

# THE PROTECTION OF THE RIGHTS OF THE CHILD TO EDUCATION IN CAMEROON: A LEGAL PERSPECTIVE

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## ABSTRACT

*This article articulates the protection of the rights of the Child to education in Cameroon from a legal perspective. It examines that issues relating to the protection of Human Rights gained prominence in all parts of the world especially since the adoption of the Universal Declaration of Human Rights. The Rights of the child has always been recognized by the International community. The aim of writing this article stems from the fact that, many children are deprived of their basic right to education in Cameroon. The fact that many children do not go to school poses a problem in society. This research acts as a source of information for those who are ignorant about their rights. The research sought to answer the question of looking at the extent to which education is protected under Cameroonian Law. The main hypothesis focuses on looking at whether there is the guarantee of a friendly environment for the protection of the rights of the child to education and whether this could be achieved by enforcing more laws together with a commission protecting children's right to education. The methodology used for this research concerned both primary and secondary sources. Specifically, it was also realized that a lot still had to be accomplished in this particular area of rights especially in the protection of the rights of the child in Africa. However, specific issues relating to the implementation of these instruments are left to the state parties. This article favours the state of Cameroon and postulates that considerable efforts have been made towards the implementation of international instruments protecting the right to education by creating an enabling environment for the enactment of National Laws and the provision of the necessary accompanying conditions towards the realization of the desired objectives. However, these efforts were found to be largely insufficient. Hence, this research makes recommendations towards the proper achievement of the desired goals.*

**Keywords:** Human Rights, Protection, Law, UDHR, UNESCO, Child, Education.

## INTRODUCTION

The Universal Declaration of Human Rights is the greatest universal human right instrument that has had great impact on national law and practice. Education is one of the fundamental human rights recognized in this declaration. Article 26 of the declaration states that, "everyone has the right to education. This shall be free at least in the elementary and primary stages." Article 11 of the African Charter on the Rights and Welfare of the Child provides that, "every child shall have the right to education." It further states that, the education of the child shall be directed to the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential. Article 17 of the African Charter on Human and people's Rights also states that, "every individual shall have the right to education." Article 28 of the Convention on the Right of the Child on its part provides that, "state parties recognize the

right of the child to education, and with a view to achieving this right progressively. Primary education shall be for all.” The rights of the girl child to education in Africa presents more challenges because the girl child is particularly more vulnerable. In Cameroon, the girl child most often stays at home if there are financial constraints in a family while the boy child goes to school. The girl child is usually sent for marriage at a very tender age, which does not in any way guarantee the right to education (Cismas, 2014).

“Education,” here does not only mean formal education. It also includes informal education. Formal education means the child goes to school where he or she is taught various subjects such as History, Geography and Economics. Informal education will take the form of learning a trade such as, tailoring, hairdressing and craftsmanship. But in this dissertation, focus is more on the right to formal education. It follows that, various instruments protect the right of the child and also the right to education. There is the need to create awareness that, children have rights which must be protected and especially their right to education.

In the latter part of the twentieth century, rights of the child have always been recognized by the International Community. Various International Law instruments have always laid emphasis on the protection of the rights of the child. Particularly in Cameroon, many children do not go to school. Most of them are street children and are most often forced to do petty trading for their up keep. Their rights are violated because these children are deprived of education. There is the need to create awareness first to these children that they have a right to education. Also their parents and guardians have to know that these children have a right to either formal or informal education. The Cameroon constitution in its preamble provides that, individuals have rights which must be protected and this includes children (Forsythe, 1978).

This article focuses on the fact that, children are deprived of their basic right to education in Cameroon. This article suggests that many children do not go to school due to lack of finance or mere ignorance on the part of their parents or guardians. Girls are robbed of their childhood and the option of education, and are forced instead into adult roles often including early marriage and the option to bear children early. It also considers that child marriage is typically practiced in a context of poverty. Due to the prohibitive costs associated with schooling, poor families often view educating their daughters – who are just going to be married anyway – as a dubious investment. Marrying off daughters is also an income-generation strategy. In exchange for a girl’s “hand” in marriage, a father receives payment, usually in the form of cash or goods (Tomaševski, 2001). It is in this backdrop that one thought it worthwhile to research on the rights of the child to education in Cameroon so as to enable the average Cameroonian understand that children have a right to education and should not be forced into early marriage. The fact that many children do not go to school poses a problem in society. Children who do not go to school either end up joining a gang and get involved in armed robbery and this has an adverse effect on the society because this creates insecurity in the society (Mayer, 2005). Some of them run from home due to the unbearable and difficult conditions at home and are forced to resort to begging so as to get daily bread. By sending these children to school, they will become responsible and this will have a positive impact to the society. This article briefly examines the following hypotheses:

- The guarantee to a friendly environment for the protection of the rights of the child to education could be achieved partially by enforcing more laws and a commission protecting children’s right to education.
- Cameroon is in need of laws and institutions that can guarantee protection of the right of a child.

- The effectiveness of the National Commission on Human Rights and Freedoms could be proved by guaranteeing progress and ensuring that children go to school.
- The Ministry of Basic Education should ensure that the Law that states that, education should be free, should be properly implemented.

The methodology used for this research concerned both primary and secondary sources. Regarding primary sources, Laws were consulted, Conventions and statutes. Library research was also useful here that is, the use of text books. Certain institutions were visited especially those involved in the protection of the rights of the child to education in Cameroon such as Plan International, Counterpart International and the Ministry of Basic Education Moeckli, et al., (2022). Data collected from these sources were subsequently analysed to verify their conformity with the primary sources.

## LITERATURE REVIEW

Hodgson D. (1998) provides an analysis of the right to education at the international and regional levels. He goes to examine associated tropical issues such as minority education of the mentally and physically disadvantaged and the extent of the parental prerogative in making decisions which affect the child's education. He states the problem which children face especially their right to education. He however does not identify the main issue surrounding why children do not go to school which is what will be addressed here and what can be done to encourage children to go to school.

Steiner H. and Alston P. (2008) talk about Human Rights generally. They devote chapter 6 (c) of their book to Children's rights. Here, they comment on the United Nations Convention on the Right of the Child and how it protects children's rights. They also state that, a child's right to education is protected. They do not give any details on how a child's right to education is protected. But this research will identify those issues and state why it is important that children go to school.

In "An Introduction to International protection of Human Rights", edited by Raija H. and Markku S., Fons Coomans comments on chapter 13 dealing with UNESCO and Human rights. He states that, "the right to education has been laid down in article 26 of the Universal Declaration of Human rights. This right was elaborated further within the framework of UNESCO following the 1960 Convention against Discrimination in education and the promotion of equality of opportunity and treatment for all in education." Here, the book also talks of no discrimination in school and equal opportunity and treatment for all in education. By Article 4 of the convention, state parties undertake to apply a national policy which by methods appropriate to national circumstances, will make various levels of education available and accessible (Mushkat, 1978).

Robertson A.H. and Merrills J.G., (1996) provide a wide knowledge of Human Rights in their book "Human Rights in the World, An Introduction to the study of the International Protection of Human Rights." They give the historical foundations of human rights and go as far as talking about the various covenants and declarations which protect human rights. They comment that the Convention on the Rights of the Child is, "the newest human rights treaty, but is already the most widely accepted, having been ratified with remarkable speed". They also examine certain issues in humanitarian law (Eide, et al., 1995). However, they do not lay so

much emphasis on the protection of the child's right to education which is what this research is based on (Panjabi, 1991).

In an "Introduction to Human Rights and International Humanitarian Law", Anyangwe C. (2004) examines the philosophical perspective of Human Rights. He looks at the Convention on the Rights of the Child 1989 as well as Humanitarian Law and the various rules that are supposed to be followed in times of war. In his book, he carefully looks at the sources of human rights and the influence of culture and Religion in Human Rights. He states that, the Convention on the Rights of the Child is the most comprehensive legal and policy framework for the protection of children and respect for their human rights (Baxi, 2000). The book states relevant provisions protecting children's rights but it is not very elaborate on the child's right to education which is what this research seeks to show.

Van Bueren G. (1995) writes elaborately on the rights of the child. The International Law on the Rights of the Child is a text containing fourteen well researched chapters. The first three chapters are devoted to examining the International children's movement and defining the place of children in International Law, both in terms of legal definitions of children and in terms of children's rights and their relation to the rights of other family members. The middle chapters explore children's substantive rights. The last chapter documents organizations and treaty implementing bodies that have taken it upon themselves to ensure children's rights. The book however is much more than an outstanding resource and thorough examination of children rights. The text urges one to imagine a world in which children's interests come first. Although the text talks about the protection of children's rights and mentions the right to education, it however does not give a detailed explanation of the right of the child to education under Cameroonian Law. This work brings out the various laws which protect children's rights in Cameroon and especially their right to education (Van Bueren, et al., 1999).

## **Foundations of the Rights of the Child to Education**

Prior to discussing the development of the rights of child, it is worth pointing out historical foundations of the rights of the child. Here, the focus is to explore on what led to the protection of the rights of children following the 1924 Declaration of the Rights of the Child and after the Second World War (Fortin, J., 2006).

## **Historical Perspective**

Concerns for the protection of human rights in the United Nations and elsewhere, has been one of the most striking developments in international law since the end of the Second World War. In 1993 the World Conference on Human Rights, meeting in Vienna, affirmed: "the solemn commitment of all states to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the charter of the United Nations, other instruments relating to human rights, and International Law (Bassiouni, 1994)."

The protection of Human Rights through international action is a revolutionary idea and traditional international law had no place for it at all. Thus Oppenheim, the leading authority on international law in the United Kingdom at the beginning of the last century wrote that the "so-called rights of man" not only do not but cannot enjoy any protection under international law,

because, that law is concerned solely with the relations between states and cannot confer rights on individuals (Davis, 2021).

It was therefore an accepted doctrine that relations between individuals and the states of which they were nationals be governed only by the national Law of those states, as a matter exclusively within their domestic jurisdiction. To move from this attitude to a position in which the fundamental rights of the individual are a matter of international law, with international remedies available if those standards are not respected, is clearly a major step. Many seek to shelter behind the old view of international law and hide their actions behind the cloak of national sovereignty. But such regressive policies cannot alter the fact that today the protection of Human rights has a place in international law which it never occupied in earlier times and there is widespread recognition of the need to render the system of international protection more effective (Kaime, T. 2009).

A realistic view involves recognizing that there are more countries in the world today where fundamental rights and civil liberties are regularly violated than countries where they are effectively protected. However, much is also changing due to international opinion, as expressed in the United Nations and elsewhere. Also, non-governmental groups such as Amnesty International and the International Commission of jurists are tireless in their work and increasingly influential in protecting human rights. All this has produced a new awareness of human rights-not everywhere, to be sure, but certainly enough to put the matter firmly on the international agenda. So attitudes on this issue have changed in the last fifty years and will change further in the years to come (Kalshoven, 2007).

The 1924 Declaration which was also known as the Declaration of Geneva, proclaimed that 'mankind owes to the child the best it has to give' a message that was subsequently to underline, the 1959 Declaration on the rights of the child ('the 1959 Declaration') ; the 1989 Convention on the Rights of the Child (the Convention or 'the CRC'), as well as the African Children's Charter.

In particular the 1924 Declaration set out five principles aimed at fulfilling the rights of children. The first principle provided that '[t]he child must be given the means requisite for its normal development both materially and spiritually.' The second provided that '[t]he child that is hungry must be fed; the child that is sick must be nursed...' The third principle espoused an element of what has come to be commonly known as the 'children 'first principle'. It declared that 'the child must be the first to receive relief in times of distress.' Principle four states that the child must be protected from all forms of exploitation whilst the fifth principle called on states to inculcate in children a spirit of service towards fellowman.

The 1924 Declaration however, was never intended to create binding obligations on states and corresponding legal rights for children. Although it was termed a declaration of the Rights of the Child, the instrument emphasised the duties that men and women had in ensuring that mankind gave children the best it had to give. In other words, children were regarded as recipients of welfare rather than holders of specific rights.

Despite this shortcoming, the 1924 Declaration is important in the development of the current children's rights framework in several ways. Firstly, it debunks the notion that the international rights of the Child are a recent development in International human rights law. The League of Nations initiative took place well before efforts to codify the Universal rights of all people. The Declaration also provided the groundwork for the propositions that the welfare of

children could best be protected by the protection of their rights; a proposition that has been borne out by the Convention on the Right of the Child and the African Children's Charter.

Greater awareness to protect the right of the child to education arose in 1976 following the protest in South Africa which led to what is today known as the Soweto Massacre . In 1953, the Apartheid Government enacted the Bantu Education Act, which established a Black Education Department in the Department of Native Affairs. The role of this department was to compile a curriculum that suited the "nature and requirements of the black people." The author of the legislation, Dr Hendrick Verwoerd (then Minister of Native Affairs) stated: "Native [blacks] must be taught from an early age that equality with Europeans [whites] is not for them" Black people were not to receive an education that would lead them to aspire to positions they would not be allowed to hold in society. Instead they were to receive education designed to provide them with skills to serve their own people in the homelands or to work in labouring jobs under whites (Heywood, 2009).

Bantu education did enable more children in Soweto to attend school than the old missionary system of education, but there was a severe lack of facilities. There were overcrowded classrooms. There was also lack of teachers, and many of those who taught were under qualified. On the 16 June 1976, high school students in Soweto started protesting for better education. Police responded with teargas and live bullets. The result was that many black children were killed and today the day is celebrated as the day of the African Child pursuant to resolution CM/Res. 1290(XL) of the African Union (Halme-Tuomisaari, 2010).

### **Legal guarantees available for the protection of the rights of the child in Cameroon**

The protection of human rights in general and the rights of the child in particular is ensured in Cameroon through a legal arsenal consisting of protocols, charters and ratified international conventions and national laws and regulations. The ratified international instruments acquire superior legal force. In this connection, the constitution proclaims in its preamble that the human person without distinction as to race, religion, sex or belief, possesses inalienable and sacred rights. It also reaffirms Cameroon's commitment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and People's Rights and all other international instruments ratified on the subject .

It is important to look at those legal instruments which protect the right of the child to education. The first part will be based on the international instruments which are comprised of the Universal Declaration of Human Rights, African (Banjul) Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child, the Convention on the Right of the Child, the International Covenant on Economic, social and Cultural Rights and the Maputo Protocol. The second part will be comprised of National Instruments such as the Constitution of Cameroon, the 1981 Ordinance, the law combating child trafficking, the Labour code, the Penal Code, the Law on the Organization of schools and the Law on Education Guidelines.

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in the form of resolution having no force of Law. It is therefore not an international agreement *stricto sensu*. It has acquired international recognition and acceptance which has guaranteed the fundamental rights of all human beings. Although the Declaration was originally not intended to be law, there has been an increasing disposition to attribute legal character to many, if not all its provisions.

Article 26 of the Universal Declaration states that; “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to on the basis of merit.”

It further states that; “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”

It can be seen from here that the Universal Declaration protects the right of child to education. Every child has the right to at least elementary education and this right must be protected. This provision is binding on Cameroon because it has been generally accepted and Cameroon affirms this in its preamble.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) ensures equal rights for men and women, the right to work, the right to just and favorable conditions of work, the right to join and form trade unions, the right to social security and social insurance. The ultimate effectiveness of the ICESCR is contingent on the measures taken by government to give actual effect to their international legal obligations (Ruppel, 2008). Article 13 grants the right to education. It provides that primary education shall be compulsory and free for all, and secondary and higher education generally accessible to all. State parties to the Covenant also undertake to submit periodic reports on the measures that they have adopted and the progress made in achieving the observance of the rights recognized therein. This instrument therefore recognizes the right to education. It states that primary education shall be compulsory, thus reiterating the importance of education. The fact that this document has been ratified by Cameroon shows that its provisions are binding on Cameroon (Glendon, 1997).

The African Charter on Human and People’s rights protects the right of the child to education. It provides in its Article 17 that “Every individual shall have the right to education. Every individual may freely, take part in the cultural life of his community. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the state. This shows that the African charter is another instrument which protects the right to education. In *Free Legal Assistance Group and Others v. Zaire* the closure of schools and universities was seen as a violation of Article 17 of the African Charter on Human and peoples’ Rights. Article 6 of the African Charter provides that, “Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.” In the case of *Institute for Human Rights and Development in Africa (IHRDA) and Open Society Justice Initiative on Behalf of Children of Nubian Descent in Kenya v. The Government of Kenya*, the African Commission found that the treatment of children of Nubian Descent violates the right to be registered at the time of their birth, because some parents have difficulty having their children registered especially since many public hospital officials refuse to issue certificates to children of Nubian descent. It was held that, there was discrimination against certain groups, including persons of Nubian descent, in the grant of birth registration and identity documents. This was a violation of Article 6 of the African Charter on Human and Peoples’ Rights. The direct effect of the non-deliverance of birth certificates to Nubian children on their right to education is that,

such children will not be able to register in schools and hence cannot be entitled to education (Viljoen, 1998).

The convention on the rights of the child provides the most comprehensive framework for the protection of children and respect for their human rights. The Convention's coverage is considerable: it applies to every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. State parties to the Convention have an obligation to respect and ensure the rights set forth in the treaty, and to undertake all appropriate legislative and other measures for the implementation of the said rights. The Convention indeed provides that the specialized agencies, UNICEF and other UN organs are entitled to be represented at the consideration of the implementation of such provisions of the CRC that fall within the scope of their mandate.

Article 28 of this Convention states that: "state parties shall recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall in particular, make primary education compulsory and available free to all. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need."

The Convention protects the child's right to education. The obligation of the state parties as one will expect, is to respect and ensure the rights set out in the Convention for each child within their jurisdiction without discrimination. Article 3 states that, in all official actions concerning children, 'the best interest of the child shall be a primary consideration.'

The African Charter on the Rights and Welfare of the Child also protects the rights of the child to education. Despite accepting the provisions of the CRC en masse, African states still sought to draft provisions of an instrument on the rights of the child which reflected African concerns. Hence, the drafting of the African Children's Charter by a working group of African experts on the Rights and Welfare of the Child. The idea to adopt an instrument on the rights of the African child 'originated from a desire to address certain peculiarly African problems' which has not been addressed by the Convention on the Rights of the Child. Among other concerns; the particularities of the African situation omitted from the Convention were identified as the situation of children living under apartheid; disadvantages facing the African girl child; the African conception of the community's responsibilities and duties: the role of the extended family in the upbringing of children; the use of children as soldiers; and problems of internal displacement arising from civil wars and internal insurrections.

Article 11 of this Charter states that, 'every child shall have the right to an education. The education of the child shall be directed to the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential'. The Charter thus protects the child's right to education. This can be seen in the case of Institute for Human Rights Development in Africa (IHRDA) and Open Society Justice Initiative on Behalf of Children of Nubian Descent in Kenya v. The Government of Kenya . In that case, the African Committee on the Rights and Welfare of the Child found the Kenyan government guilty for violating the rights enshrined in Article 11(3) of the African Children's Charter, which provides for the right to education.

Ratifying state parties undertake to take all appropriate measures, with a view of achieving full realization of this right. Article 11(3)(a) requires in particular the provision of free and



compulsory basic education which necessitates the provision of schools, qualified teachers, equipment and the well-recognized corollaries of the fulfillment of this right. The African Commission on Human and People's Rights has emphasized that, the failure to provide access to learning would amount to a violation of the right to education under African Charter on Human and Peoples' Rights. Education leads to individual creativity, improved participation in the social, economic, cultural and political life of society and hence to a more effective contribution to human development. Education is a prerequisite not only for the full exercise of the individual rights, but also for understanding and respecting the rights of others. It is important that children acquire basic education. This will enable them to be better oriented, become responsible and avoid going to the streets.

The Maputo Protocol to the African charter on Human and peoples' Rights on the rights of Women in Africa is another useful document for analyzing the rights and welfare of the child ('the Women's Protocol or the Protocol'). The women's protocol contains an extensive compendium of rights for women, defines a 'woman' as 'persons of female gender, including girls.' Consequently, the protocol provides another source of protection for African girl-children. However, the majority of the literature dealing with the rights and welfare of the African child is mostly based on the CRC and the African Children's Charter is only mentioned in passing. Article 12 of the Protocol on Women states that, state parties shall take all appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training.

In the Cameroon constitution, the right to education and the state's duty to apply it has been enshrined in the constitutions of practically all the countries which have become independent in the last 30 years. The right of everyone to education and the principle of equal opportunity in education, which were far from being universally undisputed standards only thirty or forty years ago, began to be established as necessary attributes of any democratic order or to be recognized as rules not only of law but also of social morals and civic ethics. The conviction that education is an indispensable factor of personal development and an essential condition for the improvement of the social and economic situation of the individual, and the exercise of all the rights enshrined in the national constitutional and in international instruments on human rights, has now taken root in the minds of dozens and even hundreds of millions of human beings. The legal framework for promoting and protecting human rights in Cameroon is clearly set out in the constitution which incorporates in substance both the 1948 Universal Declaration of Human Rights and all Conventions pertaining to that declaration to which Cameroon is a party. The Preamble to the fundamental law, which is made an integral part of the constitution, actually proclaims the Cameroonian people's commitment to the universal values and principles. The right to education as a fundamental human right was proclaimed a long time ago in the constitution of a number of countries. Article 45 of the Constitution of Cameroon provides that, "Duly approved or ratified treaties and international agreements shall, following their publication, override national Laws." This means that Cameroon shall implement the rights and principles in the Convention on the Rights of the Child. The Convention was ratified on the 11th of January 1993. Following the provisions of the Constitution, the Convention should be implemented in Cameroon.

The Cameroon Constitution makes only one specific mention of the rights of the child to education. It states in its preamble that, the state shall guarantee the child's right to education. Primary education shall be compulsory. The organization and supervision of education at all

levels shall be the bounden duty of the state. The preamble to the constitution enshrines the right to education and makes primary education an obligation towards children. It further states that, the state shall guarantee all citizens of either sex the rights and freedoms set forth in the preamble of the Constitution. Therefore, the preamble while taking local realities into consideration has adopted the principles contained in the Universal Declaration.

Street and working children often live in dreadful conditions and are victims of all sorts of abuses. Many of them suffer from various diseases due to these deplorable conditions. Many of them have hardly been to school or no longer go to school. If these children survive hunger, thirst, dangerous and badly paid jobs, prostitution, sexual abuse, disease, exclusion, police harassment, problems with the law, imprisonment, drugs that are destructive and cheap, and household jobs little more than slavery, they will grow up to be either analphabetic or illiterate adults. They do not know the joys of childhood and youth. Almost always left out of government budgets, only social welfare organizations, religious institutions and individuals cater to the urgent survival needs: food, shelter, clothing, health care, legal assistance, sanitation, protection against violence, undeserved repression, and the various abuses practiced in the name of law. A bigger problem for their future is that they do not have easy access to school. Education is the only way to help out these children out of the infernal cycle of poverty, struggle for survival in the street or servile jobs and ignorance.

In Cameroon, the Law on combating child trafficking also protects children's rights. Section 2(b) of this Law defines child trafficking as, the act of moving or helping to move a child within or outside Cameroon with a view to directly or indirectly reaping any financial or material benefit there from, whatsoever. Section 4 states that, any person who practices child trafficking or slavery, even occasionally, shall be punished with imprisonment for from 10 (ten) to 20 (twenty) years and with fine of from 50.000 (fifty thousand) to (one million) 1.000.0000 CFA francs. Section 5 further provides with imprisonment for from 15(fifteen) to 20 (twenty) years and with fine of from 15(fifteen) to 20 (twenty) years and with fine of from 100.000 (one hundred thousand) to 10.000.000 (ten million) CFA francs where the offence is committed against a minor aged below 15 years.

Cameroon is a country of origin, transit and destination for children subjected to trafficking in persons, specifically forced labour, and a country of origin for women in forced labour. Individual trafficking operations usually involve the trafficking of two or three children at most, as when rural parents hand over their children to a seemingly benevolent middleman who may promise education and a better life in the city. In the case of *The People v. Ejah Esther*, the accused had agreed to pay a certain sum of money to the parents of the child with whom he was living. But the accused did not keep to the terms of the agreement. It was discovered that the child had been given out as a house help at the age of ten. Child slavery came up in the course of the trial. A 2007 study conducted by the Cameroon government reported that 2.4 million children from the country's ten regions involuntarily work in forced domestic servitude, street vending and child prostitution, or in hazardous settings, including mines and tea or cocoa plantations, where they are treated as adult labourers, an unknown number of these children are trafficking victims. These children who work in cocoa plantation should instead be encouraged to go school so that they can become better people and have a positive impact on the community. This practice where children are subjected to work as child labourers should be discouraged and more children should be encouraged to be enrolled in school.

According to Section 86(1) of the Labour code, no child shall be employed in an enterprise even as an apprentice before the age of 14 (fourteen) years, except as otherwise authorized by order of the minister in charge of labour, taking account of local conditions and the jobs which the children may be asked to do. This shows that even when it comes to work children younger than 14 years shall not be employed as an apprentice. This Section further states in sub section 2 that, an order of the Minister in charge of labour shall determine the conditions for the hiring, employment and supervision of the employment of young persons on board a ship, provided that a young person under 18 (eighteen) years of age may in no case be employed on board ship as a trimmer or stroker. This Section of the Law does not in its entirety protect the right of the child to education. This is because the government should encourage formal education. That is, children of this age should instead go to school and not be employed as apprentices.

According to a presidential Order of September 1994 on non-commissioned military personnel, no child under 18 may be recruited in the armed forces or in the police. Moreover, a person under 21 must have the authorization of his parents to join the army.

According to the civil status registration ordinance, under Cameroonian Law, every birth shall be declared to the civil Status registrar of the place of birth within 30 days following such birth. According to Article 34 (1), the child shall be issued a birth certificate which shall state his date and place of birth, the full name, age, occupation and domicile or place of residence of the father and the mother and where applicable, the full name and domicile or place of residence of the witnesses.

Article 52 (1) of the Civil Status Registration states that, no marriage may be celebrated if the girl is a minor of 15 years old or the boy of 18 years old, unless for serious reasons a waiver has been granted by the president of the Republic. It is very important that there should be a law limiting the age at which children are sent to marriage. It is very common especially in the rural areas to see girls who are sent to marriage at very tender ages. Children of this age should instead be encouraged to go to school and not early marriage. The girl child is most often compelled to stay at home. The civil Status Registration discourages this practice. It is therefore important that, girls of this age should go to school. A girl child below the age of 15 is still very tender for marriage. Children below 15 should instead be enrolled in school. Basic education is very vital for a child. This education helps her acquire a solid base. After acquiring this basic education, a child can decide to learn a trade which will still be of benefit to the child. This will enable the child become independent and even if she decides to marry after that, she can support herself. This also applies to the boy who is only capable of getting married having attained 18 years old. It is normally believed that at 18 the child can take decisions for his best interest and must have been given the opportunity to have his basic education. That is why the Civil Status Registration Ordinance provides this age limit so as to protect the right of the child to education. This shows that the Law in Cameroon protects the rights of children.

Recent years have seen many large-scale changes in the legislation governing the Cameroonian justice system in general and its administration of juvenile justice in particular. In 2004, the state undertook a restructuring of its government which included placing the protection and promotion of child rights under the auspices of five government ministries. In 2005, the ministry of justice took over the administration of the state's prison system as well as a partial share in the administration of human rights. Section 350 of the Penal Code provides that, "the penalties prescribed by

Section 275 on the one hand and by Section 277 and 278 on the other shall become death and imprisonment for life respectively where the offences are committed against a person under fifteen years of age, and the penalties prescribed by Section 279 (1), 280 and 281 shall be doubled". This means that where a person is responsible for the death of a child, he shall either be sentenced to death or life imprisonment. He will not be asked to pay any fine. The law protects the rights of children here in that the punishment is more when a child is involved.

Section 343 punishes immoral earnings where the victim is a child with a maximum of ten years of imprisonment. The Law in Cameroon protects the rights of the child in that, where an offence involves a child below 18 years of age, the punishment for the said offence is doubled. This shows that the Law in Cameroon takes into consideration the rights of the child.

Article 47 of the Decree on the Organisation of Schools defines the powers of school administration officials and provides that, primary public schools are free in accordance with the presidential decision of 10 February 2000. The abolition of costs payable (school fees) for public primary schools was decided upon by the Head of state in 2000. The principle of free primary schools is enshrined in article 11, paragraph 3, of the finance Act No. 2000/08 of 30 June 2000. The government's objective is to broaden access to education for all children of school age and to prevent girls from dropping out of school. It is thus a matter of extending the coverage and enhancing the equality of primary and secondary schooling. Special emphasis has been placed on strengthening the participation of girls living in priority zones ( the regions of Extreme-North, North, Adamawa, East and pockets of low school enrolment in the big towns and in border areas.), as well as initiative to support children with special learning needs and early childhood development.

In the past, there were high dropouts and repeating rates, inadequacy of school curriculum; the high teacher-pupil ratio especially in the capital, the low number of children receiving pre-school education. Extremely high rate of children victims of violence in schools, insufficient number of trained teachers, the poor quality of education and the lack of learning materials and equipment. Every individual has a right to her economic, social and cultural development.

In recent years, Cameroon has adopted two significant measures to prohibit discrimination in education. In accordance with the provision of article 7 of Law No. 98/04 of 14 April 1998 on education guidelines in Cameroon, [t]he law shall guarantee to every person equality of opportunity in regard to access to education, without distinction as to gender, political, philosophical and religious opinion, social, cultural, linguistic or geographical origin. Also, following the decision of the head of state, primary education was made free of charge throughout the whole of Cameroon from the 2000/2001 school year. This was done pursuant to the constitution and Law No. 98/04 of 4 April 1998 on education guidelines in Cameroon. Accordingly, primary education that is free and compulsory is gradually being established as a result of a number of measures taken by public authorities. Cameroon's education system does not accord priority to either sex. Schools and training centres are open to all, girls as well as boys. In some parts of the country, however, more boys than girls attend school – in the three Northern regions for instance (Langlaude, 2007). This is the result not of Government policy but of traditions and customs that have continued to influence these regions over the years. Therefore, government policy is one to positively discriminate and hence encourage more girls in school. Section 6 of this law provides that, the state shall guarantee the right of every child to education. It further states in Section 9 that, primary education shall be compulsory. This Law in its first chapter organized the educational system of Cameroon. In Section 14, it states that the

organization and control of education at all levels shall be the duty of the state. In Section 15, it postulates that: the educational system shall be organized into two sub-systems, the English-speaking sub-system and French speaking sub-system, thereby reaffirming our national option for biculturalism. It further states that, the above mentioned educational sub-system shall co-exist, each preserving its specific method of evaluation and award of certificates. Harmonization of the two systems is limited to structural aspects in terms of the duration of the courses. Both systems start with nursery education that lasts for two years, where children enter at the age of 4 years and graduate at the age of 6 years. Primary education for both systems extends for six years indicating a reduction of one year from the Anglophone system that used to be seven years.

Section 22 (1) of the law on education states that the school year shall comprise at least 36 weeks of effective classes. This shows that the government of Cameroon is bent on improving the quality of education. The government also passed this law so as to encourage children to go to school.

### **Mechanisms for the implementation of the laws on the right to education in Cameroon**

This area seeks to explore what the government of Cameroon and other organizations are doing to protect the right of the child to education. Here we will examine the function of the Ministry of Basic Education and its effort to promote free primary education. This is the main Ministry in charge of ensuring the child's right to education. The Ministry of Social Affairs will also be looked at so as to see what the ministry is doing to reduce the number of street children and encourage them to go to school. Other Non-Governmental Organizations will also be examined like Plan International, Counterpart International and its food for education program and the Association de Lutte Contre Les Violences Faites Aux Femmes (AVLF). These organizations encourage the education of children. International Organizations like UNICEF and the World Bank cannot be left out. These organizations also protect the right to education.

### **The Ministry of Basic Education (MINEDUB)**

To promote the mass enrolment of all school-age children and particularly of girls, the government is launching awareness-raising and public information campaigns in collaboration with its partners (the United Nations Children's Fund (UNICEF), the United Nations Educational Scientific and Cultural Organization (UNESCO) and non-governmental organizations (NGOs). The decline in the number of children in schools that occurred between 1990-1991 and 1995-1996 was attributable to a leveling off of school enrolment under the impact of the economic crisis on the population's standard of living from the late 1980s. The untoward consequences included a decline in the population's purchasing power; an increase in unemployment owing to a wave of redundancies; a shortage of jobs for graduates; a loss of confidence among parents in the school system and, most important of all, the discontinuation of the practice of recruiting primary school teachers from the civil service. The increase in staff numbers since 1997-1998 can be attributed to a noticeable upswing in the economy in recent years and the changing outlook of parents regarding the desirability of sending their children to school. In terms of infrastructure, there were 42,036 classrooms in the 8,753 primary schools functioning in 1998-1999, of which 19,956 were temporary constructions needing some degree of rehabilitation. Since 2006, the Ministry of Basic Education has been working with UNICEF, its private sector partner, MTN foundation and the United States government in supporting members of

Cameroon's National Network of Mother's Association (RECAMEF) to accelerate progress in girl's education. The multifaceted approach, including teacher training, books, scholarships and other incentives will allow girls to remain in school until the end of the cycle. There is the Cameroon-Japan cooperation on the building of primary schools. Between 2008 and 2010 there has been an increase in the number of primary schools built in Cameroon. The table below will show the number of schools, classrooms and seats in nursery and primary schools which exists from the 2019/2020 to 2020/2021.

Level of education	Agency	2019/2020			2020/2021		
		Schools	Classrooms	Seats	Schools	Classrooms	Seats
Nursery	Public	1 776	2 505	82 196	1 982	2 550	108 684
	Private	2 689	5 951	174 150	2 951	5 592	220 439
	Total	4 465	8 456	256 346	4 933	8 142	329 123
Primary	Public	9 656	47 107	1643337	9 932	48 802	1866836
	Private	4 200	22 697	917 657	4 323	23 683	943 335
	Total	13 856	69 804	2560994	14 255	72 485	2810171
Total	Public	11 432	49 612	1725533	11 914	51 352	1975520
	Private	6889	28 648	1091807	7 274	29275	1163774
	Total	18 376	78 260	2817340	19 188	80 082	3139294

*Source: Author extracted from Cellule de la Planification-DPPC-MINEDUB, Statistical Yearbook2020/2021,p.41*

Table 1 above shows that there was a marked increase in the number of nursery and primary schools between the academic year 2019/2020 and 2020/2021. In the academic year 2019/2020 there were 4 465 nursery schools, 8 456 classrooms and 256 346 seats. In the primary sector there were 13 856 schools, 69 804 classrooms and 2 560 994 seats. In the academic year 2020/2021 there were 14,255 primary schools, 72,485 classrooms and 2, 810, 171 seats. This shows that the number of nursery schools increased in the academic year 2020/2021. There was also an increase in the number of primary schools. The ministry of Basic Education is doing a lot to encourage children to go to school by constructing more schools. The table 2 below will show the number of primary schools by agency. That is, the number of schools in the various regions.

Order	Public	Private	Parents	General
Region				
Cameroon	9 932	3 859	464	14 255
Adamawa	647	56	78	781
Centre	1 654	941	14	2 609
East	715	72	46	833

Far North	1 612	134	166	1 912
Littoral	662	937	6	1 605
North	933	56	85	1 074
North West	1000	773	32	1 805
West	1 227	501	35	1 763
South	734	72	0	806
South West	748	317	2	1 067
<i>Source: Author extracted from Cellule de la Planification-DPPC-MINEDUB, Statistical Yearbook 2020/2021,p.41</i>				

Private institutions are also involved in the education system in Cameroon. There are denominations such as the Catholic church which has 1,052 primary schools, Protestants having 652 schools and 219 Islamic primary schools. They are also involved in building schools. The education system is not only limited to the government. Private institutions are also involved. They also build schools in the various regions of the country. Law no 2004/022 of 22 July 2004 lays down the rules governing the organization and functioning of private education in Cameroon. This law encourages private institutions thus helping to encourage the education of children (Kitaev, 1999)..

It is also necessary to look at the number of children who attended nursery and primary school in the academic year 2018/2019, 2019/2020 and 2020/2021. In the academic year 2018/2019, there were 3,201,677 pupils in primary schools. In 2019/2020 the number of children increased to 3,350,662 pupils. In 2020/2021 there were 3,510,396 pupils. This shows that the number of children increases as the academic years go by. It is a positive sign because it shows that more children are being enrolled in school.

Cameroon by making compulsory the free primary education policy intended that, the country satisfy the second Millennium Goal of securing universal primary education by the year 2015. Almost a decade has lapsed ever since the Head of State issued the free primary education policy and there are four more years to go before the Millennium Development Goals are achieved. It is with this agenda in mind that the February 2011 cabinet meeting headed by Prime Minister Head of Government on Wednesday, February 23, was mostly dedicated to reviewing the extent to which the policy on free primary education had been deployed. The minister of Basic Education, addressing the members of government in the cabinet meeting acknowledged that the implementation of the policy of free primary education in government schools was visible, essentially in terms of the waiving of fees that was to be paid towards schooling.

The policy however has not been successful in totally eradicating spending as Parent Teachers Association (PTA) in some schools have made decisions to take a specific amount per student in order to assist government's measures in offering each of those schools' basic requirements like teachers and adequate infrastructure. Government on its part has been providing teaching aids to teachers through ensuring a regular supply of teaching kits or minimum package which cost FCFA 20 billion for the whole of the last decade. Infrastructure development cost FCFA 95 billion in the last ten years, with 1,881 nursery schools and 3,567 primary schools created and made functional. When president Biya decided to set up the policy of providing free primary education in government schools, government had literally put a full stop to taking in teachers. However, in the three years that span across 2018 and 2021,

government has taken in about 60,200 Grade I teachers. The North, Far North, Adamawa and East Regions which were found to be comparatively low with regard to the number of students who join school have been designated priority education zones.

**Government has also been offering subsidies to private primary education which takes care of 23% of total enrolment.**

The Heavily Indebted Poor Country's Initiative (HIPC) has helped to promote basic education in Cameroon. Through this Initiative, budget support totaling FCFA 24.6 billion combined with Education For All (EFA) and national resource funding have allowed the ministry of Basic Education to start recruiting 13,300 new contract teachers since January 2007.

**United Nations Educational Scientific and Cultural Organisation (UNESCO)**

The United Nations Educational Scientific and Cultural Organization (UNESCO) was founded on 16th November 1945. The International Education Charter details education as a basic human right, with UNESCO given primary responsibility among UN organizations to carry out its mandate in this area. It is a specialized agency of the United Nations. Its main purpose is to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, the rule of law, human rights and fundamental freedoms without distinction as to race, sex, language or religion. The right to education has been laid down in Article 26 of the Universal Declaration of Human Rights. This right was elaborated further within the framework of UNESCO: in 1960 the Convention against Discrimination in Education was adopted.

One of the objectives set out in the constitution of UNESCO, adopted in 1945, was 'to advance the ideal of equality of educational opportunities without regard to race, sex, or any distinctions, economic or social'. Twelve years on, at its eleventh session the General Conference of UNESCO adopted the Convention and Recommendation against discrimination in education, in which it expanded the provisions of the Universal Declaration of Human Rights and established 'equality of opportunity and treatment in education, it identified a need 'to encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course.' UNESCO promotes the right to education and that is why it adopted the provisions of the Universal Declaration. It has as main goal to promote and encourage education without discrimination as to race or sex.

At the Jomtien conference (Thailand, 1990), UNESCO was entrusted with the responsibility of ensuring that its member states took steps to eliminate disparities in education that may exist to the detriment of certain groups: the poor, street and working children. Following this conference and in response to the wish expressed by the international community concerning Education for All, UNESCO, in collaboration with UNICEF, elaborated and set up in 1992, an Education Program on behalf of these children. This programme aims to meet, as directly and concretely as possible, children's educational needs, as well as the professional needs of partners in the field: street educators, the law-and-order authorities, psychologists



specializing in helping children in difficult circumstances, and social workers in general. Among the various services organized for the children by the civil society, education and vocational training appear to be the most difficult to set up, manage and finance within rehabilitation projects. Since 1993, UNESCO's activities in Cameroon for street children have consisted in financing the educational needs of children in rehabilitation and education projects set up by non-governmental organizations in the field. These organizations, committed to helping street children, are doing essential and remarkable work. But, faced with the ever-increasing phenomenon of social exclusion and the exploitation of children all over the world, there is no doubt that without the political will of governments, this problem cannot be resolved since it is an integral part of the fabric of society. The radical cure to the problem of social exclusion of children lies with the state.

Since 2005, UNESCO is trying to encourage the political wills of its member states into making an active commitment, through education, in the fight against the social exclusion of children and youth. Hence, the launching of pilot projects capable of creating synergy between individual efforts and political will.

### **United nation children's emergency fund (UNICEF)**

The education crisis in Eastern and Northern Cameroon is characterized by overcrowded schools and classrooms that are in shambles, students with few or no supplies and textbooks and a major shortage of qualified teachers. As a result, education rates are falling throughout the three affected regions. In the Adamawa region for example, less than 60% of all primary-school age children are enrolled and less than 11% complete their primary school education. Girl's enrolment, attendance and completion rates are of particular concern as well due to increase burdens in the home and lack of girl-friendly environments in schools. UNICEF, in partnership with the Ministry of Basic Education, supports the rehabilitation of schools, procurement of essential supplies and furniture for students and teachers, recruitment and training for teachers in mobilization and sensitization of families and communities. There has been the construction of 30 temporary learning spaces in remote areas, the procurement of learning and recreational materials, 50 UNICEF recreation materials, 20 early childhood development kits, as well as textbooks. There has been the sensitization and mobilization of families and communities on the rights and needs of children to education. Cameroon's national efforts in accelerating progress in girl's education got a major boost with the launch of the "My Education, My Future", initiative on 4 May 2011. The Cameroon Girl's Education Initiative marks the beginning of a strengthened partnership between Cameroon's Ministry of Basic Education, UNICEF, the US government, United Nations partners, non-governmental organizations and the private sector under the umbrella of the United Nations Girls' Education Initiative (UNGEI) and focuses on girls in rural areas of the country. The event took place at Dembo primary school in the outskirts of Bertoua, in the Eastern Region chaired by the Minister of Basic Education, Madam Hadidja Alim Youssouf. It marked the launch of the Cameroon chapter of UNGEI, and was followed by a photo exhibition in the capital, Yaounde, showcasing the partnership for girls' education and hosted by the Ministry of Basic Education. In the Far North Region, there is a 30% gap in enrolment between girls and boys, while 40% of girls who start school do not complete the primary cycle, said Ms Ora Musa Clemens Hope UNICEF country Representative. As part of its strategy, a public awareness campaign aims to change behavior towards girls' education in these areas by working with, and involving families and communities in the

management of the schools. Sessions are conducted to equip parents to better supervise their young children with a particular emphasis on girls.

With regard to marginal and disadvantaged population groups (Mbororos, pygmies, Mafa), Cameroon began promoting birth registration two years ago in collaboration with international partners to help children from these marginalized groups have access to citizenship and schooling. To support the government's efforts, UNICEF (Special Protection Program) has opened nearly 300 birth registration throughout the Regions of Adamawa, where the registration of births is lowest. More than 3,000 children have benefitted from this initiative, following awareness campaigns conducted in the context of the June 2008 Day of the African child which focused on the theme of birth registration. Steps have been taken to ensure that all births are registered. In this connection, a project for the issuance of birth certificates is underway for children in marginalized population groups (Bororos, Baka and Bakola, commonly known as pygmies, with the support of UNICEF.

Association de lutte contre les violence faites aux femmes (Association for the Fight Against Violence to Women).

This is a non-governmental organization (NGO) which fights for the protection of the rights of women. In Cameroon this NGO is found in Yaounde but it also has a branch in Maroua. The branch in Maroua was established there by Sike Bille. Sike Bille hails from the Southern region. She chose Maroua because women in that region face such extreme discrimination, isolation and violence. In March 1996, Sike formed the Far-North branch of the Association for the Fight Against Violence to Women, also known in French as ALVF. The vision that originally took Sike to Maroua was a broad one. She wanted to establish a feminist foothold in a part of the country where women had little say in their lives, with the eventual goal of transforming women's unequal status.

Early childhood marriage is a common practice in the Far North region. As a result of such attitudes, girls often do not make it into or out of primary school, so most women cannot read or write in any language and cannot speak French. Hence they lack the skills that would not only afford them access to employment, but also equip them to interpret, analyze, and negotiate their external environment more effectively. Without Education, the ability to read, or participate in public life, girls rarely have even the faintest familiarity with the marriage laws that, in theory, should protect them.

### **ALVF and its efforts in encouraging girls to go to school**

The Far North branch of ALVF continues to deepen and expand as it grows. A new project (launched with support from Action Aid Cameroon and buy-in from the provincial governor) involves the formation of community-based brigades to denounce child marriage in four departments of the region. Each brigade consists of one teacher, one traditional leader, two religious' leaders (one Christian and one Muslim), one local authority, one parent, and one student. The Association provides training to brigade members and is helping them organize girls' clubs within schools, aimed at reporting a girl's disappearance from school. The brigades can then follow up with the families of girls headed for forced and early marriage to ensure that these girls return to school. The association has recorded success cases in the Far North Region. The case about a girl called Amina who was 12 years old and lived with her mother and father. When she was 11, Amina learned from a friend that her father was planning on marrying her off to one of his friends, as punishment for her disobedience at home and because she was seen

“walking around.” Amina ran away from home, seeking refuge with a family, who put her in touch with a member of the association. She spoke with Amina and went to see her father explaining the potential consequences of early marriage. He signed a paper agreeing that he would not send Amina to be married without her consent, and that he would send her to school when the new term began. Another case from the Centre for Women’s Lives is seen in Hawa’s situation. Hawa’s father went to consult an elderly marabou, traditional healer. Unable to pay his bill, he offered 11-year-old Hawa to the 70-year-old. The girl, scared and distraught, resisted the marriage. A neighbor who heard the story approached the Centre for Women’s Lives to see if they could intervene. Centre staff went to see Hawa, then Hawa’s father; they explained to him that his daughter had rights, that what he was doing was illegal under Cameroonian Law, and that they were prepared to take him to court. He agreed to abandon his plans, and Hawa was sent to school.

### **General Appraisal of the Protection of the Right of the Child to Education in Cameroon and Recommendations**

After examining the Laws that protect children’s rights and how these Laws are implemented, it is important to make a critical analysis of how these laws are implemented. Here we will assess the extent to which these laws are applied in Cameroon. We noticed that the Ministry of Basic Education is in charge of nursery and primary education , yet so many children do not attend school and so a lot still has to be done to encourage basic education. Despite the proclamation of the principle of free primary education: intended to ensure equality of opportunity for all children, in practice, it is not implemented everywhere. Many children are therefore still not receiving free primary education. Parents still have to pay money for Parents Teachers Association (PTA). This shows that primary education is not entirely free. Thus a wide gap still remains between promise and performance. Despite the fact that primary education is supposed to be free, there are still low school completion rates among school-age children. Many factors do account for this.

### **Factors That Account For Low School Completion Rates in Cameroon**

Although primary education is now free in Cameroon, it is not compulsory. However the Net Enrolment Rate remains impressive in some areas. Statistics show that there is an enrolment percentage of 95% in the Centre, 89% in the North West and 86% in the East Regions. However, retention is quite low of the children who enter class 1, only 59% (80% in the English subsystem) attain the final grade of the primary school cycle. Several factors account for this situation. First of all, with regard to education delivery, some primary schools do not offer the complete course of primary Education. In rural areas, it is a common situation for a child to start nursery education in a nearby school, but later on to have to go farther from home to be able to continue primary education there. This sometimes results in the child’s abandoning school at least for some time. It is estimated that 7.9% and 5.5% of children in the French and English systems respectively go to a school in which they will not be able to complete their primary education . The report quoted above indicates a repetition rate of 17% and 28% in the English and French systems respectively.

The table 3 below shows the repetition rates in all the ten regions in Cameroon. This table represents the number of female repeaters.

In addition, there is also the inadequate qualification of teachers. It is estimated today that of all teachers working in primary education, only 49% are government employed; 28% are trained but community-supported. As much as 25% are locally recruited and lack the basic professional training. The table 4 below shows the number of non-qualified teaching staff in the lay private primary schools by Region.

Sub-system	Class Five		Class Six		Total	
Region	F[1]	T	F	T	F	T
Cameroon	25 456	56 713	25 947	62 451	204 786	4,61,199
Adamawa	609	1426	1 124	2750	8484	19 953
Centre	3894	8242	3252	6694	31 175	66 473
East	1464	3340	965	2346	14 552	31 794
Far North	5446	12 310	7128	19 057	49 744	117 505
Littoral	2022	4292	2406	4874	14 425	30 674
North	3230	7741	4419	12 734	27 876	67 675
North West	2418	5391	1338	2931	12 791	27 880
West	4929	10 763	4260	8719	32 566	71 566
South	736	1647	542	1205	7092	15 165
South West	712	1561	513	1141	6081	12 514

*Source: Author extracted from Cellule de la Planification-DPPC-MINEDUB, Statistical Yearbook 2021/2022,p.41*

	CEPE/ FSLC			No of Academic Certificates			Total		
	M[1]	F	Total	male	F	T	M	F	T
<b>Cameroon</b>	257	428	685	49	53	102	4603	5085	9688
<b>Adamawa</b>	1	1	2	0	0	0	44	14	58
<b>Centre</b>	52	119	171	12	22	34	1439	1916	3355
<b>East</b>	1	0	1	0	0	0	20	15	35
<b>Far North</b>	1	3	7	2	10	2	62	11	73
<b>Littoral</b>	95	193	288	20	0	39	2275	2181	4456
<b>North</b>	3	7	10	0	3	0	41	22	63
<b>North West</b>	45	44	89	4	0	7	222	389	611
<b>West</b>	29	35	64	4	0	4	195	213	408

<b>South</b>	2	9	11	0	0	0	55	41	96
<b>South West</b>	25	17	42	7	9	16	250	283	533
<i>Source: Author extracted from Cellule de la Planification-DPPC-MINEDUB, Statistical Yearbook 2021/2022,p.41</i>									

Also, supervision of teachers remains weak in rural areas. The lack of transportation means greatly restricts the movement of school inspectors, resulting in very irregular supervision. Teacher performance is therefore not adequately monitored and most of them are often absent from school. The Teacher-pupil ratio also remains high: 1 to 60, quite above the normal ratio of 1:30. It was revealed over the years that although introduced a long time ago, active teaching methods (which actively place the child at the centre of the teaching and learning process, with heuristic undertones) are yet widely used. This fact, which directly influences the quality of the process, is also responsible for the poor learning achievements. As regards Access to Education, long distances to school remain a serious problem. The poor nature of the roads especially during the rainy season makes it difficult for children to go to school. The roads are usually inaccessible during the rainy season since the roads are not tarred.

The direct result of this is that either young children drop out or they start school quite late. Other obstacles contribute to the poor completion rate in Basic education. One of these is the low-income level in households. It has been estimated that despite the decision to make primary education free, households still bear the bulk of financial investment in the Education system through PTA levies and supplies to children: 43percent. The situation is even more dramatic in rural areas, where most households live below 1dollar a day poverty threshold. Due to this extreme poverty, children do not receive the full support they need (food, books, clothing, etc) and attend school very irregularly, drop out of school or perform poorly. This deprives the children of their right to education. The combined effects of these factors can be directly seen in the ultimate primary school completion rate. Nationally, it is considered that 59% and 80% of children complete primary education in the French and English systems respectively.

### **Non-Conducive Learning Environment**

While a lot of resources are being invested in school construction or renovation both by the government and its bilateral and multilateral partners, there is still much to do to make the learning environment conducive and child friendly. The basic infrastructure package (which should include not only classrooms but also water supply and sanitation facilities, teacher's houses especially in remote areas etc.) is not being delivered in a systematic manner. Added to the inadequate hygiene and sanitation education, this make for very unhealthy schools and children are generally extremely dirty. Sometimes, basic sanitation facilities are provided, but no consideration is given to different requirements for boys and girls. Toilet facilities are designed with little or no consideration to age, gender and safety. Due to the very fact that toilets are common to boys and girls and sometimes teachers, girls have little privacy and are exposed to harassment, and end up dropping out of schools. As a result learning and teaching in primary schools is conducted in a non-conducive environment that significantly compromises the performance of the children. Also, the crisis in the North West and South West Regions in Cameroon has deterred so many children from going to school. For fear of being shot or killed, most of them stay at home and are thus deprived of their right to education.

## Child Protection and Participation Issues

In the absence of formal child protection policy in the curriculum, children are open to various forms of ill-treatment and abuses. This ranges from non-involvement in management and decision-making processes and sometimes to harmful treatment. While the concept of 'children are Government' has been timidly making its way into the school setting, this generally reflects more to talking than real child empowerment. Where they exist, these governments are perceived both by teachers and parents as child-play gatherings, functioning only when the school is being visited by an important personality or during celebrations to show off. Their main occupation is cleaning around the school yard. Furthermore, it is a fact that corporal punishment (i.e. speaking, kicking and torturing) is officially banned from school institution, instances are still frequent where a teacher uses the cane as the only discipline tool, and there have been cases of fatal accidents resulting from child battering. In rural areas where teachers and school administrators still enjoy a special status of authority in the villages, the old, pre-independence practice of a teacher using children in his personal farm or home is still common place. Finally, sexual harassment and abuse perpetrated by teachers on their female pupils are frequently reported. The country's penal system strictly punishes such behaviors with termination from civil service and imprisonment. Nonetheless, children have not been educated to denounce and speak out on these abuses when they occur (Heymann, 2001).

The ultimate result of all the above is that either children are deterred from going to school, or they do not enjoy the safety that the school system is supposed to incarnate for optimum child development. Due to this most children tend to run away from school and this helps to reduce the enrolment of children in schools.

## Inadequate Parental Participation and Child Follow-Up at Home

Much is still to be done to inculcate the habit of following up children's education into parent's minds in rural areas. Most children do not have the time or space to study at home or do homework. It is still common to see some parents taking their children out of school during the sowing season to have them work in the farms. Although much has been done to involve the community in the management of schools (through the PTA and School Management Committees (SMCs), most community members still work at the school as a government institution, and they do not feel that their views can be taken into account whatsoever. Most SMCs are not functional. Also, children are generally excluded from decision-making even in matters concerning their education. With all these limiting factors, children do not get enough support at the community and family levels, and education is not given due weight and importance in the child's immediate environment (Tucker, 2013).

Many parents still give complains about the money they spend on their children in school and thus argue that primary education has never been free. Mr Guy K. a parent interviewed by Transparency International had this to say: "School has never been free, we keep paying. You need to pay the teacher for your child to benefit from school supervision; otherwise they are placed at the very back of the classroom. The PTA asks for 5,000FCFA in membership fees. I think that the minister must be getting a share since this situation is general knowledge, but the hierarchy does not react. If the child does not pay the PTA fees, he will not be enrolled, so the PTA fees have replaced the enrolment fees. I had to pay for a bench for my child at the Camp SIC Nlongkak state school, and after having paid the PTA fees, as my child sat on the floor, the

bench was used by other students. You are better off paying the enrolment and being left in peace afterwards, rather than contributing all the time to supplies throughout the entire year. MINEDUB must be receiving a share of the fees paid to PTAs, otherwise they would never allow them. I sometimes have annual expenses of up to 30.000FCFA in intermediary fees.”

<b>Heading</b>	<b>Status most observed</b>	<b>Frequency (%)</b>	<b>Maximum Amount observed</b>	<b>Average</b>
Enrolments	No contribution	75	35,000	3,783
Contribution to the PTA	Mandatory	74	30,000	3,180
Textbooks	No contribution	90	33,000	3,924
Intermediary examinations	Mandatory	60	36,000	2,099
Final examinations	Mandatory	50	23,000	8,899
Contribution to maintenance fees	No contribution	91	25,000	1,325
Academic support courses/private lessons	No contribution	74	45,000	3,205
Culture, arts,sports	No contribution	85	7,200	394
Moving students up to a higher class	No contribution	93	10,000	385
Payment to school authorities	No contribution	88	10,000	1,022

*Source: Author consulted from transparency International Cameroon. [www.ti-cameroon.org](http://www.ti-cameroon.org)*

This table tells us that parents continue to pay school tuition fees in some state primary schools in Cameroon, contrary to the declaration made by the Head of State in 2000 advocating free access to state primary school throughout the entire country. Similarly, despite official texts specifying that payments of memberships fees. To PTAs is voluntary; parents are still forced to pay these fees to enroll their children in a state primary school in Cameroon. The data calculated above tells us that 74% of households think PTA fees are still mandatory. So the collection of illegal fees applies not only to intermediary examinations but also the cost of building classrooms, the payment for mandatory academic support courses and other activities. These practices lead some parents to complain about the cost of educating a child in a state primary school in Cameroon, as expressed in their own terms.

### **Corruption and the Education System in Cameroon**

Another factor that hinders the effective implementation of free education in Cameroon is corruption. Corruption and poor governance are both a cause of poverty and a barrier to overcoming it. Where transparency and accountability mechanisms are weak or lacking, the needs of the poor are marginalized and funds intended for basic service sectors-such as education, health and water-are at risk of being lost, misused or misallocated. To help communities enjoy a better way of life, systems of checks and balances need to be strengthened

to put an end to the diversion of funds for private interests. The “minimum package” is an allocation of teaching and learning materials that is granted at the start of every school year by their functioning. The history of the minimum package dates back to 2000 when, in his message on February 10th 2000, during the 34th National Youth Day, the Head of state announced the abolition of school/tuition fees at the state primary schools upon the resumption of classes in September 2000. This decision implies free access to state primary schools, the operating costs of which are now assumed by the state. At the level of every regional capital, a Regional committee for the supply of state primary schools was created. Under Circular 21/B1/1464/MINEDUC of July 24th 2004: “the distribution and packaging of the minimum packages must imperatively be completed by the 5th August at the regional level, at the level of the Divisional Commission, by the 12th August. Lastly, by the 31st of August at the latest, all state primary schools must have the minimum packages”

This means that the minimum package must be available before classes resume in September of every year. Circular 21/A/135/MINEDUC/CAB of September 20th 2001 specifies the terms and conditions of budget execution in government schools. The required individual contribution earmarked to sub-item expenditure may not exceed the amount of 3,550FCFA per student. The fact that a minimum amount was not guaranteed in this Circular complicates the planning at school level, since the amounts of money received by headmasters varies from year to year. There is so much room for corruption in the minimum package since the exact amount was not given for each item. Also, most of the information concerning the acquisition and management of the ‘minimum package’ escaped the members of the school councils as, in practice, the headmaster is responsible for this and communication in this respect is not always guaranteed.

Looking at these shortcomings, there is the need for reform to be made in the basic education system in Cameroon. Due to the fact that Law is symmetrical, the right to education entails corresponding obligations. Making education compulsory requires parents and government to perform their obligations towards children.

## CONCLUSION

The protection of the rights of the child dates back as far as 1924 with the first ever Declaration on the rights of the child. This was followed by the 1959 Declaration of the right of the child. The Protest in Soweto in 1976 rose in greater awareness in the protection of the right to education. The day of the African Child is celebrated every 16 June. The day is more than just a commemoration because it seeks to draw the attention of all those involved in improving the conditions of children in the continent. It gives an occasion for Governments and International institutions to deal with this delicate condition of children by organizing activities to promote the rights of the child. The Convention of the rights of the child is another document which codifies the rights of children especially the right to education. It gives children the right to free education. Children should not be compelled to carry out petty trading in order to provide them with school needs. In Cameroon, the constitution protects children’s rights and it states in its preamble that primary education shall be compulsory. In so doing, the Ministry of Basic education has done a lot to ensure that children have access to education. There has been the construction of new classroom so as to increase the enrollment of children in schools. The Ministry of Social Affairs also carries out activities to ensure that children leave the streets and are encouraged to go to school. The ministry carries out sensitization activities to encourage



street children to return to school. However, so many children do not still have access to free education in Cameroon. This is due to the fact that, parents still have to pay PTA fees and other costs that follow with education such as books and uniforms. Much is left to be done to encourage children to go to school. This prevents some children from going to school especially parents who cannot afford. Poverty is another factor because some parents are extremely poor and cannot afford uniforms for their children. Due to this most children do not have access to free education.

The state is thus the first person to be held accountable for the fulfillment of the right to education in Cameroon. When education needs are addressed as rights, the civil society's sole role is that of advocacy. The civil society advocacy thus encompasses: accompanying the government in the provision of services in the realization of the right to education; working with the poor people and the excluded and supporting them to claim their rights with them and building alternative and better working models. Every child is born with equal rights. The rights of each human being are non-negotiable and cannot be altered by economic and social status of individuals. When the right to quality education is genuinely considered a fundamental right, which builds the foundation of one's life, there must not be a debate that any government is too poor to provide education, or to say that some children who cannot afford education, can be excluded from their obtaining their rights. Only when national governments and the international community realize that their policy and subsequent actions must be based on the fact that quality education is a fundamental and non-negotiable right of every child, can education be guaranteed for all and be a source of building an equal society.

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