

The Limitations In The Protection Of Juveniles Rights In Conflicts With The Law In Cameroon

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ABSTRACT

This research is based on the limitations in the protection of juveniles rights in conflict with the law in Cameroon. It is to be recalled that juveniles are human beings below the age of eighteen years. They are unique and vulnerable group of beings thus, requiring caution while dealing with those in conflict with the law. Juveniles have both substantive and procedural rights such as the right to be recognized as a juvenile, the right to a close door proceeding. Cameroon has a good legal framework for the protection of the rights of the juveniles in conflict with the law, however, the rise in the reconviction only suggests that more is expected from the legislator to reinforce the already existing laws and to equally complement some of the already existing laws with International laws in the juvenile's justice system. These major infringements on juvenile rights in the juvenile justice system in Cameroon call upon improvement measures such as the creation of a Borstal institute in all parts of Cameroon, closed-door proceedings for juveniles and the separation of adult prison cells from the juvenile prison cells in order to reinforce the protection of these juveniles who come in conflict with the

law and also to better prepare them for their reintegration in to the society after incarceration as upright citizen and not as delinquents .

Keywords: *Juveniles, protection, Cameroon criminal law and procedure, international standards.*

RESUME

Cette recherche est basée sur « la limitation dans la protection des droits des mineurs en conflit avec la loi au Cameroun ».

Toutes ces méthodes nous ont permis de parvenir à la conclusion selon laquelle la protection des droits de l'homme est devenue un sujet de grande préoccupation internationale et, plus important encore, lorsqu'il s'agit de mineurs en conflit avec la loi. Cependant, la question qui guide cette recherche est la suivante : comment ces droits sont-ils protégés dans le système juvénile du Cameroun ?

Il convient de rappeler que les mineurs sont des êtres personnes âgés de moins de dix-huit ans. Ce sont des groupes d'êtres uniques et vulnérables. Ainsi, il faut faire preuve de prudence en traitant avec ces mineurs en conflit avec la loi. Avant et pendant cette période, les

mineurs ont des droits substantiels et procéduraux tels que le droit d'être reconnu comme mineur, le droit à un procès à huis clos. Le Cameroun dispose d'un bon cadre juridique pour la protection des droits des mineurs en conflit avec la loi, cependant, la hausse de la nouvelle condamnation attendra davantage du législateur pour renforcer les lois existantes et pour compléter également certaines des lois déjà existantes avec les lois internationales sur les mineurs. Cette étude expose les violations majeures des droits des mineurs dans le système de justice pour les mineurs dans le Cameroun et recommande des mesures telles que la création d'un institut Borstal dans ce département, des procès à huis clos pour les mineurs et la séparation des cellules pour adultes et mineurs afin de renforcer la protection de ces derniers qui entrent en conflit avec la loi.

Mots clés : Mineurs, protection, code droit pénale et procédure Camerounaise, normes international

INTRODUCTION

After the Second World War and faced with the atrocities committed during this war, the United Nations and its resolutions engaged in the protection of Human Rights. Aside of the Universal Declaration of Human Rights of 10 December 1948¹, many other instruments were adopted by this International Organization through various conventions which intervene in specific areas such as (child, women, environment, fight against torture, etc.) For

instance, the Convention on the Rights of the Child (CRC)², was adopted by the General Assembly of the United Nation on the 20th of November 1989 which took in to account the particular attention to the vulnerability of children. These instruments, which enumerated the essential rights of man constitute the basis of legislation of several countries in the world, including Cameroon. Human Rights do indeed exist in the Cameroonian legislation³ and are translated upstream by their proclamation in the preamble of the constitution⁴ and downstream by a variety of laws relating to the respect of human rights in the rank of which figure prominently that relating to the rights of juveniles who come in conflict with the law.

Juveniles or minors are persons below the age at which ordinary criminal prosecution is possible (18 years in most countries). The administration of juvenile justice is a major component of the various legal systems around the world. It reflects the interests of society to promote the rule of law and aims to reintegrate the child accused of infringing the law. Juvenile justice does not just cover situations where a conflict with criminal law has arisen. It involves issues such as: delinquency prevention, law enforcement, adjudication and rehabilitation. It is a key area of social policy, dealing with a growing number of children who have been marginalized and displaced by socioeconomic changes. The manner in which these children are treated by the justice system is a critical factor in determining how they will be reintegrated in to

their families, schools and communities and the society as a whole. The lens of International standard relating to juvenile justice are influence by the Convention on the Rights of the Child⁵ which reflects these realities.

Despite a great number of complex challenges, Cameroon has taken important steps to improve its justice sector generally and specifically in relation to the protection of juveniles in conflict with the law. Having ratified most of the leading International and regional legal instruments, including the Convention on Rights of the Child signed on the 20th November 1989⁶, Cameroon has shown interest in bringing its policy, adjudicatory, and prison justice sectors into line with International norms and practice. The Cameroon Criminal Procedure code (CCPC) of 2005⁷ contains many procedural protections for all accused of crimes, as well as sections specifically towards juveniles in conflict with the law. We equally have the Cameroonian Penal Code (PC)⁸ which rings out the status of a juvenile.⁹ In regards to this, the Ministries of Justice and other parastatal agencies continue to work closely with UNICEF and other international partners (including the European Union) to make improvement to the system in the interest of juveniles in conflict with law and facing incarceration.

Cameroon also boasts a rich diversity of more than 200 ethnic groups, each of which has an informal (or traditional) justice mechanism in place to handle issues in the community while there is a wide recognition that many juveniles

accused of coming in conflict with the law are heard in communities with traditional justice settings. Some traditional courts incorporate restorative justice principles, and these mechanisms appear to keep juveniles out of formal, government run justice system.

Despite the various indigenous resources and continued investment by the government, Cameroon continues to have room for improvement in assuring that juveniles accused of crimes are treated fairly and impartially by the police, the prosecutors, judges, and if necessary, by prison officials. Court procedures can take many months, and prison conditions vary widely, though many prisons are sub-standard.

I. The Protected Rights of the Juveniles in Conflict with the Law

Specific laws and procedures have been enacted in Cameroon to protect the rights of juveniles. The Preamble of the Constitution¹⁰ of Cameroon incorporates all International instruments on human rights¹¹. The same Preamble stresses in its last paragraph that the State guarantees to all citizens the rights and freedom enumerated in the Preamble. Article 65 makes the Preamble an integral part of the Constitution. From this perspective, International instruments on the rights of juveniles have their place in the legal landscape of Cameroon¹². So, in dealing with the rights of a juvenile, these International instruments must be taken in to consideration. It is from this perspective that it can be discuss and analyse to what extent are the

fundamental rights of juveniles who come in conflict with the law are being protected

It should be recognized that juveniles, because of their very special status (they are classified as vulnerable beings) and that the expectations of the society lay on them (spearhead of the nation), deserve special attention. Therefore, consideration has to be taken in regards to their fundamental rights being protected starting from when a juvenile gets in conflict with the law that is to say when arrested and detained and their rights relating to their integrity. These rights will consist of its fundamental rights (A), rights of confidentiality(B) and the right to have separate cells from adults(C)¹³

A. RIGHT TO RECOGNIZE LEGAL STATUS

These rights are the substantive rights of the juvenile¹⁴, which must be protected by the law. These rights will consist of the rights to recognise the legal status of the juvenile when confronted with the law and rights to be informed of the offence committed¹⁵.

It is worthy to note here that, the law in its writing did not put in place any provisions for the establishment of the legal personality or status of the juvenile at the preliminary investigation level which concerns the judicial police and agents. It rather in its writing provided laws at the preliminary inquiry level which is the court and these provision are accorded to the Examining Magistrate.

In the absence of the juvenile birth certificate the, the Examining Magistrate shall carry out all measures of investigation necessary to reveal the personality of the juvenile¹⁶. By so doing, the Examining Magistrate may in particular order a social investigation in to the material and moral situation of the family of the juvenile, his character and antecedents, his school attendance, his general behaviour and the conditions of his upbringing¹⁷. He shall equally entrust the investigation to the social welfare service or failing this, to any qualified person¹⁸.

In practice, the Examining Magistrate faces a lot of difficulties in establishing the legal personality or status of the juvenile in relation to the above. Reasons being that most of the juveniles in Cameroon who come in conflict with the law are children who have either ran away from their homes or being send away by their parents because of their delinquent attitude, most of them also are school dropouts thereby making the investigation of their school attendance difficult and lastly the absence of social welfare service to this effect makes this investigation not effective.

As a result of this loophole faced by the Examining Magistrate, he resorts to the need of medical examination for the establishment of the legal status of the juvenile¹⁹. The medical examination of a juvenile is a measure left to the discretion of the Examining Magistrate, with the aim of establishing the status of the juvenile. This medical examination is most often required by the Examining Magistrate in the following two hypotheses:

- When the Examining Magistrate finds that there is no official document in the court file such as a civil registration document which attest the exact age of the juvenile offender. In this case, he makes an order in which he assigns a qualified doctor registered on the list of experts held at the registry of the court asking him to examine the juvenile and to establish a certificate of his apparent age.
- When in the course of interrogation of the juvenile, the Examining Magistrate finds out that the accused has signs suggesting that he or she is suffering from mental disorder thus calling into question his or her lucidity at the time of the commission of the offense for which pursued.

This is the right to establish their legal status as minor or juvenile. Investigation to establish this right can only take place in the absence of either their national identity card or any valid document in attesting his status as a juvenile²⁰. The judicial police when faced with such situation refers the juvenile to a medical practitioner for medical establishment of his legal personality²¹.

B. RIGHT OF CONFIDENTIALITY

The right to confidentiality is peculiar to juvenile offenders standing trial. By section 720 of the CPC any proceedings concerning, involving and against a juvenile must be heard in camera, that is, in closed courts²². The only persons entitled to attend the hearing shall be the parents, the infant's custodian or guardian, and the witnesses, counsel, the representatives of

services or institutions dealing with problems relating to children and probation officers.

The reiteration and generalization of this requirement in the Criminal Procedure Code marks the effective internalization of the Convention on the Rights of a Child (CRC)²³, which aims confidentiality of the juvenile at all phase during his criminal proceedings. The Criminal Procedure Code prescribes the right to be heard in camera under the penalty of nullity of judgment to intervene.

As of what concerns the protection of the confidential life of the juvenile, is extended to the publication of his judgment which can contain elements permitting his identification under the penal sanctions²⁴. The President of the Court during trial may notwithstanding the provisions of section 720 of subsection 1 of the Criminal Procedure Code, which holds the in camera principle, authorise the presence of the representatives of the organisations responsible for the protection of human rights and the right of a child at hearing. Before any decision on the merits, the judge may, if he deems it necessary may order for the probation of the juvenile during a fixed or précised period of time. The measure to be heard in camera demanded by the legislator aims at protecting the juvenile in his private life because of his immaturity and eventual possibility to reintegrate in the social platform since his personality is still in a training progress.

C. The Right to Separation of the Juvenile

Here we have two types of separation: first the separation of the juvenile from the majors or

adults, then the separation of the awaiting trial juveniles from the already convicted

Several texts have been put in place to regulate the right of juveniles to be separated from adults. Among the many provisions and laws we have Decree No. 92/052 of 27 March 1992 Regulating the Prison System in Cameroon set of Minimum Rules for the Treatment of Prisoner of 31 July 1957²⁵ and as well as many other texts relating to human rights²⁶ says that a special section should be reserved for juveniles.

It is worthy to note that the Cameroonian Penal law in its write up did not state whether a juvenile should be separated from adults. Cameroon till date have only a single cell at their stations and that they have no special cell specifically allocated for juveniles and the court on the other hand has not reserved any premises for juveniles awaiting trial or to be presented before the Examining Magistrate.

This right at the prison level is slightly respected for the male juveniles, since they are separated from the adults. Thus can imagine all the risks that this may entail. However, even between the juveniles.

In addition to the above, the United Nations Standard Minimum Rules for the Treatment of Prisoner of 31 July 1957²⁷, which requires the separation of defendants from convicts. It should be noted that the juvenile defendant must be separated from the convicted. In other words, there should not be any contact between the accused and the convicted. This is justified by the fact that the defendants are there only temporarily, to wait for justice to decide their

fate which justice can pronounce itself in favour of their acquittal.

This provision is completely neglected or ignored by the judicial structures in most parts in Cameroon as the defendant juvenile still shares the same cells with the convicts. Therefore, forsaking their right or status, to enjoy the presumption of innocence and the right to be tried without undue delay²⁸.

II. OBSERVED SHORTCOMINGS THAT BESETS JUVENILE JUSTICE IN CAMEROON

Apart from the rights of the juveniles seen above and how the authorities of the judicial in Cameroon try to protect them, it can be seen as well limited in the application of these rights, some fundamental rights of these juveniles are almost ignored or neglected. These neglected rights can be seen at the level of lack of special courts for juveniles only, the right to social reintegration of juveniles when they leave prison, procedural complicity and lack of infrastructures for juveniles.

A. LACK OF SPECIAL COURTS DESIGNATED FOR JUVENILES ONLY

A juvenile court is a special court constituted to try juveniles for certain offences. They are courts for the trial of children and young persons. Juvenile Courts have no jurisdiction to entertain civil actions pertaining to the custody and maintenance of children.

The current practice is to choose at least a special day in a month to get the juvenile cases to court. The same judges in charge of managing adult files are the same who also receive those of juveniles. These judges, received only a general training in criminal law and as such they cannot perceive the whole reality surrounding juveniles.

The creation of juvenile courts will permit not only a decentralization of roles, but also limit the amount of files to be managed by the same judge. In this way, they will have the time to study juveniles' files carefully before making their decision. This will certainly limit the long trial period.

Cameroon, being content to foresee a particular composition of the Court when the juvenile is involved²⁹, is still very much behind in relation to the Courts for children compared to other countries of the world and in Africa. For illustration, "The Juvenile Court was held for the first time in Togo on August 14, 1969³⁰, followed by the juvenile brigade which was opened on September 1, 1969³¹". The creation of juvenile courts features among one of the criminal justice reforms introduced by the progressives of the 20th century. The professionals of these Courts wanted to replace the traditional punitive approach of the criminal law with a much more preventive scientific approach. By separating the juveniles from the adults, they attached a certain importance to the social environment of the child. For example, Morris A. and Giller H. state that: "The creation of children's courts for a number of reasons had complex aims, but it may be said that they were

a reflection of a new interest felt by children, especially those who were considered criminals or incorrigible and a theory of delinquency.³²

Cameroonian jurisdictions dealing with juveniles are somewhat different from those of other countries. After fifty years of independence, juveniles are still tried in the Court of First Instance although the Criminal Procedure Code³³ has harmonised juvenile justice in Cameroon, there is still a need for the creation of juvenile courts outside the regular penal system to try young offenders. Juvenile courts possess certain characteristics which are different from regular courts. Juvenile courts are not open to the public. Only members and officers of the court and the parties to the case, legal representatives, and other persons directly concerned with the case should be allowed to attend court. Bona fide representatives of news agencies are also allowed in court. The identity of juveniles should not be published by any person except with the leave of the court. Any person who acts in contravention of this provision should be punished. It is also suggested that a juvenile court sits either in a different building or room from that in which the regular courts are held, or on different days or at different times from those at which the regular sittings of court are held.

B. LACK OF JUVENILES REINTEGRATION FACILITIES CENTERS

The Convention on the Rights of the Child (CRC³⁴), lays the groundwork for special protection³⁵, which states that parties recognise the right of every child alleged as, accused of, or recognised 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 which takes in account the child's age and desirability of promoting the child's reintegration and the child's assuming a constructive role in the society.

The African Charter on the Rights and Welfare of the Child³⁶, incorporates the principles of the CRC and specifies in its article 17 that the essential purpose of the treatment of the child during the trial and also if he is found guilty of breaking the criminal law, in its amendment, reintegration within his family and his social rehabilitation.

In view of all these international and regional legal provisions ratified by Cameroon, that the need for social reintegration of juveniles when they leave incarceration is of great importance. In other words, all provisions should be made to allow juveniles to fully enjoy this right while incarcerated.

Unfortunately, this is not the reality in practice in Cameroon. There are only few single classrooms some few benches which cannot contain the juveniles some parts of Cameroon such as in the Northwest region, West region and just to name a few.

In effect, Social Assistance Decree stipulate that: Social assistance to prisoners shall be provided under the authority of the superintendent by the specialised services of the Ministry of Social Affairs³⁷. One of its purposes is to contribute to the moral rehabilitation of prisoners and their social reintegration. The moral rehabilitation cannot be sufficient for the full reintegration of a juvenile after incarceration. Reasons being that aside from the moral rehabilitation, the juvenile will also need to acquire knowledge and also be trained to be productive in the society.

In view of all the above, it can be seen that the juveniles who come in conflict with the law in Cameroon enjoy only a relative protection of their substantive rights, despite the arsenal of legal texts which are supposed to ensure the protection of their rights.

C. THE INFLUENCE OF COMPLICITY OR COACTION ON JURISDICTIONAL PRIVILEGES

Proceedings can be instituted in courts vested with criminal jurisdiction by persons or authorities competent to do so:³⁸ the State Counsel, the police, private persons and special prosecutors. Article 40 of the United Nations Convention on the Rights of the Child 1989 provides the conditions under which a juvenile may be tried for an offence. It provides 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 for 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."

The legislator in the Cameroonian Criminal Procedure Code wanted the young juveniles under 18 years of age to benefit from a favourable and particular treatment. But certain provisions of the same code contradict this will.

Amongst many others, the terms of the criminal procedure code³⁹ which states that where the minor is involved in the same case as one or more adults, the preliminary inquiry shall be carried out in conformity with the rules of ordinary law, subject to the provisions of section 701⁴⁰. This provision makes the minor lose the advantage of his minority when the offense is with an adult.⁴¹

D. INFRASTRUCTURAL DEFICIENCY

Cameroon lacks a reformation and re-education center for juveniles⁴². Since independence only six centers have been created for the detention of juveniles in Cameroon which has 10 regions and not all these regions have this centers, Amongst is seen as an extreme consequence of a child's unsuccessful interaction with other elements in his environment, such as family conflict, mental or physical disabilities, inadequate educational opportunities which either individually or collectively negate the development of a juvenile.⁴³ The causes of juvenile who come in conflict with the law are multiple, and they include peer pressure, parental

neglect, parental imitation, genetic or biological factors, poor education, lack of opportunities, media violence, poverty, divorce, child abuse, and other similar causes of adult criminal behavior as such, the need for a juvenile detention facilities should be created. This would help to reduce the number of juveniles sent to prison in the Cameroon. Juveniles sent to prison are rendered vulnerable in many ways. They lack family affection and basic needs such as food. In addition, they are raped in exchange for food and other gifts and favours.⁴⁴ Juveniles incarcerated in prison are also open to most forms of sexual abuse in the prison environment, like rape, paedophilia and homosexuality¹¹⁵ They are vulnerable to physical and sexual abuse by older inmates. It is suggested that the creation or establishment of juvenile detention centre in Cameroon will go a long way to help in the reintegration of the juveniles who come in conflict with the law.

CONCLUSION

The situation of limitation of juveniles rights in conflict with the law in Cameroon do not have a specialised juvenile justice, legal professionals and support staff are rarely trained to handle juvenile cases in a developmentally appropriate manner. The exact numbers of juveniles in detention are unknown, as is knowledge about who comes in contact with the law, for what purposes and the time they spend in pre-sentence detention. It is widely accepted that detention conditions are deplorable: juveniles linger in

overcrowded prisons with adults, with inadequate access to basic health care and education; sexual and physical abuse is rampant; and reintegration and rehabilitation service missing. Legal representation is also absent, leaving the juveniles in the Cameroon invisible and defenceless.

Although there are a number of justice initiatives underway in, few of these judicial structures have placed sufficient emphasis on diversion and alternative measures to prevent unnecessary confinement. Mechanisms to screen out non-offenders and refer juveniles to appropriate social services are also urgently needed. More can also be done to reinforce community level justice mechanisms or to put in place restorative justice programs at the local level. The application of the provisions of the Criminal Procedure Code to juvenile who come in conflict with the law does not actually permit full protection their rights. Some textual and practical deficiencies compromise the protection of the juvenile prosecution before the judicial structures in Cameroon

As a first step to improving programming, policy and advocacy efforts for these of juveniles in conflict with the law, more data is needed. Base line data is needed to ensure that juveniles basic rights are respected and appropriate justice responses are supported.

The framework of protection of the rights of certain categories of people which has to be improved or ameliorated. In regards of law No

2005/007 of 27 July 2005, juveniles who come in conflict with the law can claim a less coercive procedure. Despite all the effort put in place by the Criminal Procedure Code it did not still fully ensure the protection of these rights.

- The United Nation Guideline for the Prevention of Juvenile Delinquency (the Riyadh Guideline)
- The United Nation Rules for the Protection of Children Deprived of Their Liberty (the JDL rules).
- Minimum Standard Rules for the Treatment of Prisoners.
- Law No 96/06 of 18 January 1996 revising the Constitution of 2 June 1972.
- Law No 2005 of 27 July 27 of the Cameroonian Criminal Procedure Code.
- Law No 2016/007 of 12 July 2012 of the Cameroonian Penal Code.
- Decree No 2001/109 of 27 March 1992.
- Decree No 2001/09/PM of March 2001.
- Ministerial Order No 89/MINASCOF of 2 April 1990 on the creation of Social Action Service.

¹ Universal Declaration of Human Rights of 10 December 1948 proclaimed as important document closely

² The United Nations Convention on the Rights of the Child of November 20 1989 set out the civil, political, economic, social, health and cultural rights of children.

³³ The problem resides at the level of their effective application: this is not always guaranteed

⁴ Law No 96/06 of 18 January 1996 revising the constitution of 2 June 1972 recognize in its preamble that <<the Cameroonian people.... Affirms its commitment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the United Nation Charter, the African Charter on Human and Peoples' Rights and all relevant international conventions duly ratified...>>

⁵ Adopted on November 20 1989.

⁶ Convention on the Rights of the Child signed November 20 1989 and came in force 2 September 1990 and was ratified by Cameroon in its 1996 Constitution

⁷ Cameroonian Criminal Procedure Code of July 2005 provides provision for juveniles from its section 700-742

⁸⁸ Law No.2016/007 of July 12 2016.

⁹ Cameroonian Penal Code of Law No 2016/007 of 12 July 2016 provides the legal status of juveniles in its section 80

¹⁰ Created in 96/06 18 January 1996

¹¹ Some international conventions and instruments ratified by Cameroon in view of child protection and juvenile justice include the following: United Nations Convention on the Rights of the Child (1989); United Nations Standard Minimum Rules for the Administration of juvenile Justice (Beijing Rules) (1985); African Charter on the Rights of the Child and Welfare of the Child (1997); Standard Minimum Rules for the Treatment of Prisoners (1955) and Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

¹² Such instrument includes the United Nations Standard Minimum Rules For the Administration of Juvenile Justice (1985) which stresses institutional treatment in its article 26(1) in the following terms: "the objective of training and treatment of juveniles placed in institutions is to prove care, protection, education and vocational skills, with view to assisting them to assume socially constructive and productive roles in society". See also article 40(2) Convention on the Rights of the Child (1989) which outlines the rights of a juvenile.

¹³ The task of revealing or establishing the legal personality or status of the juvenile is accorded to the Examining Magistrate under section 701 of the 2005 Cameroonian Criminal Procedure Code

¹⁴ BONFILS Ph. et GOUTTENOIRE A., *Droit des mineurs*, éd. Dalloz, coll. Précis Droit privé, 2ème éd. 2014.

¹⁵ Section 701 (2)(a) of CPC

¹⁶ The task of revealing or establishing the legal personality or status of the juvenile is accorded to the Examining Magistrate under section 701 of the 2005 Cameroonian Criminal Procedure Code

¹⁷ Section 701 (2)(a) of the CPC

¹⁸ Section 701 (2)(b) of the CPC

¹⁹ Section 201 (3) of the CPC

²⁰ Section 701 (2)(b) of the CPC

²¹ Section 201 (3) of the CPC

²² Section 720 (2) of the CPC

²³ Article 40 (7) of the mentioned convention.

²⁴ (Forbidden publication-section 198 of the Penal Code)

as was already the case in the 1928 decree

²⁵ Article 8 (d) of the above law

²⁶ Article 20 (4) of decree No 92/052 of 1992 and paragraph 2 of the 1996 international convention on civil and political rights.

²⁷ Article 8(b) of the UNMRTP and article 20 of the 1992 Decree mentioned above.

²⁸ The preamble of the 1996 constitution.

²⁹ Section 709 of the 2005 Cameroonian Criminal Procedure Code. This section brings out the competent court sitting on juvenile matters in Cameroon as well as its composition

³⁰ under the control of Mrs. Lare de Meideros

³¹ Family and development, vol 17 No 53, September 1969, p.4

³² Morris A. and Giller H., *Understanding Juvenile Justice*, Beckenman, groom Heim, 1987, p.101.

³³ Laz No 2005 of 27 July 2005

³⁴ adopted on November 4, 1989, and ratified by the Cameroon on January 11, 1993.

³⁵ Article 40 of the CRC

³⁶ adopted by the OAU Member States in July 1990 and ratified by Cameroon 5 of September 1996,

³⁷ article 64 and 65 of the 1992

³⁸ Oluwatoyin Criminal Procedure in Nigeria 57

³⁹ Section 716

⁴⁰ Of the CPC

⁴¹ CHAUVIERE M., *Protéger l'enfant. Raison juridique et pratiques socio-judiciaires (XIXe – XXe siècles)*, éd. Rennes PUR, 1996.

⁴² Section 706 (1) of the CPC

⁴³ Dambazau *Criminology and Criminal Justice* 174

⁴⁴ Danpullo *Socio-legal Perspective* 97