurdle or a Major Step Forward to Refugee Protection’: *Journal Of Law, Policy and Globalization*, Vol.38, 2015, p.68.

⁴⁷ UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: State Party Report: Cameroon*, 26 March 2001, CRC/C/28/Add.16, pg. 16, Para.19, available at: https://www.refworld.org/publisher_CRC,,CMR,3cb439864,0.html

⁴⁸ National Legislative Bodies / National Authorities, Cameroun: Décret No. 2011/389 du 2011, Organisation et fonctionnement des organes de gestion du statut des réfugiés au Cameroun., 29 November 2011,available at: <https://www.refworld.org/docid/4f0efbf2.html>

⁴⁹ Resolution adopted by the General Assembly 32/197. Restructuring of the economic and social sectors of the United Nations System; available at: <http://www.un-documents.net/a32r197.htm>

through the Regional Coordination Mechanism for Africa (RCM-Africa), has been championing children's programmes especially in areas of nutrition, security, child marriage, health and social protection. Emergency response to refugees in Cameroon is coordinated by UNHCR in collaboration with the Cameroon government, while UNICEF is active in the fields and central levels in sectoral and multi-sectoral coordination.

The Ministries of Social Affairs (MINAS) and Women's Empowerment and the Family (MINPROFF) work in close collaboration with the UNHCR and UNICEF in protecting minority and vulnerable groups such as refugees, women and children. MINAS protects the rights of aged persons, children as well as the handicapped and fights against exclusion.

2.1. Initial Evaluation

Once in Cameroon, Unaccompanied and Separated Children are examined individually, while accompanied children benefit from the status given to the head of the family. UNICEF has signed agreements with NGOs, and trained government social workers for the 'Identification, Documentation, Tracing and Reunification (IDTR)' of Unaccompanied and Separated minors and on child protection and social mobilisation,⁵⁰ carried out in child-friendly spaces.

The UNHCR in collaboration with governmental departments is responsible for carrying out registration procedures and Refugee Status Determination (RSD) while preparing to formally hand over responsibilities to the government. The UN Committee on the Rights of the Child, states that the definition of the term refugee "*...must be interpreted in an age and gender sensitive manner...*" which means, consideration should be given to women and children. In this case, unaccompanied children are given special consideration⁵¹ and as outlined in Article 6(2) of the 2005 Refugee Law, *all Unaccompanied Children subject to necessary verifications, shall benefit from the status of refugee*,⁵² this means all unaccompanied minors and separated children are automatically granted refugee status upon verification. During the auditioning of

⁵⁰ UNICEF, Cameroon Humanitarian Situation Report, May-June 2016, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Cameroon%20Humanitarian%20Sitrep%20-%20August%20%202016.pdf>

⁵¹ See CRC, General Comment No.6, paras.7-8. See also, UNHCR, Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum, Geneva, 1997, p.5, paras.3.1-3.2.

⁵² Article 6(2) of the 2005 Refugee Law

unaccompanied children, the presence of a social worker is essential,⁵³ and an interpreter is provided in case the child does not understand the language.⁵⁴

2.2. Establishment of Identity/Age Assessment

Concerning age assessment of migrant children, the UN Committee on the Rights of the Child lays down rules to be applied when the age of a child is contested. Article 3 stipulates that, all actions with regard to children undertaken either by public or private social welfare institutions and other bodies should be for the best interest of the Child. Art. 12 further states that member States should inform the child that he or she has the right to form their views and express them freely without any discrimination.

The UN Committee on the Rights of the Child, Joint General Comment 3/22 provides that: “*anyone claiming to be a child should be treated as such.*”⁵⁵ This means the benefit of the doubt principle must be applied and the child must be treated as such throughout the age assessment procedure.

With regard to age assessment of minors in Cameroon, Section 702(3) of the Cameroon Criminal Procedure Code regarding judicial placement of children in conflict with the law provides that “*measures of custody of a minor shall be taken in the best interest of the minor and may be cancelled or changed at any time.*”⁵⁶

UNICEF has gained a better understanding of the risk concerning the “*Identification, definition and profiling by the government of children associated with armed groups*”⁵⁷ like Boko Haram.

⁵³ Article (9)5 of Decree No. 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee Status Management Organs, p. 58, available at:

<http://www.ohchr.org/Documents/Issues/Women/WRGS/RelatedMatters/OtherEntities/CREDTexesLegislatifs.pdf>

⁵⁴ Article 9(4) of Decree No. 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee

⁵⁵ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22, Para 32(h); available at:

<https://www.refworld.org/docid/5a1293a24.html>

⁵⁶ Cameroon Criminal Procedure Code, Section 702

⁵⁷ UNICEF, Sub-Regional Child Protection Strategy for Cameroon, Chad, Niger and Nigeria, 4 November 2015, available at:

By Resolution 57/2 and 57/7 of 16 September and 4 November 2002 of the United Nations General Assembly⁵⁸ through the Regional Coordination Mechanism for Africa (RCM-Africa),⁵⁹ UNICEF has provided technical assistance for the protection of civilians to come up with a document “reflecting *child rights based on the prevention and identification of children allegedly involved in armed groups*”⁶⁰ UNICEF has been providing age verification methodology training in Niger, Cameroon and Chad. Due to lack of verified data and a systematic procedure for the handing over, transit and support of children associated with armed groups, UNICEF has been advocating for developmental and implementation “handover protocols” in Cameroon, Nigeria, Chad and Niger (Lake Chad Basin) for children encountered during military operations.⁶¹ The protocol will facilitate the identification, age assessment and the rapid transfer of children from a military to a civilian environment. Through coordinated meetings with social welfare, the ministry of Justice and other stakeholders, in Nigeria, Cameroon, Niger and Chad, UNICEF keeps on reinforcing the understanding of the plight of these children affected by ongoing conflicts, especially those detained. It also promotes a response based on child protection, family reunification and community-based integration as opposed to punitive measures.⁶²

Nonetheless, section 703 of the Cameroon Criminal Procedure Code states that where the age of a minor is unknown, his or her age will be determined by a medical officer through the issuance of a medical record stating his apparent age. In Cameroon, Age assessment of minors is usually undertaken as a last resort and is carried out on children in detention on suspicion of being associated with Boko Haram. This is carried out by UNICEF through Age Assessment Verification training in Cameroon.

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/external_note_sub-regional_nigeria_cp_strategy_review_and_future_priorities_oct_2015_final.pdf, pg.2(5)

⁵⁸UN support to AU and its NEPAD Programme, available at: <https://archive.uneca.org/regional-coordination-mechanism/pages/about-rcm>

⁵⁹ Regional Coordination Mechanism for Africa, available at: <https://archive.uneca.org/regional-coordination-mechanism/pages/about-rcm>

⁶⁰ UNICEF, Sub-Regional Child Protection Strategy for Cameroon, Chad, Niger and Nigeria, 4 November 2015

⁶¹Silent Shame: Bringing out the Voices caught in the Lake Chad Crisis, p. 23.

⁶² UNICEF, Sub-Regional Child Protection Strategy for Cameroon, Chad, Niger and Nigeria, 4 November 2015

Decree No. 2016/373 of 4 August 2006 and Decree No. 2007/255 of 4 September 2007 provide for the issuance of refugee identification cards,⁶³ the Cameroonian government since 1994 stopped issuing identity cards to refugees and to asylum seekers and recognizes the refugee identification card issued by the UNHCR to refugees and asylum seekers above 18 years in accordance with Article 9 of the 2005 Refugee Law. This card helps refugees and asylum seekers to have a legal stay in the country.⁶⁴ Efforts are being made for unaccompanied and separated children to be issued identity documents so as to ease access to basic social services.

2.3. Migrant Children Victims of Trafficking

Cameroon is not a state party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction; however, it is a member state to the UN Convention Against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

Laws protecting all children including migrant children against trafficking in Cameroon are;

- Law No. 2005/015 of 29 December 2005 relating to the Fight against Child Trafficking and Slavery⁶⁵;
- Law No. 2011/024 of 14 December 2011 relating to the Fight against Trafficking in Persons and Slavery.⁶⁶
- Article 151 of the Penal Code prohibits all forms of Trafficking in persons and five to ten years imprisonment for perpetrators.

Cameroon law No.2011/024 of 14 December 2011 on the Fight against Trafficking in Persons defines “trafficking in persons” to involve movement while the definition of “slavery in persons” does not involve movement but criminalises most forms of human trafficking.⁶⁷

⁶³ UNHCR: Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights’ Compilation Report Universal Periodic Review: 3rd Cycle, 30th Session REPUBLIC OF CAMEROON, pg. 5

⁶⁴ <https://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23516/23922>

⁶⁵ Law No.2005/015 of 29 December 2005 relating to the Fight Against Child Trafficking and Slavery, available at:

https://sherloc.unodc.org/cld/document/cmr/2005/law_n_2005_015_of_29_december_2005_relating_to_the_fight_against_child_trafficking_and_slavery.html

⁶⁶ Law No. 2011/024 of 14 December 2011 relating to the Fight against Trafficking in Persons and Slavery, available at: <http://www.minjustice.gov.cm/index.php/en/instruments-and-laws/laws/243-law-n-2011-024-of-14-december-2011-relating-to-the-fight-against-trafficking-in-persons-and-slavery>

⁶⁷ Law No.2011/024 14 December 2011 on the Fight against Trafficking in Persons; available at: <http://www.minjustice.gov.cm/index.php/fr/textes-lois/lois/242-loi-n-2011-024-14-decembre-2011-relative-a-la-lutte-contre-le-traffic-et-la-traite-des-personnes>

Law No. 2005/015 of December 29 2005 relating to the fight against child trafficking and slavery, states that for a crime of “slavery in persons” against minors 18 and below to have been committed, the use of force, threat, deception, fraud and other forms of coercion is required to be considered as sex trafficking, a law which is incompatible with International Law⁶⁸ where such requirements are not necessary.

S.4 of the 2011 anti-trafficking law penalizes offenders with a fine of 50.000 to 1 million FCFA and imprisonment of 10-20 years, the same punishments for crimes such as rape. If an offence involves minors 15 years and below, imprisonment is from 15-20 years with a fine of 100,000 to 10 million FCFA.

The 2011 anti-trafficking law is published in English and French with the English version merging both “trafficking in persons” and “smuggling offences” (as defined by IL) as referring to “trafficking in persons” offences. The Cameroon 2016 penal Code in its Article 342 prohibits both “trafficking in persons” and “slavery in persons”.⁶⁹

Unfortunately, Legislation drafted in 2012 which will be used to address victim and witness protection and also to adjust laws that are incompatible with international law remains pending.

Reports from the US Department of State show that Cameroon is on the Tier 2 Watch list⁷⁰ and is a source, transit and destination country for children subjected to forced labour, sex trafficking and organ removal.⁷¹ Border police, aware of the trafficking of children, often demand a parental authorisation for children travelling with adults who are not their parents. Migrant children, especially from the Central African Republic (CAR) and Nigeria, fleeing insecurity, are often vulnerable to trafficking in Cameroon. Reports from the media and international observers show that, Cameroon is a destination for migrant children used as suicide bombers and child soldiers by Boko Haram.⁷² As per the US States reports, foreign business owners lure children from Nigeria, Chad and CAR to Cameroon with the prospect of a better livelihood and opportunities. According to the report, many migrants and Cameroonian

⁶⁸ <https://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx>

⁶⁹Section 342(1) of Law No.2016/007 of 12 July 2016 relating to the Penal Code

⁷⁰ US Department of States, 2018 Trafficking in Persons report, available at:
<https://www.refworld.org/docid/5b3e0b814.html>

⁷¹ US Department of States report,2018

⁷² UNICEF condemns terrorist suicide attack in Cameroon, available at:
<https://www.aa.com.tr/en/africa/unicef-condemns-terrorist-suicide-attack-in-cameroon/2104691>

Children fleeing insecurities from Boko Haram and the instabilities in the English-speaking regions of Cameroon are vulnerable to human trafficking in and out of Cameroon where young people are recruited as child soldiers, suicide bombers and are forced to gather intelligence either for the Cameroon military, Boko Haram or the separatists in the English Speaking Regions of Cameroon. Some children are also forced to work in spare part shops, agricultural and mining sectors, as house servants and also as sex workers.⁷³ According to the US Department of States reports, some government officials are complicit in human trafficking offences. Unfortunately, the government seldom carries out investigations, prosecution and conviction of government officials.

Observers found out sex tourists exploit children in cities like Kribi and Douala with most of the perpetrators coming from Chad, Uganda, Germany, Switzerland, Belgium and Nigeria.⁷⁴ Chinese and Turkish officials facilitate transnational human trafficking by issuing visas to Africans with little or no supervision. Some banks in Cameroon are said to assist criminal networks by allowing the opening of “Ghost” bank accounts for victims who show false income levels and can hence receive visas to travel.⁷⁵

The ongoing crisis in the English-speaking regions and the Boko Haram controlled areas in the Far North hinder official access to some areas. Due to the weak judicial system and lack of sufficient cooperation between NGOs and the government, some NGOs and regional courts encourage victims to settle trafficking cases out of court. According to the 2020 US Department of State report, though the government of Cameroon acknowledges that trafficking of persons is a problem in Cameroon, there are no comprehensive law enforcement statistics and it does not directly provide anti-trafficking training to relevant law enforcement officials, judicial personnel and NGOs who lack training in distinguishing human trafficking from other crimes.

⁷³ US Department of States, 2020 Trafficking in Person report: Cameroon, available at; <https://www.state.gov/reports/2020-trafficking-in-persons-report/cameroon/#:~:text=As%20reported%20over%20the%20past,exploit%20victims%20from%20Cameroon%20abroad.&text=Criminals%20force%20homeless%20children%20and,forced%20labor%20in%20urban%20areas>.

⁷⁴ US Department of States ,2020 Trafficking in Person report

⁷⁵ US Department of States, 2020 trafficking in Person report: Cameroon.

There are no formal policies encouraging child victims to participate in the investigation or prosecution of their traffickers nor does the government provide legal support, counselling or assistance to those who testify during court proceedings.

The Ministry of Social Affairs (MINAS) with assistance from International Organisations have undertaken a national referral system and standard operating procedures to provide guidance, reintegration, psychological, medical and counselling assistance to victims of trafficking. However, most of these victims are identified by NGOs who provide most of these services and most often, foreign victims receive temporary residency status from the government.⁷⁶ In 2018, 104 trafficking victims were identified, 32 of whom were children and were referred to child care facilities where they received care.⁷⁷ The same year, a network of child traffickers responsible for a great number of child abductions in Kiossi-Cameroon was dismantled by security forces.⁷⁸ In 2017 1,100 street children were identified throughout Cameroon by MINAS: 142 of these children were reunited with their families, 23 were placed in government sponsored child care facilities, 40 received vocational training and 19 resumed formal education.⁷⁹

NGOs in collaboration with representatives from social welfare, police, and magistrates conduct grass root awareness campaigns on the radio, television and through community and church leaders and watch groups. MINAS addresses the issue of street children through national awareness campaigns against the trafficking of children while UNICEF and partners carry out community sensitisation sessions in camps and host communities based on community networking on the prevention of family separation, child marriage and child trafficking.

2.4. Application for International Protection

Article 1 of the Cameroon 2005 refugee law stipulates that refugee status applies to all asylum seekers in Cameroon according to international law to which Cameroon is a member state. It

⁷⁶ US Department of States report

⁷⁷ US Department of States Report

⁷⁸ VOA- Cameroon Says It Busted Regional Child Trafficking Ring; available at:
<https://www.voanews.com/africa/cameroon-says-it-busted-regional-child-trafficking-ring>

⁷⁹ US Department of States Report

further states in Article 2 that the definition of a refugee conforms to that defined by the 1951 Geneva Convention on the Status of Refugees and its 1967 protocol and the 1967 OAU Convention Governing specific aspects of refugees in Africa.

On the application for international protection to migrant children, article 23 of the African Charter on the Rights and Welfare of the Child (ACWC), specifically dealing with refugee children, applies. A child seeking refugee status under international or domestic law is considered a refugee irrespective of whether his country of origin is safe or not.

The state has to work in collaboration with international organisations to protect and assist every child and in the case of unaccompanied children, to trace their families.⁸⁰ Unaccompanied and separated children are accorded the same treatment as that given to children deprived of their family environment in Cameroon.⁸¹ They are placed in child-friendly spaces “Interim Alternative Care” as provided by departmental Degree 109 of 20 May 2001⁸², where they receive psychosocial support, education and follow up by social workers.

The 2005 refugee law does not provide any child-specific forms of persecution; however, it outlines various forms of persecution for everyone (including children) as it defines a refugee in paragraph 1 as; *“any person who owing to a well-founded fear of being persecuted for reasons of race, religion or nationality, membership to a particular social group or political opinion, is outside the country of his nationality, and is unable or owing to such fears, is unwilling to avail himself of the protection of that country, or who, not having a nationality and, being outside of his country of former residence as a result of such events, is unable or, or owing to such fears, is unwilling to return to it”*⁸³. The 2005 Refugee Law could be said to have incorporated the elements provided under the Refugee Convention and the OAU Convention in defining “a refugee” with persecution as the main factor which could either be race, religion, nationality, membership of a particular group⁸⁴, or political opinion. However, the second Paragraph extends the definition of a refugee to include *“any person who, owing to an aggression, foreign occupation, foreign domination, or events that seriously undermine public order in either part or all of his country of origin or nationality, is obliged to leave his*

⁸⁰ Article 6(3), 2005 Refugee Law

⁸¹ Article Art 9, 2005 Refugee Law

⁸² INITIAL REPORT ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, pg. 31

⁸³ Section 2 Paragraph 1 Cameroon 2005 Refugee Law.

⁸⁴ 277(1) of Law No.2016/007 of 12 July 2016 Relating to the Penal Code

habitual residence and seek refuge in another place outside his country of origin or nationality.”⁸⁵ In legal terms, by including the phrase “*events that seriously undermine public order*” extends the scope of the refugee definition in Cameroon. It could be said that Cameroon also admits refugees based on their collective circumstances. However, the 2005 Refugee law has incorporated the Refugee Convention and OAU Convention which means the elements of violence and persecution are the key factors defining who a refugee is, in Cameroon.

As noted by the UN Committee on the Rights of the Child, special consideration must be taken in the definition of a refugee. “*It must be interpreted in an age and gender-sensitive manner.....*”⁸⁶. UNHCR’S Executive Committee states that *child-specific forms of persecution could include female genital mutilation, child trafficking, forced or under-aged marriage, just to name a few.* The UN Committee on the Rights of the Child further states that;

“States should, therefore, give utmost attention to such child-specific forms and manifestations of persecution as well as gender-based violence in national refugee status determination procedures.”

Though not mentioned in the 2005 Refugee Law, child specific forms of persecution include victims of forced marriages⁸⁷, female genital mutilation⁸⁸, the killing of albinos⁸⁹, and other forms of child abuse punishable under the Cameroon Penal Code.

When applying for international protection, special consideration is given to unaccompanied and separated children who have gone through the necessary verification.⁹⁰ In cases of accompanied children, recognition of the refugee status of the head of the family will apply to the rest of the family.⁹¹ In the case where an asylum application is denied, an asylum seeker or members of his family may not be sent back or forced to go back to a country where his freedom is threatened.⁹²

⁸⁵ Section 2 Para.2 of the Cameroon 2005 Refugee Law.

⁸⁶ UN Committee on the Rights of the Child, General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children outside Their Country of Origin, CRC/GC/2005/6, Sep. 2005 (hereafter “CRC, General Comment No. 6”), <http://www.unhcr.org/refworld/docid/42dd174b4.html>, para. 74

⁸⁷ Section 356 of Law No. 2016/007 of July 2016 Relating to the Penal Code

⁸⁸ Section 277(1) of the Penal Code

⁸⁹ Section (275) of the Penal Code

⁹⁰ Article 6(2) of 2005 Refugee Law

⁹¹ Article 5 of 2005 Refugee Law

⁹² Article 8(2) of 2005 Refugee Law

2.5. Migrant Children's access to justice

Article 9(5) of Decree No. 2011/389 of 28 November 2011 states that upon the auditioning of an unaccompanied child the presence of a social worker is of vital importance.⁹³ The 2005 Refugee law applies to all without discrimination, and access to justice during the procedures before the Eligibility and Appeal Commissions, as well as the provision of interpreters are free of charge. However, decisions made by both commissions are final and cannot be petitioned before national common law jurisdictions.⁹⁴

Under the Civil code, a child can bring a case to court with the assistance of the parents, guardian or legal representative,⁹⁵ and under the common law system only with the assistance of a representative.⁹⁶ Children scarcely have access to free legal representation, and no specific laws are providing special procedures for child victims. Nonetheless, penalties are more severe for crimes committed against children.

So far, there has been no documentation of refugees receiving legal representation by a lawyer. However, under the 1996 Constitution, everyone has the right to access justice in defending their rights in court and both children and adults receive the same treatment under Cameroonian law. The UNHCR monitors and intervenes in cases concerning refugees and if a refugee or asylum seeker hires an attorney, it is at his/her expense.

That notwithstanding, President Paul Biya in April 2009 enacted a new law on legal assistance stipulating conditions under which legal aid can be provided.⁹⁷

These are;

1. The establishment of a commission to examine and process legal aid applications.⁹⁸

⁹³ *Cameroun: Décret No. 2011/389 du 2011, Organisation et fonctionnement des organes de gestion du statut des réfugiés au Cameroun.*, 29 November 2011, available at: <https://www.refworld.org/docid/4f0efbfb2.html>

⁹⁴ Article 13 of Décret No. 2011/389 du 2011, Organisation et fonctionnement des organes de gestion du statut des réfugiés au Cameroun., 29 November 2011

⁹⁵ Article 389-406 of the French Civil Code

⁹⁶ The law applicable in Anglophone Cameroon is the English Common law applicable in Nigeria under which a child can bring a case to court with the assistance of a legal representative or guardian.

Article 89 Nigeria Child's Rights Act, 2003, available at: <https://www.refworld.org/pdfid/5568201f4.pdf>

⁹⁷ Law No. 2009/004 of 14 April 2009 on the organisation of Legal Aid, available at:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CMR/INT_CEDAW_ADD_CM_13389_F.pdf

⁹⁸ Ibid 97

2. Rights of individuals who cannot afford to appear before the courts would be enforced; likewise, those with a writ or judgement in their favour but due to financial constraint cannot make it to the final stage to make an application for legal aid.⁹⁹
3. Legal aid commissioners are to examine and approve applications for legal aid at all levels of the court, such applications could be made directly to the secretary of the legal aid commission in the right court either in writing or orally.¹⁰⁰
4. The commission has the power to decide the degree of legal aid to be provided to an applicant, either in proceeding or cost.¹⁰¹

However, this state-controlled legal aid commission barely has regular meetings, due to low remuneration for lawyers and unnecessary delays. With a lack of awareness, many people are not aware of the existence of this legal aid commission.

3. Child Protection System

3.1. Guardianship System

There are two types of Alternative Care provided in Cameroon.

The Interim Care and the Permanent Alternative Care with periodic assessment and monitoring of children placed in care. UASC are often placed in Interim care once identified, which could either be shelters owned by NGOs or foster families.

As stipulated in the provisions of Decree No.2001/109/PM of 20 March 2001,¹⁰² the head of a shelter for children in distress or other persons concerned (foster families) where the child has been placed on an interim basis, replaces the parent of the child until the parents are found. Unaccompanied and separated minors are placed in shelters owned by NGOs and in families known as “foster families” within host communities. Foster families are often volunteers who opt to take in UASC, they are evaluated and trained by UNICEF, MINAS and partners and receive humanitarian support from UNICEF. These children receive follow up home visits by

⁹⁹ Ibid 97

¹⁰⁰ Ibid 97

¹⁰¹ Ibid 97

¹⁰² <https://www.universjuridique.com/category/decret-n-2001-109-pm-du-20-mars-2001-portant-organisation-et-fonctionnement-des-institutions-publiques-d-encadrement-des-mineurs-et-de-reeducation-des-mineurs-inadaptes-sociaux/2TF421M0YHCF9XV>

social workers and are enrolled in child-friendly spaces in the camps where they receive psychosocial support. Children who have been associated with armed groups like Boko Haram face rejection from host communities, however, some of these children are taken in by local organisations like the “Institution Camerounaise pour l’Enfance (ICE)” supported by UNICEF, UNHCR and ICRC for family tracing and reunification.

3.2. Appointments of guardians for migrant Children

The upbringing of children in Cameroon is primarily the responsibility of the whole community, with this in mind, drafters of the Civil Code depending on different circumstances, a child could be under the authority of either or both of his/her parents, guardian, or person responsible for him/her in customary law.¹⁰³

Act No. 84/04 of July 4 1984¹⁰⁴ lays down conditions for adoption and guardianship of orphans. The Ministry of Social Affairs is entrusted with guardianship functions in Cameroon,¹⁰⁵ however, in emergencies the local authorities where a child is found have the power to order for the placement of the child in an approved family. The institutional systems and mechanisms for the identification and protection of children are weak in Cameroon in general and in the Eastern and Northern parts of Cameroon in particular.¹⁰⁶

Concerning migrant and other displaced children, UNICEF and partners, including MINAS, seek to increase protective mechanisms within informal and formal networks. UNICEF Cameroon supports the training of social workers and other protection workers who can serve as data collectors; coordinate a structural analysis of identification, reporting, referral and monitoring system in specific provinces; carry out child rights-based training while paying special attention to the needs of UASC, family reunification and identify potential interim care

¹⁰³ Cameroon Civil Code: Chapter II on Guardianship; Articles 389-475 and 389-392

¹⁰⁴ UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: State Party Report: Cameroon*, 26 March 2001, CRC/C/28/Add.16, pg. 34, para.105

¹⁰⁵ Article 1(2) DECRET N° 2001/109/PM DU 20/03/2001 FIXANT L’ORGANISATION ET LE FONCTIONNEMENT DES INSTITUTIONS PUBLIQUES D’ENCADREMENT DES MINEURS ET REEDUCATION DES MINEURS INADAPTES SOCIAUX; available at: http://www.minas.gov.cm/images/Documents/Legislation/decret_n_109.pdf

¹⁰⁶ UNICEF, *Cartographie et Analyse du Système National de Protection de l’Enfant au Cameroun*, Décembre 2014, p. 62, available at: <http://www.cpcnetwork.org/wp-content/uploads/2015/10/Cartographie-Cameroun-version-finale-15-decembre-2014.pdf>

which are local NGOs and foster families.¹⁰⁷ UNICEF in collaboration with MINAS and partners, identify, evaluate, train and support foster families in host communities.¹⁰⁸ Once identified, UASC are referred to UNHCR for documentation and are later on placed in institutions or foster families where they receive follow up home visits by social workers.¹⁰⁹

3.3. Responsibilities and duties of guardians of migrant children

Shelters for distressed children and foster families help ease the integration of migrant children into local communities and provide a safe and protective family environment. Decisions regarding migrant children's legal status and long term solutions are taken care of by UNICEF and MINAS through social care workers who also listen to complaints made by them. As stipulated in Article 9(5) of Decree No. 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee Status Management Organs, the presence of social workers is important during the auditioning of UASC.

3.4. Profile of Guardians

Most guardians (foster families) are individual volunteers or home shelters identified by MINAS or UNHCR who go through thorough screenings and receive training on child protection in emergency and they are responsible for the follow up of children with specific needs. UNICEF has facilitated the establishment of a child protection committee with the participation of other key child protection organisations where training takes place.

3.5. Child Bride

In Cameroon, the minimum age for marriage is 18 years. However, the legal age is 15 for girls with parental consent and 18 for boys.

¹⁰⁷ UNICEF Humanitarian Action Update, Cameroon, 4 June 2008, p. 6.

¹⁰⁸ UNICEF, Cameroon Humanitarian Situation Report, February 2019, available at: <https://www.unicef.org/media/78721/file/Cameroon-SitRep-Feb-2019.pdf>

¹⁰⁹ UNICEF, Cameroon Humanitarian Situation Report, August 2016, p. 4, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Cameroon%20Humanitarian%20Sitrep%20-%20August%20%202016.pdf>

Article 52 of order No.81-02 of June 29, 1981, on the civil service, states: “*No marriage shall take place if the girl is younger than 15 and the boy is younger than 18, unless the president of the Republic may determine if the reason is serious.*”¹¹⁰ This means both potential spouses must consent freely to the marriage and only the president can determine if the reason is serious. However, in most cases of child marriage in Cameroon, it is a common practise that the fathers arrange for their daughters to be married, mostly to elderly men without the consent of their daughters.

In times of conflict, girls are at high risk of child marriage; this is no different in the refugee camps in Cameroon, located in the Adamawa, Far North and Northern regions of Cameroon, a home to refugee children where child marriage is a common practice.

Most migrant children involved in child marriages are between the ages of 12 and 17. Child marriage in these communities is perceived as bringing honour to the family, debt settlement or a source of income to the bride’s family.

Plan International Cameroon with support from government social affair services has been working to prevent child marriages in the camps and host communities. Plan International carries out sensitisation campaigns to raise awareness on the negative effects of child marriage, and once a case of child marriage is identified, Plan International works with the families concerned to help find alternative solutions.¹¹¹ This could be seen in the case of Aisha (15), who fled Nigeria with her family and settled in Minawao camp in Cameroon. Due to financial difficulties, her father wanted to marry her off to a man in return for money. Aisha and her mother reported the case to field community officers who work with Plan International in the camps to protect children. Plan International held several meetings with Aisha’s father who later on agreed not to marry her off but instead registered her for vocational training.¹¹²

The 2017 survey on child marriage carried out by United Nations Population Fund (UNFPA) shows the percentage of women aged 20-24 in Cameroon who were married before they turned

¹¹⁰ United States Bureau of Citizenship and Immigration Services, Cameroon: Information on forced or arranged marriage, 16 October 2002, CMR03004.ZCH, available at: <https://www.refworld.org/docid/3f51ec864.html>

¹¹¹ Plan International Cameroon, ‘Aisha Escapes Child Marriage in Refugee Camp,’ available at: <https://plan-international.org/cameroon/aisha-escapes-child-marriage-refugee-camp>

¹¹² Ibid 111

15 and 18 ¹¹³ In Cameroon, Child marriage is mostly driven by inequality, with the belief that girls are less valuable to boys; other factors include poverty, lack of education and harmful traditional practices.

Section 356 of the new penal code promulgated on July 2016 criminalises forced marriages, ¹¹⁴ yet, implementation of the aforementioned Article is usually hampered due to lack of political will both at the judiciary and legislative level and proceedings before the courts are often hindered both by law enforcement and government officials. In some cases, judges have been known to accept bribes and dismiss cases involving child marriages.

4. Family Reunification.

4.1. Family Tracing

Family tracing is a priority during the entire process of assessment of UASC. Identification and registration of UASC are carried out by UNICEF and partners. ¹¹⁵ Once identified, they are referred to the International Red Cross Committee (ICRC) for family tracing and reunification.

The ICRC enjoys a unique mandate with specific privileges and immunities under international law (IL) and domestic law. As set up in the Geneva Conventions and its Additional Protocols, it has to protect and help people affected by violence and armed conflict. This unique role is entrusted upon the ICRC by the International Community. Among others, it has a duty to re-establish family links and ensure the application of international humanitarian law (IHL) while acting as a neutral intermediary between warring parties.

As a state party to the Geneva Convention, Cameroon has adopted Law No. 97-2 of January 1997 on the protection of the Red Cross Emblem and name and Decree No.63/DF/6 of 9 January 1963 on the Recognition of the Cameroon Red Cross. ¹¹⁶ The ICRC with its regional headquarter in Cameroon has been working in the region since 1972. It monitors domestic

¹¹³ United Nations Population Fund-Adolescent and Youth Dashboard-Cameroon; available at: <https://www.unfpa.org/data/adolescent-youth/CM>

¹¹⁴ Section 356 of the Cameroon Penal Code

¹¹⁵ UNICEF, Cameroon Humanitarian Situation Report, 31 August 2016, available at: <https://reliefweb.int/report/cameroon/unicef-cameroon-humanitarian-situation-report-august-2016>

¹¹⁶ Decree on the recognition of the Cameroonian Red Cross 1963; available at: https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/vwLawsByCategorySelected.xsp?xp_countrySelected=CM

situations in Cameroon, Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe. Together with the Cameroon Red Cross, it responds to emergencies and helps restore links between separated families.¹¹⁷

ICRC trains volunteers from the Cameroon Red Cross Society to counsel, register and process requests to trace family members who have been displaced and also to monitor cases of unaccompanied children.

Once UASC is identified, they are placed in foster families or shelters where they benefit from regular individual follow up by social workers trained by UNICEF local partner, ADELPA. These children are later referred to the Cameroon Red Cross for family tracing and reunification.¹¹⁸ Regarding family tracing and reunification, ICRC provides material, technical and financial support to the region's National Societies which are Cameroon, Nigeria, Gabonese and Congolese Red Cross. With the assistance of the National Societies, refugees, IDPs and their relatives, through phone calls and Refugee Coordination Model (RCM), some contacts are able to be restored between UASC and their families which ease reunification.¹¹⁹ Information collected from these children and sometimes from family members looking for their children, helps social workers to trace and reunite them. An example is the case of Pitera, a 17 year old girl from the Central African Republic (CAR) who, due to the conflict in CAR, sought refuge in Cameroon. Thanks to the joint effort by the ICRC and the Cameroon Red Cross Society; she was reunited with her mother in Cameroon.¹²⁰ Sometimes, these children are reunited with their families by chance, as seen in "The Miracle of Dzawandai, Cameroon"¹²¹ where three sisters escaped from the village of Shogunle in Nigeria and sought refuge in the house of Francois in Dzawandai in Cameroon due to a Boko Haram raid. After weeks of searching for her children, Rosalie, came to Dzawandai where she asked the village chief if there were any displaced children in his community, when taken to Francois' house, the sisters immediately recognised their mother and leapt for joy. However, Rosalie's joy

¹¹⁷ <https://data2.unhcr.org/en/documents/download/53499>

¹¹⁸ ICRC-Cameroon/CAR: A mother and her daughter reunited after and agonizing year of separation; available at: <https://www.icrc.org/en/document/camerooncar-mother-and-daughter-reunited-after-agonizing-year-separation#>.

¹¹⁹ <https://data2.unhcr.org/en/documents/download/53499>, pg.2

¹²⁰ ICRC- Cameroon/CAR: A mother and daughter reunited after an agonizing year of separation; available at: <https://www.icrc.org/en/document/camerooncar-mother-and-daughter-reunited-after-agonizing-year-separation#>.

¹²¹ The Miracle of Dzawandai-Cameroon; available at: <https://www.unicef.org/stories/miracle-dzawandai-cameroon>

wasn't complete because of her missing son. A year later, while in a neighbouring market Rosalie accidentally met her son who had been living with a foster family.¹²² When reunification of UASC is not possible in their country of origin, resettlement to a third country is an option due to lack of social structures to help facilitate the integration of UASC who are at risk.

4.2 Reunification with other Relatives

Reunification of unaccompanied children is possible with a child's relative who is not the legal guardian. In this case, the government of Cameroon, acting through the Ministry of Social Affairs and Ministry of Foreign Affairs, pays special attention to Law No.1997/012 of 10 January 1997 regarding entry and exit from Cameroon,¹²³ which states in its Article 29 that, *"any foreigner holding a residence or resident card is required to obtain an exit visa when leaving the national territory, unless a specific agreement provides otherwise,"* whether these applications come from a child, relative or NGO.¹²⁴ A foreigner as per the law in this case is anyone who does not have a Cameroonian nationality, or who has a foreign nationality or who has no nationality.¹²⁵ Once received, the given information on the application is assessed to ensure that they are necessary for the protection of the child's best interest; in addition, enquiries from experts are required.

4.3 Legal grounds for Refusal of Family Reunification

To avoid illicit transfer and reunification of children, the Cameroon government, through the Ministry of Social Affairs and the Ministry of Foreign Affairs, pays attention to applications regarding reunification or transfer of children to or from Cameroon, by applying Law No. 1997/12 of 10 January 1997 on entry and exit from Cameroon irrespective of whether these applications emanate from the child, relative, NGO and other associations. After thorough inquiries, depending on the case, applications could be rejected or subjected to legal proceedings if they are not for the child's best interest and if they undermine social security, morals or public health.

¹²² The Miracle of Dzawandai-Cameroon

¹²³ Cameroun: Loi No. 1997/012 du 1997, Fixant les Conditions d'entrée, de séjour et de sortie des étrangers au Cameroun, available at ; <https://www.refworld.org/docid/3ae6b4da1f.htm>

¹²⁴ UN Committee on the Rights of the Child: State Party Report: Cameroon, 26 March 2001, pg.30 and 31 Para 89-93 CRC/C/28/Add.16, available at: <https://www.refworld.org/docid/3cb439864.html>

¹²⁵ Article 2 Cameroun: Loi No. 1997/012 du 1997, Fixant les Conditions d'entrée, de séjour et de sortie des étrangers au Cameroun

5. Placement of migrant Children

5.1. Temporary Shelters/1ST Reception Centers

In Cameroon, the main reception and registration centers for refugees are located in the Far North region of Cameroon, mainly for the reception of refugees from Nigeria, and in the East, Adamawa and North for the reception of refugees from the Central African Republic and Chad.¹²⁶

Once identified, UASC are placed in alternative care arrangements, mostly in institutions and foster families within the local communities. These children are enrolled in child-friendly spaces which are safe demarcated sites within the camps where trained social workers provide psychological support to vulnerable children and their families.

“Temporary Learning and Child Protection Spaces” known by its French acronym ETAPes, develops activities that facilitate the integration of children in areas of education, psychological support, HIV/AIDS, health and community-based intervention.¹²⁷ ADELPA raises awareness in specific domains such as violence prevention, education and the consequences of child marriage.

Decree No.2018/6233 IPM of 6 July 2018 fixing the procedures for the application of Law No.2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities in Cameroon, provides for special consideration for all disabled persons.¹²⁸ Refugee children are issued a “*disabled persons’ card*”, which grants them free access to public schools, reduction in the price of health care and transportation. Migrant children living with disabilities receive support from the Government of Cameroon in collaboration with Irish Aid, Plan International and other NGOs who provide them with physiotherapy and orthopaedic equipment.¹²⁹

¹²⁶ Danish Refugee Council-Cameroon; available at : <https://drc.ngo/our-work/where-we-work/west-africa/cameroon/>

¹²⁷ UNICEF Cameroon, ‘Child- Friendly Spaces in CAR Refugee Camps-rescuing Childhood, restoring humanity in Cameroon, August 2014

¹²⁸ Decree No.2018/6233 IPM of 6 July 2018 Fixing the Procedures for the application of Law No.2010/002 of 13 April 2010 amending the 1983 law on the protection and Promotion of persons with disabilities in Cameroon; available at: https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Cameroon_DECREE-OF-APPLICATION-2010-LAW-ENGLISH-VERSION.pdf

¹²⁹ Plan International, ‘Helping Refugee Children with Disabilities Get to School,’ available at: <https://plan-international.org/cameroon/helping-refugee-children-disabilities-get-school>

5.2. Placement of Migrant Children

Measures have been taken to prevent homelessness through decree No.2001/109/PM of 20 March 2001 on the organisation and functioning of public institutions for the care of children and the rehabilitation of socially maladjusted minors¹³⁰ and Decree No. 2001/110/PM of 20 March 2001 on the organisation and functioning of public institutions for the Care of Infants.¹³¹

Street children are mostly found in urban cities of Cameroon and thus constitute a targeted group for recruitment by Boko Haram insurgents. Thanks to Section 247 of Law no. 2016/007 of July 12 2016 relating to the penal code which criminalises vagrancy,¹³² and strict measures taken by the government to fight Boko Haram, the number of street children has declined.

In the early 2000s, primary care was focused on orphans who were directly affected by HIV/AIDS. This concept later changed and the consideration of Orphans and Vulnerable Children (OVC) now goes beyond direct link with HIV/AIDS. OVC can be defined as any child below the age of 18, deprived of family care and/ found in a precarious situation. “Any child” means both nationals and migrant children.¹³³

The main characteristic of vulnerability is the fragility of the individual against internal and external attacks. Regarding specific needs of vulnerable children, priority needs were identified which are inter alia:

- Social Services (health, education, nutrition, housing and other basic materials):¹³⁴
- Psychosocial Counselling and rights protection (fight against stigma, legal aid, facilitating birth registration etc).¹³⁵
- Strengthening the capacity of families, communities and institutions to receive and support structures.¹³⁶

¹³⁰ DECREE N° 2001/109/PM OF 20 MARCH 2001 ON THE ORGANISATION AND FUNCTIONING OF PUBLIC INSTITUTIONS FOR THE SUPERVISION OF MINORS AND THE REHABILITATION OF SOCIALLY MALADJUSTED MINORS; available at: <http://opencamer.blogspot.com/2013/08/decret-n-2001109pm-du-20-mars-2001.html>

¹³¹ Child Rights International Network (CRIN) CAMEROON: NATIONAL LAWS; available at: <https://archive.crin.org/en/library/publications/cameroon-national-laws.html>

¹³² Section 247 of Law No.2016/007 of 12 July 2016 relating to the Penal Code

¹³³ Ministry of Social Affairs (MINAS) available at; <http://www.minas.cm/en/component/k2/item/9-children.html>

¹³⁴ Ibid 133

¹³⁵ Ibid 133

¹³⁶ Ibid 133

Children deprived of their family environment are placed in alternative care either on a full-time or interim alternative care basis. They are placed in Reception Centres for Distressed Children, known by the French acronym CAED, and childcare centres.¹³⁷ Migrant children are placed on interim alternative care, which has two forms; temporary custody and temporary institutional placement, both of which are administrative.¹³⁸ UASC are often placed in temporary care centres within the community, however, some live with voluntarily foster families who are usually identified by local NGOs in collaboration with UNHCR.¹³⁹

The Ministry of Social Affairs in charge of social protection for children works in partnership with UNICEF and local NGOs to protect vulnerable children. A governmental project in partnership with NGOs to fight against the phenomenon of street children through sensitisation campaigns, interviews, health care, education and psychosocial support to vulnerable children has been established.¹⁴⁰

UNICEF organises youth clubs in refugee sites where they offer talks on peacebuilding, HIV/AIDS, sexual education and life skill activities.¹⁴¹ In collaboration with UNICEF, NGOs like Plan International, organise training for government social workers to provide age and gender care management services to refugee children in child friendly-spaces.¹⁴² Child protection groups provide training on “Child Protection in Emergency” to strengthen the capacities of government social workers.¹⁴³ Only the Ministry of Social Affairs has the authority to grant temporary custody to an approved family, mostly voluntarily, however, in emergencies, Departmental Decree No.109 of 20 March 2001¹⁴⁴ makes provision for the

¹³⁷ Cameroon Ministry of Social Affairs(MINAS)

¹³⁸ Cameroon Ministry of Social Affairs(MINAS)

¹³⁹ UNICEF, Cameroon Humanitarian Situation Report, May-June 2016, available at:

<https://reliefweb.int/report/cameroon/unicef-cameroon-humanitarian-situation-report-may-june-2016>

¹⁴⁰ Ministry of Social Affairs(MINAS)

¹⁴¹ UNICEF, Cameroon Humanitarian Situation Report, March-April 2016, available at:

<https://reliefweb.int/report/cameroon/unicef-cameroon-humanitarian-situation-report-march-april-2016>

¹⁴² Plan International Cameroon: Nigerian Refugee Response, available at: https://plan-international.org/sites/files/plan/drm-refugee_capacity_statement-cases_studies.pdf

¹⁴³ UNICEF, Cameroon Humanitarian Situation Report, 30 April, 2016, available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Cameroon%20Humanitarian%20Sitrep%20-%20March%20-%20April%202016.pdf>

¹⁴⁴ DECRET N° 2001/109/PM DU 20 MARS 2001 PORTANT ORGANISATION ET FONCTIONNEMENT DES INSTITUTIONS PUBLIQUES D'ENCADREMENT DES MINEURS ET DE REEDUCATION DES MINEURS INADAPTES SOCIAUX ;available at: http://www.minas.gov.cm/images/Documents/Legislation/decret_n_109.pdf

placement of children in Interim alternative care homes until they are reunited with their families or attain maturity.¹⁴⁵

5.3. Detention/Retention

Article 8(1) of the 2005 Refugee Law does not punish illegal entry of asylum seekers coming directly from a country of threat and who present themselves directly to the authorities; however, the law permits 24 hours of detention renewable twice in case of an ongoing investigation involving an asylum seeker.

Section 80 of Law No. 2016/007 of July 12, 2016, relating to the Penal Code¹⁴⁶ states that

1. *“No criminal responsibility shall arise from an act or omission of children who are less than 10 years of age. A child below 10 years is considered a doli incapax, meaning he is totally incapable of forming intent to commit a criminal act, therefore cannot be tried for what he does. His parents may be held liable for compensation as per the rules relating to civil liability.*
2. *Only special measures as provided by the law will be applied to offences committed by children between the age of 10 and 14 years. A child between 10-14 years could be criminally responsible and tried but cannot be sentenced, if found guilty, only special measures could be taken against him.*
3. *Responsibility shall be diminished for offences committed by children between 14 and 18 years, and;*
4. *Any person from 18 years and above will be responsible for any offence committed.”*

Section 703 of the Criminal Procedure Code states that, in the absence of a birth certificate, the age will be determined by a medical officer who shall issue a medical certificate of the child's age. In a case where the year of birth is known and the date of birth is unknown, it shall be presumed that the child was born on the 31st of December of that year.¹⁴⁷

It is the responsibility for everyone to be law-abiding, including children. In Cameroon, children in conflict with the law are charged, prosecuted and sentenced like adults. However,

¹⁴⁵ Cameroon initial Report on the Implementation of the African Charter on the Rights and Welfare of the Child, p.31.

¹⁴⁶ Article 80 of Law No. 2016/007 of July 12, 2016, relating to the Penal Code

¹⁴⁷ Section 703(1)(2) of Law No. 2005 of 27 July 2005 on the Cameroon Criminal Procedure Code; available at: https://www.policinglaw.info/assets/downloads/2005_Criminal_Procedure_Code.pdf

the 2005 Criminal Procedure Code lays down institutions that have jurisdiction to prosecute minors,¹⁴⁸ temporary detention of minors¹⁴⁹ and the applicable measures and penalties for minors.¹⁵⁰

Article 40 of the United Nations Convention on the Rights of the child lays down conditions under which a child may be tried for an offence. It states inter alia:

*States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*¹⁵¹

As per article 713 of the 2005 Cameroon Criminal Procedure Code (CCPC), *“the court of First Instance sitting in cases of Juvenile delinquency shall have jurisdiction to try all felonies, misdemeanours and simple offences committed by minors more than 10 years but less than 18 years of age.”*¹⁵²

Article 700(1) of the CCPC states that preliminary inquiry is compulsory for felony or misdemeanour committed by persons less than 18 years old,¹⁵³ and juveniles awaiting trial or those under arrest are said to be innocent until proven guilty.¹⁵⁴ As stipulated in Article 704 of the CCPC; minors between 12 and 14 years old may not be remanded in custody, except in cases where he or she is accused of capital murder or assault occasioning death.¹⁵⁵

Article 705 states that minors between 14 and 18 years old may be remanded in custody only if the measure is considered indispensable.¹⁵⁶ The CCPC in this light could be said to be in line with the recommendations laid out in the Beijing Rules¹⁵⁷ where states are advised to avoid detention of minors before trial except otherwise and if possible to apply alternative measures.

¹⁴⁸ Section 713 of the Cameroon Criminal Procedure Code

¹⁴⁹ Section 704-706 of the Cameroon Criminal Procedure Code

¹⁵⁰ Section 724 of the Cameroon Criminal Procedure Code

¹⁵¹ United Nations Convention on the Rights of the Child

¹⁵² Section 713 CPC

¹⁵³ Section 700(1) CPC

¹⁵⁴ United Nations Rules for the Protection of Juveniles Deprived of their Liberty

¹⁵⁵ Section 704 CPC

¹⁵⁶ Section 705 CPC

¹⁵⁷ Article 17 of the Beijing Rules

Article 706 CCPC states that minors should be detained in a Borstal institution or a special section of prisons meant for minors. In the absence of a Borstal institution or special sections of prisons meant for minors, they may be detained in prisons meant for adults but be separated from them.¹⁵⁸ Art.29 of the Cameroon Penal Code (CPC) also stipulates that offenders who are minors, in the absence of an institution for minors, should be separated from offenders who are adults.

As per Section 48 of the CPC, where a person below the age of 18 commits an act defined by the law as an offence, the president of the District Court requires the parents or guardian or person recognised under customary law to enter into recognizance to be of good behaviour.¹⁵⁹ The juvenile may also be placed under the supervision of a probation officer, relative or maybe sent to a corrective institution, in some instances; the parents may be ordered to pay fines.¹⁶⁰

However, Article 7(1) of Decree No.2001/09/PM of 20th March 2001 states that for a minor who has been found guilty of a criminal offence, the court may make an order of judicial placement and not an imprisonment term in a regular prison.¹⁶¹ Magistrates and judicial officers have attracted criticism from some scholars for not being able to clearly distinguish the words “judicial placement” and “sentence”. Where a minor is found guilty of an offence, the presiding magistrates should issue a judicial placement placing the minor in a re-education centre and not sentence him/her to imprisonment.

Children in conflict with the law may end up in prisons, usually in juvenile sections but are also found in prison cells with adults where they are exposed to torture and other forms of cruel, inhuman and degrading treatment and punishment. They could also be found in Police

¹⁵⁸ Section 706 CPC

¹⁵⁹ Section 48 of the Cameroon Penal Code

¹⁶⁰ Tabe, Simon. (2012). A Critical Appraisal of the Juvenile Justice System Under Cameroon’s 2005 Criminal Procedure Code

¹⁶¹ Tabe, Simon. (2012). A Critical Appraisal of the Juvenile Justice System Under Cameroon’s 2005 Criminal Procedure Code: Emerging Challenges.pg 166/428; PER: Potchefstroomse Elektroniese Regsblad. 15. March 2012; available at:

https://www.researchgate.net/publication/255726689_A_Critical_Appraisal_of_the_Juvenile_Justice_System_Under_Cameroon%27s_2005_Criminal_Procedure_Code_Emerging_Challenges

stations, institutions catering for minors and re-educating socially maladjusted children; Private social structures catering for children, or families.¹⁶²

Children often come in contact with law enforcement agencies either due to raids by security forces, and requests for help by family members or following complaints from various sources or as a result of grievous offences which could be considered crimes in legal terms.

Migrant children in detention are often those fleeing captivity from Boko Haram and their first contact is usually with armies engaged in battles with Boko Haram. These children are taken into custody by the authorities for questioning and determination of their degree of loyalty and indoctrination to these armed terrorist groups.¹⁶³ Most migrant children, on suspicion of associating with Boko Haram, are detained in unofficial detention centres such as military bases and have no access to lawyers or their families. The Cameroon 2005 refugee law does not clarify which authority is responsible for the detention/retention of refugees and on what grounds.

Once in custody; there is a lack of transparency regarding their conditions and duration of detention. The rights of migrant children in detention are often violated as they are often placed in the same cells as adults with the absence of counselling and education. The government pays little attention to (migrant) children in custody, there are no government institutions to provide training for new social workers and the police and gendarmes are not trained on how to respond to child protection cases.¹⁶⁴ While in detention children who have been associated with armed groups are often rejected by their communities and families, UNICEF officials, concerned about the rights and well-being of these children, pay constant visits to detention centres while advocating for their release and urging the authority to see them as victims rather than offenders.¹⁶⁵

Article 9 of the 2005 Refugee Law grants refugee access to justice, Article 8 of the preamble of the 1996 constitution states that “*everyone has the right to an effective remedy by the competent national tribunal.....by the constitution or by law.*” “*Everyone*” here includes

¹⁶² Cameroon Ministry of Social Affairs

¹⁶³ UN Children’s Fund (UNICEF), Silent Shame-Bringing out the voices of Children caught in the Lake Chad Crisis, 10 April, 2017, available at: <http://www.refworld.org/docid/58ee366b4.html>

¹⁶⁴ Ibid 163

¹⁶⁵ Ibid 163

migrant children; hence, through a legal representative, guardian or parents, they can challenge their detention before independent tribunals,¹⁶⁶ at their expense.

6. Access to Fundamental Rights

Article 25 of the constitution states that “everyone” has the right to an adequate standard of living. While the 2005 Refugee law provides refugees access to social services and public assistance on equal footing with nationals, several setbacks prevent migrant children from accessing these services due to lack of counselling, resources, unclear and complex procedures and corruption.

6.1. Education

As per the preamble, the state shall guarantee children’s right to a free and compulsory primary education.¹⁶⁷ This right is also outlined in Articles 6 and 9 of Act No.98/004 of 14 April 1998 on educational guidelines in Cameroon.¹⁶⁸ Article 7 of the Act states that access to education shall be guaranteed to all without discrimination of any kind.

This means, all refugee children have an equal right to education like nationals as enshrined in Article 9 of the 2005 Refugee Act and are also eligible for funding offered by the state and other civil society organisations.¹⁶⁹

Migrant children residing in camps are enrolled in Temporary Learning and Protection Spaces (TLPS) and other host schools. Children between 3-5 years benefit from childhood learning through recreational activities while those between 6-12 years in TLPS receive primary education.¹⁷⁰

¹⁶⁶ Article 389-406 of the French Civil Code.

¹⁶⁷ Article 26, Cameroon Constitution

¹⁶⁸ LOI N°98/004 DU 4 AVRIL 1998, D’ORIENTATION DE L’EDUCATION AU CAMEROUN, available at: <http://www.unesco.org/education/edurights/media/docs/3fbc027088867a9096e8c86f0169d457b2ca7779.pdf>

¹⁶⁹ Article 9 of the Cameroon 2005 Refugee Law

¹⁷⁰ UNICEF, “Cameroon Humanitarian Situation Report, 30 April, 2016, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Cameroon%20Humanitarian%20Sitrep%20-%20March%20-%20April%202016.pdf>

Those residing in cities are enrolled in the same primary schools as nationals and their school supplies and fees are provided by UNHCR, while those in Secondary schools and Universities benefit from the DAFI (Albert Einstein German Academic Refugee Initiative) scholarship.¹⁷¹

During holidays, out-of-school children (school dropouts and those who have never been to school even in their countries of origin) between the ages of 10-14 years are enrolled in alternative programs to reintegrate them into the formal educational system or to acquire essential skills and knowledge.

Decree No.2018/6233 IPM of 26 July 2018 Fixing the Procedures for the Application of Law No.2010/002 of 13 April 2010 on the Promotion and Protection of Persons with Disabilities in Cameroon,¹⁷² protects the rights of disabled children especially in areas of health, education, leisure inter alia. Migrant children with special needs are offered the '*disabled persons' card*' which gives them free access to public schools and public transportation.

UNHCR's partner, Plan International Cameroon, provides wheelchairs to disabled migrant children to ease access to school.

However, though public education is free of charge, some refugee parents complain that they are sometimes required to give bribes for their children to be enrolled in public primary schools.

6.2. Health Care

The 2005 refugee law grants migrant children access to public health, but access to medical care is available for a fee to both migrant children and nationals. However, UNHCR has signed agreements with healthcare centres and district hospitals for medical care and referrals. Migrant children are given the '*disabled persons' card*' which offers them a reduction in health care cost. Children living in camps receive basic health care and are only referred to hospitals outside the camps when in critical conditions. UNICEF and partners provide and support the

¹⁷¹UNHCR Global Report 2009-Cameroon, pg.5, available at: <http://www.unhcr.org/4c0902089.pdf>.

¹⁷²Decree No.2018/6233 IPM of 26 July 2018 Fixing the Procedures for the Application of Law No.2010/002 of 13 April 2010 on the Promotion and Protection of Persons with Disabilities in Cameroon; available at: https://www.un.org/development/desa/disabilities/wpcontent/uploads/sites/15/2019/11/Cameroon_DECREE-OF-APPLICATION-2010-LAW-ENGLISH-VERSION.pdf

vaccination of children. Those tested HIV positive are referred to accredited health centres for treatment and care.¹⁷³

Provision of health care to urban refugees is challenging due to a limited number of implementing partners, however, UNHCR directly provides healthcare to urban refugees through the supervision by health coordinators.

7. Expulsion

7.1. Exclusion Clauses

Art.1F of the 1951 Convention Exclusion Clause which is meant to exclude individuals from refugee protection where there are serious reasons to consider that they have committed serious crimes and are avoiding being brought to international or national justice to be held accountable for their actions¹⁷⁴ applies to asylum seekers through Article 3 of the 2005 refugee law. However, there have been no recorded cases of the application of Art.1F of the Exclusion clauses on migrant children in Cameroon. Migrant children under the suspicion of having links to armed groups are taken into military custody for questioning to determine their degree of indoctrination and loyalty to these armed groups. Most of them with links to armed groups do not understand nor are they aware of what they are asked to do since most of them are threatened and/or coerced and do what they are told in order to survive.

Migrant children due to the level of their loyalty and indoctrination to their captors are either detained in military detention centres with a lack of transparency about their living conditions and they receive no counselling and education. With the assistance of UNHCR, migrant children are referred to civilian authorities upon their release from military detention, for reintegration and support where they go through the process of age verification and identification. UNHCR and UNICEF in collaboration with national authorities like MINAS organise reintegration programs where these children gain access to education and healthcare.

7.2. Internal relocation/Expulsion to country of origin

Article 7 of the 2005 Refugee Law prohibits the expulsion of asylum seekers even when their asylum claims have been rejected; however, upon voluntary return of migrant children, the best

¹⁷³ <http://www.unhcr.org/4c0902089.pdf>

¹⁷⁴ Article 1F of the 1951 Convention

interest of the child is taken into consideration when deciding the relocation of a child back to his/her country of origin. Tripartite agreements have been signed with Nigeria¹⁷⁵ and Chad¹⁷⁶ on the voluntary return of refugees. For example, the tripartite agreement signed between Nigeria, Cameroon and UNHCR for the voluntary return of Nigerians living in Cameroon, states in its Article 3 that voluntary return will only take place when “*conditions are favourable for the return of refugees in safety and dignity to the place of their final destination in Nigeria.*”¹⁷⁷

Concerning unaccompanied or separated children, *they will not be returned until adequate tracing of family members have been concluded and specific and adequate reception and care arrangements have been put in place in Nigeria. No unaccompanied or separated child will be returned until the conclusion of the best interest of the child as a durable solution.*¹⁷⁸

UNHCR provides information regarding the conditions and areas where refugees intend to relocate to their countries of origin, Article 13 of the Tripartite agreement states that both government, where necessary shall facilitate the movement of refugee representatives into Nigeria where they will see the present conditions and situations and make reports upon their return to Cameroon, a visit known as “*Go and see/come and tell*”¹⁷⁹

However, reports from Human Rights Watch¹⁸⁰ and UNHCR¹⁸¹ show that, since 2015, the Cameroonian military has been setting up informal camps where they place newly arriving asylum seekers for screening and resettlement where they are tortured and subjected to other

¹⁷⁵ Reliefweb, Tripartite Agreement for the Voluntary Repatriation of Nigerian Refugees Living in Cameroon, <http://reliefweb.int/report/cameroon/tripartite-agreement-voluntary-repatriation-nigerian-refugees-living-cameroon>

¹⁷⁶ International Organisation for Migration, “UNHCR gives 10M US\$ 64,000 Towards Assisting Chadian Refugees Returning from Home,” Available at: <https://www.iom.int/news/unhcr-gives-iom-us-64000-towards-assisting-chadian-refugees-returning-cameroon>

¹⁷⁷ Article 3, Tripartite Agreement for the voluntary repatriation of Nigerian refugees living in Cameroon, 02 Mar.2017, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/tripartite20agreement20cmr20nig20unhcr20eng20signed.pdf>

¹⁷⁸ Article 15(2), Tripartite Agreement for the voluntary repatriation of Nigerian refugees living in Cameroon, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/tripartite20agreement20cmr20nig20unhcr20eng20signed.pdf>

¹⁷⁹ Article 13

¹⁸⁰ Human Rights Watch “They Force Us out like Animals”, September 27, 2007, available at; <https://www.hrw.org/report/2017/09/27/they-forced-us-trucks-animals/camerouns-mass-forced-return-and-abuse-nigerian>

¹⁸¹ UNHCR; <https://www.unhcr.org/news/press/2018/4/5ad9e4bd4/unhcr-alarmed-continuing-forced-returns-nigerians-cameroon.html>

forms of human rights abuse and forceful returns. The UNHCR has been denied access to these informal camps, thereby denying asylum seekers their right to protection while making it easier for them to be deported. Nigerian refugees and asylum seekers, including children, are forcibly returned to Borno State in Nigeria by Cameroon's army, where they continue to face risks. Some children are said to have died due to lack of medical care and food supplies and some have been separated from their parents. Some refugees described how on arrival to Cameroon, during screening procedures, some soldiers torture and assault them and accuse them of being accomplices to Boko Haram or their wives. Some women are threatened with deportation and starvation in exchange for sex. The report further shows that some asylum seekers are forced into trucks for deportation by Cameroon soldiers who beat them with metal poles and wooden sticks. Some deportees, including children, are said to have died during deportation.¹⁸² In mid-2017, UNHCR was granted access to some border villages to carry out pre-registration procedures, meaning thousands of asylum seekers were left unregistered, and hence no protection putting them at risk of unlawful returns.¹⁸³

In August 2017, Human Rights Watch sent a letter to the Minister of Territorial Administration and Decentralization on their findings on human rights abuse and forceful returns by the Cameroon military, but unfortunately, they received no reply or comments from the government.¹⁸⁴

Once the deportees are returned to Nigeria, they are taken to militarized displacement camps or villages in Borno State by the Nigerian military where they face appalling conditions and sexual exploitation.¹⁸⁵ It could be said that the Nigerian military is an accomplice to the Cameroonian military in the deportation of Nigerian refugee/asylum seekers. The UN and other Aid groups have pleaded both to the Cameroonian and Nigerian Government, to no avail.

The forceful return of anyone, especially those at risk of facing persecution in their country of origin is prohibited by international refugee and human rights Law. The African Regional Refugee Law also prohibits the forceful return of asylum seekers to situations where they will

¹⁸² Ibid 180

¹⁸³ Ibid 180

¹⁸⁴ Ibid 180

¹⁸⁵ Ibid 180

face generalised violence like the case in North-Eastern Nigeria. Cameroon has incorporated these legal instruments into its laws, hence is bound by them.

Any country has the right to regulate those who enter and remain in its territory, and, it is the right of Cameroon to protect its territory from threats and members of terrorist groups such as Boko Haram, however, it has to carry out proper investigations on attacks in the Far North Region. Cameroon's rights to protect its territory from threats do not mean it has to close its borders to all asylum seekers and deport them back to Nigeria. Cameroon's failure to protect asylum seekers and refugees from Nigeria based on their nationality and on suspicion of belonging to Boko Haram could be seen as a plot the Cameroonian government is using to discourage Nigerians from seeking asylum in Cameroon.

7.3. Resettlement to a Third country

Resettlement to a third country is guided by the best interest principle. As a durable solution, any UASC at risk is resettled in a third safe country due to lack of social infrastructures in Cameroon to help facilitate integration of unaccompanied minors.

8. Data Collection

Data regarding refugees are collected by the Humanitarian Office for the Coordination of Humanitarian Affairs (UNOCHA) on behalf of the Humanitarian Country Team (HCT). The data provide an understanding of the crisis and pressing humanitarian needs.¹⁸⁶

UNICEF is in charge of establishing data collection and monitoring of the well-being of migrant children at risk and the violation of children's rights. Information regarding migrant children is usually centred on the total number of children in need, the number of unaccompanied and separated minors placed in alternative care and receiving psychosocial support, those having access to WASH (Water, Sanitation and Hygiene), education, child protection and health programs, and those who have been reunited with their families. However, these numbers are often not accurate because some unaccompanied or separated children live with unknown families in host communities or some live on the streets. Due to this inaccuracy, it is difficult to know the number of children who disappear or have been trafficked. The 2020 US Department of State report shows that the government of Cameroon

¹⁸⁶ Humanitarian Needs Overview-Cameroon, available at:
https://reliefweb.int/sites/reliefweb.int/files/resources/cmr_hno_2020_print1.pdf

does not fully meet the minimum standards for the elimination of trafficking, for example, the 2020 report by the Cameroonian government was unreliable and incomplete because the government collected anti-trafficking law enforcement data from 2 out of the 10 regions.¹⁸⁷

9. International Relations

9.1. Foreign aid that addresses root causes of migration of minors (in particular of unaccompanied minors) in countries of origin and transit countries.

UNICEF¹⁸⁸ and NGOs like Terre des Hommes¹⁸⁹ help address the root causes of migration of minors in West Africa.

In Cameroon, with the support of UNICEF, a national referral system and standard operating procedures have been adopted to assist victims of trafficking. Due to the clandestine nature of trafficking, it is difficult to identify potential victims or an accurate number of children who have been trafficked. However, most victims are identified by NGOs that provide them with services, and foreign victims are issued temporary residency status from the government.

NGOs in collaboration with representatives from social welfare, police, and magistrates conduct grass root awareness campaigns on the radio, television and through community and church leaders and watch groups. The Ministry of Social Affairs addresses the issue of street children through a national awareness campaign against the trafficking of children. UNICEF in collaboration with Plan International Cameroon and the Cameroon Government conduct training programs on “*Child Protection Case Management in Emergencies*” to government social workers and other child protection groups addressing the identification, documentation, tracing and reunification of UASC. UNICEF and partners carry out community sensitisation sessions in camps and in host communities on the basis of community networking on the prevention of family separation, child marriage and child trafficking. Terre des Hommes has set up institutions and community protection services and trained social workers so that children on the move could access basic services in protected spaces.¹⁹⁰ Mobile teams have been set up on transit zones where children receive information on the risk they could encounter

¹⁸⁷ 2020 Trafficking in Persons report

¹⁸⁸In Search of Opportunities: Voices of Children on the move in West and Central Africa, available at: <https://www.unicef.org/sites/default/files/press-releases/glo-media-Migration.WCAR.July2017.pdf>

¹⁸⁹Terre des Hommes: Protecting children on the move in West Africa; available at: <https://www.tdh.ch/en/projects/migrant-children-west-africa>

¹⁹⁰ Terre des Hommes: Protecting Children on the Move in West Africa

and the support services available to them on the way.¹⁹¹ Terre des Hommes also selects and trains foster families and workers in reception centres to provide temporary accommodation as per international child protection standards.¹⁹²

UNHCR has launched a platform that provides reliable information on higher education to refugees worldwide. The DAFI scholarship program is the most common scholarship program available to refugees in Cameroon.¹⁹³

UNICEF advocates with civil societies, parliamentarians and the Ministry of Justice to raise the legal age of marriage for girls; prevent the detention of children and provide alternative methods of punishment and increase birth registration for children.

Cameroon signed tripartite agreements on the voluntary return of refugees from Cameroon with Chad on November 22, 2012,¹⁹⁴ and Nigeria on March 2, 2017¹⁹⁵ on family tracing, return and reintegration of unaccompanied minors. Identification of UASC is conducted by UNICEF and implementing partners who are referred to the International Committee of the Red Cross for family tracing and reunification.

At the sub-regional level, Cameroon on 11 November 2009, in Libreville-Gabon, signed a regional multilateral cooperation agreement on *combating Trafficking of Persons in Particular women and children in West and Central Africa* and the *Resolution on Combating Trafficking of Persons*.¹⁹⁶ With regard to this, law No. 2011/024 of December 2011 has been adopted to combat trafficking¹⁹⁷; degree No. 163 of 02 November 2010 established an Inter-ministerial Committee for the prevention and combat of human trafficking as part of the 2010-2011 action

¹⁹¹ Terre des Hommes: Protecting Children on the Move in West Africa

¹⁹² Terre des Hommes, Protecting Children on the move in West Africa, available at:

<https://www.tdh.ch/en/projects/migrant-children-west-africa>

¹⁹³ UNHCR Global Compact on Refugees, available at: <https://globalcompactrefugees.org/article/education-portal-scholarship-opportunities-refugees>

¹⁹⁴ International Organisation for Migration, 'UNHCR gives IOM US\$ 64,000 Towards Assisting Chadian Refugees Returning from Cameroon,' available at: <http://www.iom.int/news/unhcr-gives-iom-us-64000-towards-assisting-chadian-refugees-returning-cameroon>

¹⁹⁵ Relief web, 'Tripartite Agreement for the Voluntary Return of Nigerian Refugees living in Cameroon,' available at: <http://reliefweb.int/report/cameroon/tripartite-agreement-voluntary-repatriation-nigerian-refugees-living-cameroon>

¹⁹⁶ 53 Session of the African Commission on Human and Peoples' rights of the African Union, 3rd Periodic Report of Cameroon within the Framework of the African Charter on Human and Peoples' Rights, 9-24 April, 2013, p. 25, available at: http://www.achpr.org/files/sessions/54th/state-reports/3-2008-2011/staterep3_cameroon_2013_eng.pdf

¹⁹⁷ LOI N° 2011/024 14 DECEMBRE 2011 relative à la lutte contre le trafic et la traite des personnes, available at: <http://www.minjustice.gov.cm/index.php/fr/textes-lois/lois/242-loi-n-2011-024-14-decembre-2011-relative-a-la-lutte-contre-le-traffic-et-la-traite-des-personnes>

plan with five major areas of concern which are; “*capacity building of personnel engaged in law enforcement and social workers; adoption of the law on trafficking adults; training of personnel engaged in law enforcement using electronic databases as a tool for addressing the phenomenon and surveys on allegation of abuses associated with hereditary practices in the form of bonded labour in the Northern regions of Cameroon.*”¹⁹⁸

9.2. Cooperation with Civil Society

On the reception of migrant children, the Humanitarian/Resident Coordinator (HC/RC), led and supported by the UN Office for the Coordination of Humanitarian Affairs (OCHA), coordinates the humanitarian needs and strategic response plans monitored through the Humanitarian Response Plan (HRP).

The Humanitarian Need Overview (HNO)–Humanitarian Response Plan (HRP) was endorsed by the Cameroon Government and the Humanitarian Country Team (HCT) in January 2016. UN agencies in Cameroon (UNICEF, WHO, UNHCR, UNFPA, IOM, WFP) and other National and International NGOs, together with the Government of Cameroon coordinate activities to support refugees in Cameroon.

UNICEF Cameroon supports inter-ministerial coordination of the child protection groups in order to develop a comprehensive child protection system. UNICEF coordinates reception, assistance and protection of migrant children in collaboration with its implementing partners which are local NGOs; with operational partners which are government agencies and other UN agencies. UNICEF prevents separation while registering and tracing UASC for reunification with their families. It advocates for the demobilization and the release of children recruited by armed groups and those in detention; it trains government social workers and child protection groups on child protection case management in Emergencies; it monitors and prepares reports on the violation of children’s rights and offers psychosocial support, education, health etc.to children affected by armed conflict. ¹⁹⁹

¹⁹⁸ 3rd Periodic Report of Cameroon within the Framework of the African Charter on Human and Peoples’ Rights, Banjul, 9-24th April, 2013, pg.29, para. 83, available at;

https://www.achpr.org/public/Document/file/English/staterep3_cameroon_2013_eng.pdf

¹⁹⁹ UNICEF Cameroon: Protection, available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Cameroon%20Humanitarian%20Situation%20Report%20No.%2011%20-%20November%202020.pdf>

UNICEF has set up monitoring mechanisms for follow up and impact measurements at the national level and coordination meetings are held once a month in Yaoundé.

UNICEF's projects are usually funded by the Government of Cameroon and donors like the Government of Germany, Canada, Japan, CERF and the Global Thematic Humanitarian Response Fund.

10. Additional Remarks.

Cameroon's 2017 periodic report on the Committee on the Rights of the Child states that Cameroon has developed a National Policy on the Protection of the Child which is under draft. The draft law (on the Code of Persons and the Family) would focus on the framework of the protection of the Child in all aspects of life. It will give a clear definition of the child as anyone below the age of 18 years and will adopt special measures on the principle of equality between male and female while setting the same age for marriage to 18 for boys and girls.²⁰⁰

²⁰⁰ Relief web, "Committee on the Rights of the Child examines the Report of Cameroon," <http://reliefweb.int/report/cameroon/committee-rights-child-examines-report-cameroon>