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**BREAST IRONING: ANALYZING THE RIGHTS OF THE
GIRL-CHILD IN THE CONTEXT OF CAMEROON'S
OBLIGATION UNDER INTERNATIONAL HUMAN RIGHTS
LAW**

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Abstract

Among the various forms of sexual violence perpetrated against the girl-child, breast ironing remains largely obscured due to its underreporting. Yet thousands of girls, especially in Sub-Saharan Africa where it is most prevalent, continue to suffer in silence. These girls are not just exposed to the immediate violence of this act, but they also carry the scar of this human rights violation for life. With the scholarly focus on the practice rather scant, the necessary legal response has also been checkmated. The goal of this article is to bring international focus to this problem by examining the practice in the context of Cameroon, where it is most endemic. It highlights the impact of the practice on the life and rights of the girl-child and examines the extent to which the lack of legislation against this practice has allowed it to flourish. The Article concludes by prescribing a series of recommendations, which should shape states' responses going forward.

INTRODUCTION

The African Committee of Experts on Rights and Welfare of the Child (hereinafter 'ACERWC')¹ selected the following theme for the

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1. The Committee is established under Articles 32 and 33 of the African Charter on Rights and Welfare of the Child, the African Committee of Experts with a mandate to monitor state parties' compliance with said charter.

2022 Day of the African Child (DAC 2022),² “Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice since 2013.”³ The goal was to deepen the conversation on harmful traditional practices and their impact on African children, particularly with respect to the girl-child. It was also an opportunity to examine what has been achieved so far, with regard to efforts to eliminate these practices as well as areas requiring further action.⁴ It was equally a time to re-evaluate legislation, policies, programs, and approaches adopted by member-states of the African Union (AU) in combatting these practices.⁵ The Committee focused on this theme given the prevalence of these practices, which continue to violate the rights of children across the continent.⁶ Prior to this, unrelenting international efforts at eliminating different forms of harmful traditional practices had remained on the ascendancy, ramping up advocacy in this area. For instance, the 1993 Vienna Declaration affirmed that:

The human rights of women and the girlchild are inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social, and cultural life, at the national, regional, and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.⁷

2. The “Day of the African Child” (DAC) is celebrated on the 16th of June. In 1991, the Assembly of Heads of State and Government of the then Organization of African Union (OAU), established DAC in commemoration of the June 16th, 1976, student uprising in Soweto, South Africa. Students marched in protest against the poor quality of education they were receiving under white apartheid rule and demanded that they be taught in their indigenous languages. *See, e.g., Day of the African Child*, UNITED NATIONS POPULATION FUND (June 16, 2015), <https://esaro.unfpa.org/en/events/day-african-child>; *see also Day of the African Child*, ONE AFRICA FORUM (June 1, 2021), <http://www.oneafricaforum.org/day-of-the-african-child/>.

3. *See Day of the African Child*, AFR. COMM. OF EXPERTS ON THE RTS. & WELFARE OF THE CHILD, <https://www.acerwc.africa/day-of-the-african-child-dac/> (last visited Sept. 26, 2022).

4. *See Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, AFR. COMM. OF EXPERTS ON THE RTS. & WELFARE OF THE CHILD 1 (2022)

5. *Id.*

6. *Id.* at 3.

7. *See World Conference on Human Rights, Vienna Declaration and Programme of Action*, ¶ 18, U.N. Doc. A/CONF. 157/23 (June 25, 1993), <https://www.ohchr.org/sites/default/files/vienna.pdf>.

Following this, the Beijing Declaration also called on countries to “ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms.”⁸ Additionally, governments have been tasked to “take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women.”⁹ According to the United Nations (UN), widespread and harmful yet culturally accepted practices remain prevalent, impacting millions of children worldwide; this is despite the fact that several international and regional human rights instruments recognize the need to protect children from violence as a human rights imperative.¹⁰ The Sustainable Development Goal (SDG) 5.3, directed at gender equality and empowerment of all women and girls, also requires countries to eliminate harmful traditional practices such as child, early, and forced marriage, as well as Female Genital Mutilation (FGM) by 2030.¹¹

The expression “Harmful Traditional Practices” is a collective term for different types of abuses similar in character that have become acceptable within parts of human society, such as child marriage, forced marriage, FGM, breast ironing, honor-based abuse, etc.¹² The Maputo Protocol defines such practices as “all behavior, attitudes, and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education, and physical integrity.”¹³ The ACERWC has also addressed these

8. Fourth World Conference on Women, *Beijing Declaration and Programme for Action*, ¶ 23, UN Doc. A/CONF.177/20 (Sept. 15, 1995), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.177_20.pdf.

9. *Id.* ¶ 24.

10. See OFF. OF THE SPECIAL REPRESENTATIVE OF THE SEC’Y-GEN. ON VIOLENCE AGAINST CHILD. & PLAN INT’L, PROTECTING CHILDREN FROM HARMFUL PRACTICES IN PLURAL LEGAL SYSTEMS WITH SPECIAL EMPHASIS ON AFRICA 3 (2012), https://violenceagainstchildren.un.org/site-s/violenceagainstchildren.un.org/files/documents/publications/5._protecting_children_from_harmful_practices_low_res.pdf.

11. *Goal 5: Achieve Gender Equality And Empower All Women And Girls*, UNITED NATIONS, <https://www.un.org/sustainabledevelopment/gender-equality/#tab-b6328c70eedb23d97b1> (last visited Sept. 23, 2022).

12. *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4, at 5.

13. PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS ON RIGHTS OF WOMEN IN AFRICA, AFR. UNION 6 (2003) [hereinafter Maputo

practices in its concluding observations, declarations, and general comments.¹⁴ According to its General Comment 5, states are expected to enact legislation as well as legal protection against harmful social practices.¹⁵ Moreso, in its concluding observations and recommendations, it has called on states to eliminate customs and practices prejudicial to children's enjoyment of their rights, as well as admonished states to assist victims of harmful practices and those at risk.¹⁶ Scholars have also lent their voices to highlight the problem that harmful traditional practices represent. While Adeola describes this as "prevalent forms of violence, manifest[ed] in a plethora of ways across several societies and with long-term impacts,"¹⁷ Mubangizi notes that these practices constitute both serious violence against women and gross violations of women's rights.¹⁸ Harmful traditional practices exist in different forms, underpinning societal values of care, and accepted social behavior based on age, gender, and social class.¹⁹ Over time, a number of these practices have become endemic, fast becoming normalized. According to the United Nations Children's Educational Fund (UNICEF), given the long period of time in which discriminatory practices such as child marriage and FGM have been practiced, communities now see them as the norm, reflecting an undervaluing of the girl-child.²⁰ These practices, through which children have become ensnared, must count as some of the worst forms of human rights violations in human existence.

This Article aims to provide a clear statement on one harmful traditional practice which continues to enjoy obscurity: breast ironing.

Protocol], https://au.int/sites/default/files/treaties/37077-treaty-charter_on_rights_of_women_in_africa.pdf.

14. *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4, at 7.

15. *Id.*

16. *Id.*

17. Romola Adeola, *The Kampala Convention and Protection of Persons Internally Displaced by Harmful Practices in Africa*, 65 J. AFR. L. 103 (2021).

18. John C. Mubangizi, *An Assessment of Constitutional, Legislative and Judicial Measures Against Harmful Cultural Practices that Violates Sexual and Reproductive Rights of Women in South Africa*, 16 J. INT'L WOMEN STUD. 160 (2015).

19. Nelly Lukale, *Harmful Traditional Practices: A Great Barrier to Women's Empowerment*, GIRLS' GLOBE (Feb. 24, 2014), https://www.girls-globe.org/2014/02/24/harmful-traditional-practices-a-great-barrier-to-womens-empowerment/?doing_wp_cron=1654529192.6732680797-576904296875.

20. *Harmful Practices*, UNICEF (June 2022), <https://www.unicef.org/protection/harmful-practices>.

In simple terms, breast ironing is the ironing of a young girl's breast to get it flattened and make her of less sexual worth. The expectation is that, with a flattened breast, she is protected from the eyes of preying men who may view the sprouting breast as a sign of sexual maturity. Just imagine the horror of a hot iron pressed on a young girl's breast to flatten the developing tissues. It is enough to send shivers down the spine of any human being. Somehow, it seems human society is on a quest to either stampede the sexual development of the girl-child or profit from it in some odious manner. Whereas one case of sexual victimization of the girl-child may attract significant media attention, several others go on unreported leaving the perpetrators and their collaborators in good business. However, the paradox of breast ironing hinges on the fact that the perpetrators are typically close relatives of the girls, often their biological mothers. Breast ironing is a harmful traditional practice with long-term physical and social impacts.

Breast ironing is a violation of the girl's human rights enshrined in relevant International Human Rights Law (IHRL). These rights form a part of the general human rights framework which is at the core of the UN mandate. The UN Charter advocates "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, and religion."²¹ This position is also reinforced by the Universal Declaration of Human Rights (UDHR),²² which prohibits gender discrimination,²³ guarantees the right to life, liberty, and security of person,²⁴ and provides equal protection against discrimination.²⁵ Aside from the above, breast ironing as a practice impacts the human rights of the girl-child as guaranteed in the International Covenant on Civil and Political Rights (ICCPR),²⁶ the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW),²⁷ and the Convention on the Rights of the Child

21. U.N. CHARTER art. 1, ¶ 3.

22. Universal Declaration of Human Rts, G.A. Res. 217A (III), U.N. GAOR, 3rd Sess., Supp. No. 13, U.N. Doc. A/810 (1948) [hereinafter UDHR].

23. *Id.* art. 2.

24. *Id.* art. 3.

25. *Id.* art. 7.

26. International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), (Dec. 16, 1966), U.N. GAOR, 21st Sess., 16th supp. mtg. at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 85 (entered into force Mar. 23, 1976) [hereinafter ICCPR].

27. Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180 (Dec. 18, 1979), U.N. GAOR, 34th Sess., 46th supp. mtg. at 193, U.N. Doc. A/34/46 (entered into force Sept. 3, 1981) [hereinafter CEDAW].

(CRC).²⁸ The practice also touches on relevant provisions in regional instruments such as the African Charter on Human and Peoples Rights (ACHPR),²⁹ the African Charter on Rights and Welfare of the Child (ACRWC),³⁰ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).³¹

Despite the horrific nature of breast ironing, appropriate legal and policy responses, especially at the domestic level, remain elusive. Underpinning this legal and policy inertia is the relative obscurity of the act, which has ensured that it continues unabated. Against this background, the UN has classified breast ironing as one of the five underreported crimes in the global space, affecting thousands of young girls across the globe, particularly in Sub-Saharan Africa.³² Also, the prevalence of illiteracy and lack of sufficient awareness have hampered progress in combating this practice.³³ With this challenge of obscurity, moving the needle on the need for legal intervention remains a challenge. In addition to being underreported, there is limited scholarly attention on the practice. Clearly, there is more to be done to ensure that, like other forms of harmful traditional practices, breast ironing becomes topical enough to trigger the commensurate force of domestic and international law.

The main objective of this Article is to put the problem of breast ironing in the front row of global human rights discourse, something which underreporting has hindered. The barbarous nature of this practice makes this objective imperative, especially as other forms of harmful traditional practices are currently being combated. Girls who are victims of breast ironing, and those likely to become victims ought not be left behind. This Article focuses on Cameroon as a case study,

28. U.N. Convention on the Rights of the Child, opened for signature Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) [hereinafter CRC].

29. African Charter on Human and Peoples' Rights, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982) (entered into force Oct. 21, 1986) [hereinafter ACHPR].

30. African Charter on the Rights and Welfare of the Child, July 11, 1990 OAU Doc. CAB/LEG 24.9/49 (entered into force Nov. 29, 1990) [hereinafter ACRWC].

31. Maputo Protocol, *supra* note 13.

32. Alessandra G. Williams & Fiona Finlay, *Breast Ironing: An Under-Recognised Form of Gender-Based Violence*, 105 ARCHIVES OF DISEASE IN CHILDHOOD 90 (2020).

33. *See generally* Edward K. Ameyaw, *Female Genital Cutting/Mutilation in Sierra Leone: Are Educated Women Intending to Circumcise Their Daughters?*, 20 BMC INT'L HEALTH HUM. RTS. 6 (2020) (observing that women lacking formal education were more likely to circumcise their daughters).

because the practice is most endemic in this country. Accordingly, this Article presents an overview of breast ironing as a harmful traditional practice in Cameroon and the factors that exacerbate it. At the moment Cameroon lacks specific legislation criminalizing this practice, though several portions of the country's criminal code may be indirectly applied in combatting the act. Yet not much has been seen or heard in this respect, particularly regarding prosecution. The reality, therefore, is suggestive of the fact that the country's criminal law framework operates in a manner that discriminates against the female gender and also fails to offer women the same degree of protection guaranteed to men. This Article examines the cogent human rights issues intersecting breast ironing and the girl-child in Cameroon, while also presenting a number of recommendations that can help stem the practice going forward.

I. A BACKGROUND TO THE PRACTICE OF BREAST IRONING

A. *Description of Breast Ironing*

The march of the girl-child toward puberty is an entry into a dilemmatic, perhaps complicated, phase of life. While some girls experience it early, others enter into it late.³⁴ Whether early or late, puberty comes with its unique challenges. It is the stage when the girl-child begins to experience certain changes in her physiognomy, as well as her psychological and emotional state. It represents an entry into a period of despair and fright as changes begin to happen to the body.³⁵ One such change is the experience of feminine features such as the monthly menstrual cycle, development of pubic hair, enlargement of the hips, the outward growth of breasts, etc. It is an important phase for the girl-child, as she comes into what can be termed a state of "womanhood," a phase that prepares her for life as a full adult. She begins to discover, further understand, and perhaps better appreciate herself. In fact, not only does she better appreciate herself, but her value, worth, and appreciation in the eye of others also grow.

34. See generally Sylvie Mrug, et al., *Positive Parenting and Early Puberty in Girls*, 162 ARCHIVE PEDIATRICS & ADOLESCENT MEDICINE 781, 781 (2008) (highlighting early puberty as one of the risk factors in young adolescent girls with emotional and behavioral issues).

35. Daniele Selby & Julie Ngalle, *Why This African Mothers Iron Their Daughters' Breast*, GLOBAL CITIZEN (Apr. 6, 2018), <https://www.globalcitizen.org/en/content/breast-ironing-cameroon-harmful-practice-girls/>.

However, for girls in certain parts of the world, precisely in some parts of Sub-Saharan Africa, this supposedly fun-filled stage of life is a period of horror before adulthood. Attaining puberty is a dread to both young girls and their parents, who become horrified by the possibility that the girls will be exposed to sexual activities and, thereby, enter parenthood early.³⁶ The fallout of this morbid fear is that parents resort to an old and barbaric practice known as breast ironing, also called breast flattening, in order to protect their daughters.³⁷ This practice, a form of body modification,³⁸ is traditional to certain parts of Africa and is considered a form of gender-based violence by the UN.³⁹

Breast ironing has been explained through different conceptual standpoints. According to Amahazion, breast ironing is referred to as a “harmful practice that generally involves the repetitive pounding, pressing, ironing, rubbing or massaging of a pubescent girl’s breast, often using hard or heated objects, in order to attempt to stop or delay them from growing or developing, make them flatter or make them disappear.”⁴⁰ The Africa Health Organization (AHO) defines it as “the process whereby young pubescent girls’ breasts are ironed, massaged, and/or pounded down through the use of hard or heated objects in order for the breasts to disappear or delay the development of the breasts entirely.”⁴¹ This customary practice can also involve the use of objects such as heated grinding stones, iron pans, ladles, hammers, pestles, spoons, brooms, and sometimes electric irons.⁴² These objects, after being heated in a fire, are used to flatten the breast tissue of girls as young as nine.⁴³ The heated object is pressed into the breast of the girl and massaged for up to thirty minutes with the hope that this will melt the fat in the breast.⁴⁴ This is described as “sending the breast

36. Bob Koigi, *Protecting Cameroon Girls From Rape Through Breast Ironing*, FAIR PLANET (Nov. 6, 2017), <https://www.fairplanet.org/story/protecting-cameroon-girls-from-rape-through-breast-ironing/>.

37. *Id.*

38. Rabiātu Ibrahim Danpullo, *The Maputo Protocol and the Eradication of the Cultural Woos of African Women: A Critical Analysis*, 20 L. IN AFR. 93, 93 (2017).

39. Francesca Robinson, *Breast Ironing*, BMJ (Apr. 23, 2019), <https://www.bmj.com/content/365/bmj.11790>.

40. Fikrejesus Amahazion, *Breast Ironing: A Brief Overview of an Unreported Harmful Practice*, 11 J. GLOB. HEALTH 1, 1 (2021).

41. *Breast Ironing Fact Sheet*, AFR. HEALTH ORG., <https://aho.org/fact-sheets/breast-ironing-fact-sheet/> (last visited Sept. 24, 2022).

42. Amahazion, *supra* note 40, at 1.

43. *Breast Ironing Fact Sheet*, *supra* note 41.

44. Koigi, *supra* note 36.

back to where it came from.”⁴⁵ In rich families, they may use an elastic belt to achieve the same purpose.⁴⁶

Justifications for breast ironing include that it makes teenage girls look less womanly, prevents pregnancy and rape, enables the girl to continue her education, and prevents dishonor from being brought to the girl’s family by reason of sexual activity outside marriage.⁴⁷ As the development of the female breast is seen as evidence of increased sexuality which must be tamed,⁴⁸ breast ironing is deployed towards preventing the adolescent girl from becoming sexually attractive to men.⁴⁹ Often, perpetrators erroneously believe that they are acting in the best interest of the child.⁵⁰ This informs why the act is typically performed by female relatives of the girl, such as her mother, aunt, or grandmother, and maintained as a secret between the girl and the perpetrator.⁵¹ That the act happens by the hand of close relatives is an enabling factor and perpetuates the practice by ensuring that it is veiled from public scrutiny.⁵²

Of course, the simple reason why the perpetrators are female is that the act involves interacting with a private part of a female child which itself connotes some form of sexuality.⁵³ It can also be carried out by traditional midwives who generally do it as a source of income and social standing.⁵⁴ The practice is underpinned by age-long socio-cultural norms, entrenched patriarchal practices, and gender inequalities in many parts of Africa.⁵⁵ Here, the cultural framing of femininity is tied to the deployment of rigid and barbaric practices to arrest the sexuality of the girl-child.⁵⁶ The implication is that breast ironing becomes a useful instrument in shaping gender roles as well

45. *Id.*

46. *Breast Ironing Fact Sheet*, *supra* note 41.

47. *See generally Breast Flattening*, NAT’L FGM CTR., <http://nationalfgmcentre.org.uk/breast-flattening/> (last visited Sept. 24, 2022).

48. *Breast Ironing Fact Sheet*, *supra* note 41.

49. John Mukum Mbaku, *The Rule of Law and Exploitation of Children in Africa*, 42 HASTINGS INT’L & COMP. L. REV. 287, 401 (2019).

50. *Id.*

51. Amahazion, *supra* note 40, at 1.

52. OFF. OF THE SPECIAL REPRESENTATIVE OF THE SEC’Y GEN. ON VIOLENCE AGAINST CHILD. & PLAN INT’L, *supra* note 10, at 31.

53. Titi Christiana Falana, *Breast Ironing: A Rape of the Girl-Child’s Personality, Integrity, and Sexual Autonomy*, 1 SOC. SCIS., HUMANITIES, & EDU. J. 93, 96 (2020).

54. Amahazion, *supra* note 40, at 1.

55. *Id.* at 2.

56. *Id.*

as the manner of sexual behavior permitted in society.⁵⁷ This practice places responsibility on the girls instead of making efforts to educate sexual predators.⁵⁸

B. *Breast Ironing in Cameroon*

Cameroon is unarguably the breast ironing capital of the world.⁵⁹ The practice is performed in every part of the ten regions and about 200 different ethnic groups that make up the country.⁶⁰ The act has also been reported in countries such as Benin, Ivory Coast, Chad Republic, Guinea Bissau, Kenya, Togo, Guinea Conakry, and Zimbabwe.⁶¹ According to Flavien Ndonko, a Cameroonian Human Rights Activist and anthropologist for the German Development Agency (GTZ), “breast ironing is an age-old practice in Cameroon, as well in many other countries in west and central Africa, including Benin, Chad, Togo, Guinea-Conakry, just to mention a few.”⁶² In a study conducted by Innocent, et al., though breast ironing is widespread in all parts of Cameroon, it is most prevalent in the littoral province where the capital city, Doula is located.⁶³ A survey of 5,000 girls and women from ages 10–82 shows that about four million females have been victims of breast ironing in Cameroon.⁶⁴ Also, while the act is commonly carried out by relatives of the girl, with about 58% of mothers involved, it is noted that some of the girls eventually get used to the act and continue to inflict pain on themselves.⁶⁵ Generally, about 25% to 50% of girls in Cameroon are said to be affected by this practice.⁶⁶ While the practice has been brought to the fore in other places, it remains largely secretive and

57. *Id.*

58. Danpullo, *supra* note 38, at 103.

59. Njideka Agbo, *Cameroon Practice Where Teen Girls Undergo Breast Ironing*, GUARDIAN NIGERIA NEWS (Apr. 10, 2018, 7:00 AM), <https://guardian.ng/life/cameroon-practice-where-teen-girls-undergo-breast-ironing/>.

60. Nkepile Mabuse, *Breast Ironing Tradition Targeted in Cameroon*, CNN (July 28, 2011), <http://edition.cnn.com/2011/WORLD/africa/07/27/cameroon-breast.ironing/>.

61. *Breast Ironing Fact Sheet*, *supra* note 41.

62. Tansa Musa, *Breast Ironing: Grim Secret of Africa's Women*, SYDNEY MORNING HERALD (June 6, 2006, 10:00 AM), <https://www.smh.com.au/world/breast-ironing-grim-secret-of-africas-women-20060706-gdnwhk.html>.

63. Innocent M., et al., *Breaking the Silence: Understanding the Practice of Breast Ironing in Cameroon*, 23 AFR. J. HEALTH SCI. 260, 262 (2021).

64. Musa, *supra* note 62.

65. Innocent M., et al., *supra* note 63, at 263.

66. *Breast Ironing Fact Sheet*, *supra* note 41.

well-supported in places where it is most often practiced.⁶⁷ Since many of the women were themselves victims of breast ironing from their own mothers, they simply continue the practice on their daughters.⁶⁸

A number of factors have been identified as responsible for the practice of breast ironing in Cameroon. A key factor is the decline in child marriage which was once very high in the country.⁶⁹ With young girls being given away early in marriage, it was no longer a challenge to manage their sexuality. However, with more mothers hoping that their daughters finish school before entering parenthood, the resort to this terrible practice became inevitable.⁷⁰ Rural-urban migration is another factor. The practice has been traced to the early 1930s when there was an increase in rural-urban migration, with a lot of people moving to the city centers in search of employment.⁷¹ With the opportunity to interact with others, young girls became more exposed to premarital sex.⁷² As a result, the instrument of social control that parents and family members had over the girls became less applicable.⁷³ The chance of an anonymous lifestyle in the city led to a downfall in moral standings, which caused parents to resort to breast ironing.⁷⁴

The practice has equally been linked to the early entry into puberty by Cameroonian girls, something occasioned by improvement in dietary standards.⁷⁵ For instance, bewildered parents who notice that their young girls are developing breasts early resort to this practice. Furthermore, the increase in HIV/AIDS cases has been identified as a factor, particularly one that sent parents into a state of apprehension, thereby leading to extreme measures of breast ironing.⁷⁶ Generally, all of the factors above point to one goal: the parental/societal quest to protect the girl-child by controlling her puberty. The idea is that ironing the breast will halt its growth and lessen the sexual attractiveness of girls, thereby sparing them from

67. Agbo, *supra* note 59.

68. Musa, *supra* note 62.

69. Falana, *supra* note 53, at 98.

70. Mabuse, *supra* note 60.

71. Ngambouk V. Pemunta, *The Social Context of Breast Ironing in Cameroon*, 3 ATHENS J. HEALTH 335, 340 (2016).

72. *Id.*

73. *See id.*

74. *Id.* at 341.

75. *Id.*

76. *Id.*

unwanted sexual attraction and its consequences including sexual harassment, assault, exploitation, and rape.⁷⁷

The effect of breast ironing on the girl-child is beyond comprehension. It results in physically and psychologically devastating consequences for the girl-child.⁷⁸ Some of the core medical effects that have been identified include breast cancer,⁷⁹ cysts,⁸⁰ abscesses,⁸¹ dissymmetry of the breast,⁸² and breast itching and discharge of milk.⁸³ In its 2010 Human Rights report, the United States (US) Department of State noted that numerous girls have been victimized by the practice of breast ironing resulting in burns, deformities, and other psychological problems.⁸⁴ Also, Cameroon activist Flavien Ndonko notes that “breast ironing is both physically and psychologically damaging. It can cause infections and abscesses and has been linked to breast cancer, problems with breastfeeding, and severe depression.”⁸⁵

In the study by Innocent, et al. referred to earlier, of the girls interviewed with regards to the impact of the act on the eventual development of their breasts, 42% stated that their breasts eventually grew normally, 39% said their breasts grew smaller, while 19% said their breasts grew bigger.⁸⁶ Jennifer Miraj, a nurse from the United Kingdom, stated she has seen several cases of girls and women who had undergone breast ironing while working in a UK hospital.⁸⁷

77. *Breast Ironing Fact Sheet*, *supra* note 41.

78. See Inna Lazareva, *Breast Ironing: “The Whole Community Needs Education,”* GUARDIAN (Jan. 26, 2019, 2:01 PM), <https://www.theguardian.com/global-development/2019/jan/26/uk-authorities-in-denial-of-prevalence-of-parents-breast-ironing-girls>.

79. This is a condition whereby the cells of the breast grow in an irregular manner, i.e. out of control.

80. This refers to a sac-like pocket of membrane tissues containing fluid lodged in the breast.

81. This has to do with the pocket of pus contained in tissues and organs inside the human body, which can be found in the breast by reason of ironing.

82. Dissymmetry refers to the imbalance in the growth of the breast where the two breasts are not of the same shape or size.

83. This is a condition in which the breast causes discomfort and begins to ooze out fluid. Falana, *supra* note 53, at 100-01.

84. Mabuse, *supra* note 60.

85. Anthony Bond, *Hundreds of British Mums “Breast-Ironing” Their Daughters Using Red-Hot Rocks, Hammers, and Spatulas*, MIRROR, <https://www.mirror.co.uk/news/uk-news/hundreds-british-mums-breast-ironing-7726899> (last updated Apr. 10, 2016, 3:33 PM).

86. M. Innocent, et al., *supra* note 63, at 263.

87. Lazareva, *supra* note 78.

Speaking of the adverse effect of the practice, Ms. Miraj noted that she saw “women who couldn’t breastfeed and had long-term issues with cysts and infections from milk ducts not being able to express the little milk they were producing”.⁸⁸ It has been noted that many of the victims report inverted nipples and so are not able to breastfeed when they give birth.⁸⁹ This makes bonding with their babies difficult, while they also become prone to cases of breast cancer.⁹⁰ Such girls may also develop asymmetrical breasts, where one or both of the breasts may disappear.⁹¹ They may also suffer from feelings of low self-esteem, lack of worth as well as shyness while undergoing medical examinations.⁹²

Breast ironing as an endemic practice in Cameroon is rooted in the cultural way of life of the people. As scholars such as Motala note, “traditional African societies showed great respect for human dignity,” and “torture, killings, and other abuses would be objectionable in terms of Africa’s own traditional standards of human rights.”⁹³ Yet, the behavior of Cameroonians with regard to breast ironing doesn’t display an understanding of such a traditional sense of human rights. Instead, it is a cultural norm shaped by years of ignorance of the acceptable and dignified method of tackling the problem of sexual immorality. Breast ironing is clearly a form of violence against the girl-child and demonstrates the high discrimination against the female gender. In fact, it has been referred to as a form of family violence against the girl-child, given that it is carried out without her consent.⁹⁴ Not only is it a form of violence, it is also a gross violation of the rights of the girl-child. These are rights extensively guaranteed and protected under international and regional human rights instruments, instruments to which Cameroon and the majority of countries where the practice is rife, are signatories. Identifying these rights and the current thinking of the law, is important for establishing the extent to which Cameroon has come up short on its obligation to protect human rights.

88. *Id.*

89. Williams & Finlay, *supra* note 32, at 90.

90. Lazareva, *supra* note 78.

91. Robinson, *supra* note 39.

92. *Id.*

93. Ziyad Motala, *Human Rights in Africa: A Cultural, Ideological and Legal Examination*, 12 HASTINGS INT’L L. REV. 373, 387 (1989).

94. M. Innocent, et al., *supra* note 63, at 263.

II. BREAST IRONING AS A VIOLATION OF THE RIGHTS OF THE GIRL CHILD

A. *International Human Rights*

Breast ironing adds to a long list of traditional practices that are a violation of the rights of the girl child. The rights of girls affected by the practice of breast ironing are protected by multiple and complementary (IHRL) instruments that seek to protect the rights of all people generally. IHRL has developed detailed and extensive guidance for states with respect to the rights of the girl-child impacted by this practice, major among them being the right to life, the dignity of the human person, and freedom from torture, degrading, and inhuman treatment or punishment. Most of these IHRL instruments have been ratified by Cameroon, which implies that it has the obligation to promote and protect the rights stated therein. Human rights instruments applicable to all persons, and by implication, children, establish the rights to life and the dignity of human persons. The UDHR,⁹⁵ which has become part of customary international law and is thus binding on all States, asserts that “all human beings are born free and equal in dignity and rights.”⁹⁶ It thereafter establishes the rights to life,⁹⁷ freedom from torture, cruel or inhuman treatment,⁹⁸ as well as a standard of living that promotes the health and wellbeing of all persons.⁹⁹ The UDHR also advocates for special care and protection for children and mothers.¹⁰⁰ These rights have also been reiterated in other international instruments such as the ICCPR,¹⁰¹ the ACHPR,¹⁰² and the International Covenant on Economic, Social, and

95. UDHR, *supra* note 22.

96. *Id.* art. 1.

97. *Id.* art. 3.

98. *Id.* art. 5.

99. *Id.* art. 25.

100. *Id.* art. 25 (2).

101. ICCPR, *supra* note 26. Article 6 recognizes the right to life of persons, which must be protected by law, while Article 7 protects persons from “torture or to cruel, inhuman or degrading treatment or punishment.” Article 24 (1) also encourages the family, society, and the State to take special steps in protecting children specially as required by their status as minors.

102. ACHPR, *supra* note 29. Article 4 protects the right to life and integrity of persons while Article 5 provides that the dignity of persons must be respected and prohibits acts which are capable of exploiting and degrading people, including torture, cruel, inhuman or degrading punishment or treatment. Article 16 protects the right to the best attainable standard of physical and mental health.

Cultural Rights (ICECSR).¹⁰³ Breast ironing is a torturous, inhuman, and degrading practice, which affects the health of girls and can either lead to loss of life or reduce the quality of life of its victims, which is an indication that the practice is illegal.

Legislation specifically protecting the rights of women and girls does not expressly prohibit breast ironing. The CEDAW,¹⁰⁴ described as the International Bill of Rights for women, promotes the “equal rights of men and women” and condemns any “distinction, exclusion or restriction” placed on women on the basis of their sex, which will prevent the enjoyment of their human rights and fundamental freedoms.¹⁰⁵ The critical nature of non-discrimination has been recognized in almost all international human rights treaties since the 1950s with the three core international human rights treaties i.e., the UDHR, ICCPR, and ICESCR giving it a central place.¹⁰⁶ It notes that discrimination against women hinders the advancement of society as well as the family and also restricts the capacity of women to contribute positively to humanity.¹⁰⁷ States are therefore expected to eliminate discrimination through various measures, including the enactment of legislation prohibiting such acts and laying down sanctions for defaulters.¹⁰⁸ The Committee on the Elimination of Discrimination against Women in its General Recommendation 19 (*Hereinafter* the ‘CEDAW Committee’),¹⁰⁹ emphasizes that gender-based violence is a type of discrimination against women, as defined in Article 1 of the Convention. The committee went further to describe ‘gender-based violence,’ as “violence that is directed against a woman because she is a woman or that affects women disproportionately and

103. International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, at 49, U.N. Doc. A/6316 (1966), 999 UNTS. 3 (*entered into force* Jan. 3, 1976) [*hereinafter* ICESCR]. Article 12 (1) protects the rights to health of all persons.

104. CEDAW, *supra* note 27.

105. *Id.* art 1.

106. Samantha Besson, *The Principle of Non-Discrimination in the Convention on the Right of the Child*, 13 INT’L J. CHILD RTS. 440 (2005).

107. CEDAW, *supra* note 27.

108. *Id.* art. 2.

109. U.N. Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19: Violence Against Women* (1992), <https://www.refworld.org/docid/52d920c54.html>.

it includes acts that inflict physical, mental or sexual harm or suffering.”¹¹⁰

IHRL places high regard on traditional and cultural norms,¹¹¹ but such practices are only acceptable when they are not harmful and discriminatory. Harmful traditional practices are considered a violation of the rights of persons due to the immediate and long-term damage evident in the lives of those who undergo the practice. CEDAW, in recognition of the destructive effects of such practices on victims, as well as its prevalence in some countries of the world, particularly African countries, calls upon States to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.”¹¹² The CEDAW Committee also recommends that “member states should identify the nature and extent of attitudes, customs, and practices that perpetuate violence against women and take effective measures to overcome such violence.”¹¹³

The CRC¹¹⁴ expressly affirms the need to specially assist and care for children and thereby comprehensively protects the rights that apply to various facets of their lives.¹¹⁵ In particular, the Committee on the Rights of the Child (*Hereinafter* the ‘CRC Committee’) has affirmed the place of children as holders of all the rights enshrined in the Convention.¹¹⁶ It also notes that they are to be accorded special protection measures and the progressive exercise of their rights in line with their evolving capacity.¹¹⁷ It further notes that the CRC is to be applied holistically, taking into cognizance the universality, interdependence, and indivisibility of all rights.¹¹⁸ The rights of children established under this CRC are classified into provision,

110. Julie A. Tchoukou, *Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon*, 3 J. CIV. LEGAL SCI. 121, 127 (2014).

111. Article 15 (1) of the ICESCR recognizes the right of all persons to participate in the “cultural life” of their societies. Moreover, in Article 29 (7) of the ACHPR, individuals are given the responsibility to “preserve and strengthen positive African cultural values.”

112. CEDAW, *supra* note 27, art. 5.

113. Tchoukou, *supra* note 110.

114. CRC, *supra* note 28.

115. *Id.* at preamble.

116. CRC Comm., Gen. Comment No. 7, Committee on the Rights of the Child, 40th Sess. CRC/C/GC/7/Rev. 1. (Sept. 20, 2006).

117. *Id.*

118. *Id.*

protection, participation, and prevention rights (the four Ps).¹¹⁹ The protection and prevention rights seek to ensure that children are not abused and exploited.¹²⁰ The CRC enjoins States who are parties to the Convention to recognize the right of the child to life,¹²¹ as well as ensure “to the maximum extent possible the survival and development of the child.”¹²² The CRC Committee upholds the definition of violence used in Article 19 (1) of the CRC, which refers to it as “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”¹²³ It also describes development to broadly include “the child’s physical, mental, spiritual, moral, social and psychological development.”¹²⁴

Governments are also expected to take measures to abolish, “traditional practices prejudicial to the health of children.”¹²⁵ States are also to ensure, through “legislative, administrative, social and educational measures,” that children are not subjected to any form of “physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”¹²⁶ Article 37 prohibits the exposure of children to any form of torture and provides that children should not be treated in a “cruel, inhuman or degrading” manner. The CRC promotes the principle of the best interests of the child in all decisions to be made in respect of children, which has been declared a fundamental principle that must be respected by all public and private institutions in all societies.¹²⁷ Breast ironing has been justified on the basis that it prevents the early development of breasts, thereby protecting girls from sexual abuse.¹²⁸ The best interest principle has been criticized as vague, despite its

119. *The United Nations Convention on the Rights of the Child*, SCOTTISH OUT OF SCHOOL CARE NETWORK, <https://soscn.org/UNCRC> (last updated Aug. 6, 2022).

120. *Id.*

121. CRC, *supra* note 28, at art. 6(1).

122. *Id.* art. 6(2).

123. *Id.* art. 19(1).

124. Gen. Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child, CRC/GC/2003/5 (27 Nov. 2003), <https://www.refworld.org/docid/4538834f11.html>.

125. CRC, *supra* note 28, art. 24(3).

126. *Id.* art. 19(1).

127. *Id.* art. 3; see CEDAW, *supra* note 27, art. 5(b), 16(1)(d).

128. Tchoukou, *supra* note 110, at 122.

universality and recognition in several legal instruments.¹²⁹ This is likely compounded by the vagueness, different interpretations, and lack of a standard definition of the best interest principle.¹³⁰ Nevertheless, breast ironing is considered a form of abuse, which is contrary to the best interest principle, as the practice violates the rights of girl children, causes physical and psychological harm to them, and is of no benefit to them in any way.

The ACRWC¹³¹ is a regional instrument that was adopted to protect the rights and welfare of African children, who due to their unique peculiarities, as well as socio-economic and cultural challenges peculiar to African countries, require “legal protection in conditions of freedom, dignity, and security.”¹³² In its approach to the rights of children, it affirms the principle that rights are indivisible and interdependent.¹³³ It establishes the rights of the child to “enjoy the best attainable state of physical, mental, and spiritual health.”¹³⁴ The child’s right to survival, protection, and development is protected “to the maximum extent possible.”¹³⁵ States are expected to “take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse...”¹³⁶ Measures that can be taken to ensure protection are stated to include special monitoring units to support the child and those caring for her, prevention strategies, and identifying, reporting, treating, and following up on cases of such abuse.¹³⁷ Moreover, the ACRWC reiterates that the principle of the best interest of the child is the paramount thing to be considered in all actions to be taken in respect of the child.¹³⁸ The ACRWC protects children from harmful cultural practices by enjoining States to “take all appropriate measures to

129. Linda Amarachi Oti-Onyema, *Parental Responsibility Over Child’s Health: Dispensing with Court Proceedings in Emergency Situations*, 11 NNAMDI AZIKIWE UNI. J. INT’L L. & JURIS. 170, 175 (2020).

130. See generally Douglas Diekema, *Parental Refusals of Medical Treatment: The Harm Principle as Threshold for State Intervention*, 25 THEORETICAL MED. & BIOETHICS 246 (2004).

131. ACRWC, *supra* note 30.

132. *Id.* at preamble.

133. Danwood M. Chirwa, *The Merits and Demerits of the African Charter on Rights and Welfare of the Child*, 10 INT’L J. CHILD. RTS. 157, 157 (2002).

134. ACRWC, *supra* note 30, art. 14(1).

135. *Id.* art. 5(2).

136. *Id.* art. 16.

137. *Id.* art. 5(2).

138. *Id.* art. 4.

eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child,” particularly those that affect the child’s health as well as those that are discriminatory based on the sex of the child and other grounds.¹³⁹ Thus, despite the importance placed on the preservation of African cultures and values,¹⁴⁰ such practices must not be inconsistent with the rights of children and must not cause them harm. The provision in the ACRWC seeking to protect children from harmful practices is more detailed than the CRC and includes more parameters for determining whether a practice is harmful.¹⁴¹ This is probably because such harmful cultures are more prevalent in African countries and need more efforts to be eliminated.

The Maputo Protocol was adopted to give more attention to women and girls in Africa and ensure that they are not subjected to discrimination and gender-based violence.¹⁴² The Protocol in its preamble, encourages the disapproval and eradication of “practices which hinder or endanger the normal growth or physical and psychological development of women and girls...”¹⁴³ The Protocol defines harmful practices as “all behavior, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education, and physical integrity.”¹⁴⁴ To preserve the respect to life, security, and integrity of a person that a woman is entitled to, “all forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.”¹⁴⁵ The Protocol is more explicit on measures to be taken by States to protect women from all forms of violence. States have been directed to enact and implement laws prohibiting such acts,¹⁴⁶ as well as “adopt such other legislative, administrative, social and economic measures as may be necessary...”¹⁴⁷ The causes and consequences of violence against women are also expected to be

139. *Id.* art. 1(a), (b).

140. *Id.* art. 11(2)(c), which promotes the strengthening of African cultures and Article 12, which encourages children to participate in the cultural life of their society.

141. Tchoukou, *supra* note 110.

142. Maputo Protocol, *supra* note 13.

143. *Id.*

144. *Id.* art. 1(g).

145. *Id.* art. 4.

146. *Id.* art. 4(2)(a).

147. *Id.* art. 4(2)(b).

identified, prevented, and eradicated.¹⁴⁸ Appropriate steps should also be taken to “actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women.”¹⁴⁹ Those who perpetrate violence against women are expected to be held accountable for their actions in addition to States taking steps to rehabilitate the victims.¹⁵⁰ Practices that are harmful to women and affect their rights are to be eradicated by States through various measures including public awareness, legislative measures, and the availability of support to victims of such harmful practices through the provision of services like health care, judicial assistance, vocational training, and emotional and psychological counseling.¹⁵¹

In addition, the UN treaty committees have expressed great concern about the practice of breast ironing, specifically in some reports on the state of Cameroon’s compliance with its IHRL obligations.¹⁵² The Committee on CEDAW, in its report states that:

The Committee urges the State Party Cameroon to enact national legislation to prohibit female genital mutilation, as well as other harmful practice, such as breast ironing, in all instances, to it strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, and to eliminate the practices of female genital mutilation and breast ironing and underlying cultural justifications.¹⁵³

Also, the CRC Committee in 2010 urged Cameroon to criminalize breast ironing, prosecute perpetrators, and institute a program of recovery for victims.¹⁵⁴ Similar advice has been offered by the Committee on Torture, who among other things, recommended that the state party, i.e., Cameroon, “pass legislation to prohibit female

148. *Id.* art. 4(2)(c).

149. *Id.* art. 4(2)(d).

150. *Id.* art. 4(2)(e).

151. *Id.* art. 5.

152. *See generally Breast Ironing*, ADVOCS. FOR HUM. RTS., (Sept. 2020), https://www.stopvaw.org/harmful_practices_breast_ironing.

153. CEDAW Committee, *Conclusions and Recommendations for Cameroon*, 2009, U.N. Doc. CEDAW/C/CMR/CO/3 (2009).

154. CRC Committee, *Concluding Observations for Cameroon*, 2010, U.N. Doc. CRC/C/CMR/CO/2 (2010).

genital mutilation and other harmful traditional practices, in particular breast ironing, no what the circumstances and to ensure its effective enforcement.”¹⁵⁵ In addition, “it also urged the state party to devise programs to offer alternative sources of income to those who earn their living performing female genital mutilation and other harmful traditional practices.”¹⁵⁶ It further recommended that it “step up efforts, through information programs, to raise awareness and educate both women and men regarding the pressing need to put an end to the practice of female genital mutilation and breast ironing.”¹⁵⁷ In the same vein, the Committee on Economic Social and Cultural Rights (CESCR) in 2012 added its voice to the debate, urging Cameroon to put in place a strong legal framework towards combating “violence against women and girls and to ensure that domestic violence, female genital mutilation, and sexual harassment, along with breast ironing and marital rape, are made punishable under the Criminal Code and that perpetrators are prosecuted.”¹⁵⁸

Breast ironing is also a violation of the Sexual and Reproductive Health Rights (SRHR) of the girl-child in Cameroon. SRHR is critical to the realization of fundamental rights such as life, discrimination, health, and education.¹⁵⁹ In interpreting SRHR, the Committee on Economic, Social and Cultural Rights (CESCR) states that it includes “the right to make free and responsible decisions and choices, free of violence, coercion and discrimination over matters of one’s body and sexual and reproductive health.”¹⁶⁰ It falls within the minimum core obligations with respect to economic, social, and cultural rights, which are not subject to resource availability, and that states are required to comply with at all times.¹⁶¹

Breast ironing is equally a form of gender-based violence against girls, which has its roots in traditional norms and discriminatory

155. Committee Against Torture, *Main Areas of Concerns and Recommendations for Cameroon*, 2010, U.N. Doc. CAT/C/CMR/CO/4 (2012).

156. *Id.*

157. *Id.*

158. CESCR, *Principal Subjects of Concerns and Recommendations for Cameroon*, 2012, U.N. Doc E/C 12/CMR/CO/2-3 (2012).

159. CRR, *Ensuring Sexual and Reproductive Health and Rights of Women and Girls in Affected by Conflicts*, Center for Reproductive Rights 15 (2017).

160. CESCR, *General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health*, para. 5, U.N. Doc E/C.12/GC/22 (2016) [hereinafter General Comment No. 22].

161. CESCR General Comment No. 14, *The Right to the Attainable Standard of Health*, Art. 12 International Covenant on Economic, Social and Cultural Right, para. 47, U.N. Doc E/C.12/2000/4 (2000) [hereinafter General Comment No. 14].

attitudes, based on the stereotypes placed on women.¹⁶² It is specifically a form of Sexual and Gender-Based Violence (SGBV), this time directed at the girl-child. With respect to violence against women, the UN defines it as, “any act of gender-based violence that result in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such act, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.”¹⁶³ It defines sexual violence as “any sexual act, attempt to obtain sexual act, or other acts directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or coerced penetration of the vulva or anus with a penis, other body part or object, attempted rape, unwanted sexual touching or other non-contact forms.”¹⁶⁴

The UN Declaration on the Elimination of Violence Against Women notes that SGBV includes physical, sexual, and psychological violence such rape, sexual abuse, sexual violence, sexual exploitation, harassment, and intimidation in institutions and elsewhere, trafficking in women, forced prostitution, spousal or non-spousal battery, sexual abuse, and other traditional practices harmful to women.¹⁶⁵ Within the same breadth, the Istanbul Convention views SGBV as a violation of human rights and a perpetuation of discrimination against women.¹⁶⁶ Under the Convention, acts that would constitute SGBV include “*physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*”¹⁶⁷ It has therefore called on state parties to provide for a domestic framework criminalizing and punishing violence against women and provide access to special protection measures during the investigation process as well as judicial proceedings for victims.¹⁶⁸ SGBV directly impacts rights such as life, liberty, and security of person, freedom

162. Amahazion, *supra* note 40, at 2.

163. U.N. General Assembly Declaration on the Elimination of Violence Against Women, G.A. Res. 48/104, at 1 (20 Dec. 1993).

164. *Sexual Violence: 941 Studies*, WORLD HEALTH ORG. (2022), <https://apps.who.int/violence-info/sexual-violence/>.

165. U.N. General Assembly, *supra* note 163, at 2.

166. Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence, C.E.T.S. 210 (2011), <https://rm.coe.int/168008482e>.

167. *Id.* at 3.

168. *Id.* at 49, 56.

from torture, degrading and inhuman treatment or punishment, and health.¹⁶⁹ UN human rights treaty bodies have addressed issues of SGBV in one way or the other. While the Human Rights Committee (HRC)¹⁷⁰ and the Committee Against Torture (CAT Committee)¹⁷¹ has framed SGBV such as FGM as a form of torture degrading and inhuman treatment or punishment, the CESR Committee,¹⁷² the CRC Committee,¹⁷³ and the Committee on the Rights of Persons with Disabilities¹⁷⁴ have noted that state parties have obligations under their respective treaties to address SGBV.

It is evident from the above analysis, that IHRL generally condemns the practice of breast ironing, as it is discriminatory and affects the health, dignity, development, and wellbeing of the girl-child, thereby violating her rights. While IHRL treaties uphold the right to be free from harmful traditional practices,¹⁷⁵ human rights norms proceed on the strength that women are entitled to the enjoyment of their human rights, fundamental rights, and freedoms within the family and society in general.¹⁷⁶ IHRL, therefore, enjoins States to protect women and girls in their jurisdiction from such practices.¹⁷⁷ As noted by Ssenyonjo, African states are parties to at least one IHRL treaty prohibiting discrimination on the basis of sex or equal rights of men and women to enjoy all human rights.¹⁷⁸ Cameroon ratified a number of the treaties analyzed above, including

169. U.N. General Resolution, *supra* note 163, at 1-3.

170. UNHRC, Gen. Comment No. 28: Article 3 (The Equality of Rights between Men and Women), (68th Sess. 2000), para. 11, U.N. Doc. CCPR/C/21/Rev.1/Add. 10 (2000) [hereinafter Human Rights Committee, General Comment No. 28].

171. CAT Comm., Concluding Observations: Ghana, para. 23, U.N. Doc. CAT/C/GHA/CO/1 (2011).

172. Gen. Comment No. 22, *supra* note 160.

173. CRC Comm., Gen. Comment No. 13: The Right of the Child to Freedom from All Forms of Violence, para. 72(b), U.N. Doc. CRC/C/GC/13 (2011).

174. CRPD Comm., G.A. Res A/Res/61/106, UN GAOR 61st Sess. U.N. Doc. A/61/611 (entered into force May 3, 2008).

175. U.N. CEDAW Comm. and CAT Comm., Joint Gen. Recommendation No. 31 of the Committee on the Elimination of All Forms of Discrimination Against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices, para. 22, U.N. Doc. CEDAW/C/GC/31-CRC/C/GC/18 (2014) [hereinafter CEDAW CRC Comm's., Joint Gen. Recommendations No. 31/18].

176. Muna Ndulo, *African Customary Law, Customs and Women's Rights*, 18 IND. J. GLOB. LEGAL STUDS. 87, 90 (2011).

177. Amahazion, *supra* note 40, at 3.

178. Manisuli Ssenyonjo, *Culture and the Human Rights of Women in Africa: Between Light and Shadow*, 51 J. AFR. L. 39, 49 (2007).

the ACHPR, UNCRC, CEDAW, and the Maputo Protocol, in 1989, 1993, 1994, and 2006, respectively.¹⁷⁹ There is however a lack of a national legislation enacted to directly prohibit breast ironing or other traditional harmful practices in the country.¹⁸⁰ This is despite the fact that several human rights groups have submitted petitions asking the parliament in Cameroon to enact legislation prohibiting breast ironing.¹⁸¹ What the above indicates is that Cameroon has not lived up to its obligation under IHRL with respect to the recommendation to eradicate the practice of breast ironing.

B. *Non-Governmental Organizations (NGOs)*

Furthermore, in Cameroon, this old and terrible practice is by all means being fought by Non-Governmental Organizations (NGOs).¹⁸² While the approach of some of these NGOs is to persuade the Cameroonian authorities to enact laws that prohibit breast ironing, others have focused on educating boys and girls about their sexual health. For example, the National Association of Aunties in Cameroon, also known as ‘RENATA,’ has employed over 6,000 young women as volunteers and trained them to teach children sex education within the community and in schools.¹⁸³ To further educate people on the ills of the practice, RENATA collaborated with other local organizations and extended their reach through broadcasts on the radio, in addition to other forms of campaigns. Their efforts have been effective in promoting awareness of the existence of pregnancy prevention methods, as opposed to the practice of breast ironing.¹⁸⁴

179. Rachel Pearsell, *The Harmful Traditional Practice of Breast Ironing in Cameroon, Africa*, 2 BRIDGES: AN UNDERGRADUATE J. CONTEMP. CONNECTIONS 1, 4 (2017).

180. Rosaline N. Bawe, *Breast Ironing . . . A Harmful Practice that Has Been Silenced for Too Long*, GENDER EMPOWERMENT & DEV. (Aug. 24, 2011), <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/HarmfulPractices/GenderEmpowermentandDevelopment.pdf>.

181. Rebecca Tapscott, *Understanding Breast “Ironing”: A Study of the Methods, Motivations, and Outcomes of Breast Flattening Practices in Cameroon*, FEINSTEIN INT’L CTR. (May 14, 2012), <https://fic.tufts.edu/assets/Understanding-breast-flattening.pdf>.

182. Katrin Gänsler, *The Fight Against Breast Ironing in Cameroon*, DEUTSCHE WELLE (Oct. 15, 2018), <https://www.dw.com/en/the-fight-against-breast-ironing-in-cameroon/a-45892011>.

183. Eva F. Ortiz, *Cameroon “Aunties” Educate to Protect Rural Girls from Breast Ironing*, WOMEN NEWS NETWORK (Sept. 2, 2011), <https://womennewsnetwork.net/2011/09/02/cameroon-aunties-educate-breast-ironing/>.

184. Tapscott, *supra* note 181.

RENATA also partners with other NGOs, such as the Gender Empowerment and Development (GeED), which has drawn increased global attention to the practice. Through the efforts of these organizations, several girls have been reached and there are reports that the practice is decreasing.¹⁸⁵

III. CAMEROON'S DOMESTIC LEGAL FRAMEWORK: DOES IT OFFER REFUGE FROM BREAST IRONING

Breast ironing is a violation of rights protected under the Cameroonian Constitution. The Preamble to the Constitution of Cameroon 1996 provides that:

We, the people of Cameroon . . . resolve to harness our natural resources in order to ensure the wellbeing of every citizen without discrimination, by raising living standards, proclaim our right to development as well as our determination to devote all our effort to that end and declare our readiness to cooperate with all states desirous of participating in this national endeavor with due respect to our sovereignty and independence of the Cameroonian state.¹⁸⁶

The preamble reinstates Cameroon's position as regard:

Attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, and the African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto, in particular, to the following principles . . . (1) all persons shall have equal rights and obligations. The state shall provide all its citizens with the condition necessary for their development; (2) the State shall ensure the protection of all minorities and shall preserve the rights of indigenous populations in accordance with the law; (25) the state shall guarantee all citizens of either sex the rights and freedoms set forth in the preamble.¹⁸⁷

The Constitution protects the rights to life, physical and moral integrity, and humane treatment. Persons are thus not to be subjected to torture, cruel and degrading treatment, violations of which are a

185. *See id.*

186. CONST. OF THE REP. OF CAMEROON pmb. Jan. 18, 1996.

187. *Id.*

basis for prosecution.¹⁸⁸ It also directs the government to ensure the equality of all citizens before the law.¹⁸⁹ However, this is how far the document goes. According to the ACERWC, the constitution of most countries on the continent lacks a provision on the elimination of harmful practices. In fact, so far only eight countries - Ghana, Ethiopia, Malawi, Somalia, South Sudan, Sudan, Swaziland, and Uganda - have such a provision.¹⁹⁰ Clearly, Cameroon is one of such countries, with its constitution simply providing for fundamental rights generally. Legislation in most countries is discriminatory and inconsistent with international standards.¹⁹¹ The Maputo Protocol provides that member-states shall implement appropriate legislative and other regulatory measures prohibiting all forms of discrimination, especially those harmful practices endangering the health and general well-being of women.¹⁹² However, in Cameroon, as well as in other parts of the world, breast ironing isn't yet a criminal offense. Girls in the country currently lack protection from breast ironing due to the absence of a direct prohibition of the practice in their national laws.¹⁹³ The government of Cameroon informed the Committee on the Elimination of Discrimination Against Women in its 2007 report that a draft law on the prevention and punishment of violence against women and gender-based discrimination will include practices harmful to women, which were not previously criminalized.¹⁹⁴ This draft law, however, has not been enacted nor is there any law expressly prohibiting breast ironing in Cameroon. This is quite worrying. However, when breast ironing is reported it can be classified as child abuse¹⁹⁵ for the purpose of prosecution. CSOs have been canvassing for legislation that will not only address this heinous crime but also prescribe far-reaching sanctions for perpetrators.

188. *Id.*

189. *Id.*

190. *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4, at 9.

191. *Id.*

192. Maputo Protocol, *supra* note 13, at 7.

193. Pearsell, *supra* note 176.

194. Consideration of Rep. Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women, U.N. Doc. CEDAW/C/CMR/3 (March 29, 2007), <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=3f6ae01d4&skip=0&query=discrimination%20against%20women%20cameroon> [hereinafter Cameroon 2007 Report to CEDAW].

195. Robinson, *supra* note 39.

There have been counter-arguments that the enactment of legislation prohibiting breast ironing would pose a threat to the effective prosecution of perpetrators, as the culture of silence will be promoted and the practice will be done in secret to prevent arrests. It has also been asserted that criminalizing breast ironing might have no benefit since girls who undergo the practice often fail to report to the appropriate authorities.¹⁹⁶ However, laws prohibiting a practice are important in making it expressly clear that such acts are not acceptable. Laws provide a legal basis for the establishment of sanctions and subsequent punishment of violators. To prevent the culture of silence and failure to report as noted above, other measures like community investigations, vigilance, and awareness campaigns can thereafter be taken to complement legislation and ensure its effectiveness.

Legislation must be deployed as a veritable instrument to curb the menace of breast ironing and protect the rights, health, and well-being of young girls in Cameroon. Such a legislative move, whether by way of fresh legislation or the fine-tuning of existing legislation, must adequately highlight Cameroon's core obligations under IHRL, particularly with respect to the girl-child. According to UN Women, apart from such a legislation clearly prohibiting the practice of breast ironing, it must include the establishment and funding of education and public awareness programs designed to promote knowledge about the effects of breast ironing.¹⁹⁷ UN Women also advocates for legislation that mandates teachers and health professionals to report to social service providers and child protection agencies, cases of breast ironing that they come across. Such legislation must also include protection orders that could be applied for by a third party to protect girls who are at risk or currently undergoing the process of breast ironing, while a violation of such orders should be criminalized.¹⁹⁸

A high amount of SGBV occurs in Cameroon, with a recent spike in the Anglophone Northwest and Southwest regions due to armed conflicts.¹⁹⁹ About 4, 300 cases were reported by the UN across both regions between February and December 2020, among which 30 % of

196. *Breast Ironing*, *supra* note 152.

197. Cameroon 2007 Report to CEDAW, *supra* note 194.

198. *Id.*

199. Jess Craig, *Sexual Violence Pervasive in Cameroon's Anglophone Regions*, ALJAZEERA NEWS (Apr. 29, 2021), <https://www.aljazeera.com/news/2021/4/29/gender-based-violence-pervasive-in-cameroons-anglophone-regions>.

the victims were children.²⁰⁰ Unfortunately, Section 296 of the Cameroonian Penal Code,²⁰¹ which prohibits rape, prescribes a punishment of 5 to 10 years for offenders. This punishment is too trivial for such a grievous offense and is not sufficient to deter prospective offenders, notwithstanding the provisions of section 298, which doubles the penalty in some cases. It is, therefore, necessary that this provision be amended as a reduction in rape cases will consequentially lead to a reduction in cases of breast ironing.

There have been reports that perpetrators of breast ironing are not held accountable for their actions in Cameroon. Even though the practice hasn't been expressly prohibited under the country's laws, it may be prosecuted under existing criminal laws. This is especially so because the offense satisfies some of the elements needed to establish the occurrence of existing crimes. An example is the offense of grievous harm under Section 277 of the Cameroonian Penal Code, which provides that "whoever permanently deprives another of the use of the whole or of any part of any member, organ or sense, shall be punished with imprisonment for from 10 (ten) to 20 (twenty) years."²⁰² Section 277-1, in particular, states that "whoever mutilates the genital organ of a person, by any means whatsoever, shall be punished with the penalties provided for in Section 277 above."²⁰³ Section 277-2 criminalizes any interference with the normal growth of an organ, with a punishment of between 6 (six) months to 5 (five) years imprisonment, as well as payment of between CFAF 100,000 (one hundred thousand) to CFAF 1,000,000 (one million) or with both imprisonment and fine.²⁰⁴

Even though these provisions do not specifically refer to breast ironing, they can be relied upon to prosecute offenders as breast ironing affects the use and normal growth of breasts of girls in the country, as some are unable to breastfeed their babies. Section 277-3 also states that "(1) Whoever involuntary causes death by torture shall be punished with life imprisonment; (2) The penalty shall be imprisonment from ten to twenty years where the torture causes a permanent deprivation of all or part of a limb, organ or sense."²⁰⁵ The

200. *Id.*

201. *See generally* Penal Code, 2016-007 (Cameroon), <https://wipolexres.wipo.int/edocs/lexdocs/laws/en/cm/cm014en.html>.

202. *Id.*

203. *Id.*

204. *Id.*

205. *Id.*

link between breast ironing and torture is considerable. An act that involves pounding the chest of a young girl with heavy metal and other kinds of instruments, all in a bid to destroy developing body tissues must be considered as constituting some form of torture. Also, as the breast is an organ of the body, acts of breast ironing may be considered torture, which can cause “a permanent deprivation of all or part of a limb, organ or sense.” The definition of torture offered in the Cameroonian Penal Code helps illuminate this point. It states that:

For the purposes of this section, torture shall mean any act by which acute pain or suffering, either physical, mental, or psychological, is intentionally afflicted on a person by a public servant, a traditional healer, or any other person acting in the course of duties either at his own instigation or with the express or implied consent, in order to obtain information or confessions from that person or from another, to punish her for an act that she or any other person has committed, or is presumed to have committed, to intimidate or overawe her or any other person, or for any other motive based on any discrimination.²⁰⁶

This definition corresponds with the definition provided in the UN Convention on Torture, Cruel, Inhuman or Degrading Treatment or Punishment (CAT),²⁰⁷ which defines torture as:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purpose as . . . intimidating or coercing him, or a third person for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.²⁰⁸

Furthermore, Article 5 of the UDHR states that “no one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment.”²⁰⁹ In line with the definition of the CAT, breast ironing can be brought within the confines of “any act by which acute pain or suffering, either physical, mental or psychological...” inflicted

206. *Id.*

207. Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment, G.A. Res. 39/46, art. 1 (Dec. 10, 1984).

208. *Id.*

209. UDHR, *supra* note 22, at art. 5.

intentionally “for any other motive based on any discrimination.” While the state isn’t directly the entity carrying out breast ironing on girls, an acceptable position is that acts of private actors can be imputed to the state where it acquiesces to the acts. Generally, torture-related acts which fall within this contemplation must be systematic in nature and unprotected by the state.²¹⁰ Breast ironing in Cameroon has systematically been carried out for years and currently lacks legal protection. The implication, therefore, is that by not providing direct legal protection, the state has acquiesced to the practice and may be deemed accountable for the acts of the private actors. In any case, the CAT generally provides for freedom from torture, the motivation notwithstanding.²¹¹ The definition of torture in the Cameroonian criminal code has been hailed by the CRC Committee.²¹² With respect to harmful traditional practices, which encompasses the practice of breast ironing, more importantly, the Committee has recommended a number of actions to Cameroon, some of which include:

- (a) Strictly enforce sections 277-1 and 277-2 of the amended criminal code criminalizing female genital mutilation and interference with organ growth respectively; (b) Explicitly criminalize the practice of breast ironing; (d) Develop comprehensive awareness-raising campaigns and programs, specifically targeting families and community leaders, particularly in remote areas, on the negative consequences of harmful practices, particularly on girls, children with albinism and twins.²¹³

The Committee has also called on state parties to take adequate measures to ensure that every child has protection from all forms of discrimination.²¹⁴ It has also noted that in line with obligations in Articles 4 and 19 of the CRC, resource constraints can’t be an excuse for a state party’s failure to take necessary measures required for child protection.²¹⁵ The Committee has therefore called on state parties to

210. See generally Erika Sussman, *Contending with Culture: An Analysis of the Female Genital Mutilation Act of 1966*, 31 CORNELL INT’L L.J. 194, 200 (1998).

211. Andrea L. Courtney, *Addressing the Horror Stories: How the Convention Against Torture Offers a Promising Answer to U.S. Asylum Seekers Fleeing Female Genital Mutilation*, 1 GEO. J. GENDER & L. 887, 902 (2000).

212. U.N. Comm. on the Rts. of the Child, 75th Sess., 2214th and 2215th mtgs. at 5, ¶. 22, U.N. Doc. CRC/C/CMR/CO/3-5 (July 6, 2017).

213. *Id.* ¶ para. 28.

214. General Comment No. 13, *supra* note 173, ¶ 60.

215. *Id.* ¶ para 73.

“adopt comprehensive, strategic and time-bound coordinating frameworks for child caregiving and protection.”²¹⁶ It has also called on international partners to provide financial and technical support for child protection programs.²¹⁷

It is clear that with respect to combatting this practice, the challenge isn't one of a lack of legislation. Rather, it is a matter of a lack of matching political will on the part of the government of Cameroon. While there may be a need for further legal reform down the road, the Cameroonian government can indeed achieve something within the framework of its current Criminal Penal Code. Since breast ironing is a violation of IHRL and implicates certain provisions of the country's Penal Code, it is only logical that the government sees a need for criminal prosecutions. The challenge, however, is that the current legal framework is hamstrung on two fronts i.e., the country's weak enforcement framework and the domineering influence of cultural norms in the society. There is also a lack of enforcement mechanisms for laws and policies.²¹⁸

The place of culture as a clog in combating this practice is worthy of attention. The fact that breast ironing is rooted in cultural practices breeds consistent tension between the law and cultural norms. This point was highlighted in the 2006 World Report on Violence Against Children which stated that “. . . laws on violence against children are not effectively implemented in many places because of the strength of traditional attitudes and in some places because of the existence of religious and customary legal systems.”²¹⁹ It is, however, important to state that as the UN notes, this obstacle has over time been overcome with the understanding that the legal force of any customary law is only to the extent that it conforms with human rights.²²⁰ Simply put, customary practice inconsistent with current human rights standards cannot trump established norms such as equality, human dignity, and freedom. Timely and fair prosecutions of breast ironing should be conducted as this would contribute to the deterrence of prospective offenders. Prosecution is also a way for the government to fulfill its

216. *Id.*

217. *Id.* ¶ para 74.

218. See *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4.

219. PAULO SERGIO PINHEIRO, WORLD REPORT ON VIOLENCE AGAINST CHILDREN 74 (2006), https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/document_files/world_report_on_violence_against_children.pdf.

220. See *generally* OFF. OF THE SPECIAL REPRESENTATIVE OF THE SEC'Y-GEN. ON VIOLENCE AGAINST CHILD. & PLAN INT'L, *supra* note 10, at 33.

obligations of protecting and securing the citizens of their country. Conducting investigations and prosecuting perpetrators of rape can also help in curbing sexual violence against women, which in turn reduces the need for breast ironing as a form of preventing sexual violence. There have been reports that such prosecutions are rare²²¹ and in 2012, out of the fifty-two rapes which occurred in Douala and Yaoundé, there was only one case in which a perpetrator was identified and he was eventually released by the prosecutor.²²²

IV. SUGGESTED RECOMMENDATIONS

To build on the above-discussed legal framework and help strengthen implementation efforts, this Article makes a number of recommendations, which it expects would afford better protection to the girl-child in Cameroon against the harmful practice of breast ironing. The ACERWC has recommended that member-states take measures to review all national legislations allowing consent as a basis for harmful practices against children.²²³ It has been advocated that such legislation must, among other things, address the following: specifically condemn the practice of breast ironing; establish and fund education and public awareness on the adverse effects of breast ironing; place a duty on medical and health providers to report cases of breast ironing; authorize courts to issue orders, such as *ex parte* orders, on behalf of third parties filing a suit on behalf of girls at risk or in the process of being victims of breast ironing; provide a framework of protection for girls, who though not yet victims remain at risk of breast ironing, for example, because they are siblings of victims; and provide medical, legal and rehabilitative services for victims.²²⁴ This Article further develops three of these recommendations with the goal of ultimately shaping the conversation on reforms.

221. U.S DEP'T OF STATE, 2012 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES – CAMEROON 27 (2012), <https://www.refworld.org/docid/517e6e5-63c.html>.

222. *Id.*

223. See generally *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4.

224. *Breast Ironing*, U.N. WOMEN: VIRTUAL KNOWLEDGE CENTRE TO END VIOLENCE AGAINST WOMEN, <https://www.endvawnow.org/en/articles/609-breast-ironing.html> (last updated Jan. 27, 2011).

A. *The Need for Social Education and Public Awareness*

A sticky point in the problem of breast ironing is the current cloud of ignorance surrounding the act. Most of the perpetrators feel they are doing good to their eventual victims. One thing that clearly reveals this ignorance is the fact that this act is carried out largely by mothers and other close family relatives who ought to be a source of love, affection, and protection for the girl-child. However, the fact that most apparently do it in their bid to “protect” the girl-child validates their state of ignorance. Also, the fact that the practice is steeped in old, traditional practices that have survived primarily on the ignorance and lack of exposure in most African societies further supports this view. There is therefore, a need for mass education and public awareness on the barbaric nature of this practice. A major justification for the practice of breast ironing is the argument about protecting girls from male predation by making them sexually unattractive. This is, however, a rather patriarchal argument and a backward way of addressing the issue of sexual vices in society. The solution to a problem should not itself create a bigger problem. It is clear that the problem of breast ironing may indeed be worse than the sexual vice it is trying to combat. In any case, as brilliantly stated by the Swedish Organization for Global Health (SOGH), “women should understand that sexual abuse is not their fault but the perpetrator’s.”²²⁵ It is rather a lame position to continue to put the blame for the misbehavior of the male on the female, all in a bid to find a solution.

There is a need for public awareness and increased social education for parents as well as the children themselves on the harmful nature of breast ironing. Noting this point, the Maputo Protocol states that:

State parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of inferiority or the

225. *Breast Ironing: A Harmful Practice That Spans Generations*, SWEDISH ORG. GLOB. HEALTH (Sept. 5, 2020), https://www.girlsglobe.org/2020/09/05/breast-ironing-a-harmful-practice-that-spans-generations/?doing_wp_cron=1628076562.7583940029144287109375.

superiority of either of the sexes, or on stereotyped roles for women and men.²²⁶

It further adds that:

State parties shall prohibit and condemn all forms of harmful practices which negatively affects the human rights of women and which are contrary to recognized international standards. State parties shall take all necessary legislative and other measures to eliminate such practices including creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programs.²²⁷

This position is reaffirmed by the World Report on Violence Against Children which notes that combating harmful traditional practices can't be achieved by change in the law alone, but instead reforms in law must be accompanied by education programs targeting officials, parents, and children.²²⁸ This position has been strengthened by the ACERWC, which advocates that member-states should launch public information and awareness campaigns toward eliminating harmful practices affecting children.²²⁹ Aside from parents and relatives, this regime of social education must also target eradicating entrenched patriarchal norms and gender inequalities. It must promote the legal and social equality of all persons in all matters of national life and the fact that anything short of this will amount to discrimination.

B. *The Importance of a Parent-Child Communication Regime on Sexual and Reproductive Health*

There is also an important need to move the conversation from breast ironing to parent-child communication on Sexual and Reproductive Health (SRH). This aspect of education and awareness is important when it comes to reducing sexually risky behavior among adolescent girls.²³⁰ It is also important given the problems associated

226. Maputo Protocol, *supra* note 13, at 7.

227. *Id.* at 9.

228. *See generally* Pinheiro, *supra* note 219, at 75.

229. *Eliminating Harmful Practices Affecting Children: Progress on Policy and Practice Since 2013*, *supra* note 4.

230. *See generally* Hannah Lantos et al., *Parent-Teen Communication About Sexual and Reproductive Health: Cohort Difference by Race/Ethnicity and Nativity*, 16 INT'L J. ENV. RSCH. & PUB. HEALTH 1 (2019).

with parent-child communication on SRH.²³¹ In educating parents, the focus must be toward addressing the panic attacks that most parents suffer once their girls begin to attain puberty. Parents must be educated on the need for a robust parent-child relationship and communication strategy on matters of SRH, which is key for girls just reaching puberty. Three sequenced studies on parent-child communication in different parts of Africa with regard to SRH show its complications with respect to societal and parental expectations. In a study by Wamoyi, et al, regarding parent-child communication on SRH in Tanzania, it was found that the approach of these communications sometimes is to reinforce the societal goals regarding masculinity and femininity.²³² Thus, while it is linked with abstinence until marriage, masculinity is associated with sexual prowess.

Such communication rarely achieves the goal of ensuring sexual purity and instead only exacerbates the devaluation of the girl-child.²³³ While Manu, et al report that parents focus largely on issues of abstinence, premarital sex, sexually transmitted diseases (STDs), and HIV/AIDS,²³⁴ Sagnia, Gharoro and Isara note that body changes during puberty were the most topical issues often up for discussion and that most of the girls prefer talking to their mothers.²³⁵ However, a study by Maina, Ushie and Kabiru on parent-child communication on SRH in the suburbs of Nairobi, Kenya, reveals something slightly different from the above-mentioned issues: the communication strategy of parents on SRH matters.²³⁶ On the one hand, it highlights the fear-based approach, involving punitive measures, which parents adopt in dealing with issues of romantic relationships by their adolescent girls.²³⁷ While the approach may result in short term gains,

231. See Similo Ngwenya, *Communication of Reproductive Health Information to the Rural Girl in Filabusi, Zimbabwe*, 16 AFR. HEALTH SCI. 457, 457 (2016).

232. Joyce Wamoyi et al., *Parent-Child Communication About Sexual and Reproductive Health in Tanzania: Implications for Young People's Sexual Health Interventions*, 7 REPRODUCTIVE HEALTH 6, 11 (2010).

233. *Id.*

234. Abubakar A. Manu, et al., *Parent-Child Communication About Sexual and Reproductive Health: Evidence from the Brong Ahafo Region, Ghana*, 12 REPRODUCTIVE HEALTH 16, 26 (2015).

235. Phebian I.G. Sagnia, et al., *Adolescent-Parent Communication on Sexual and Reproductive Health Issues Amongst Secondary School Students in Western Region I of The Gambia*, 12 AFR. J. PRIMARY HEALTH CARE & FAM. MED. 4 (2020).

236. Beatrice W. Maina, et al., *Parent-Child Sexual and Reproductive Health Communication Among Very Young Adolescents in Korogocho Informal Settlements in Nairobi, Kenya*, 17 REPRODUCTIVE HEALTH 79, 90 (2020).

237. *Id.*

the study demonstrates that it eventually causes anxiety among these girls who then recoil into their shell and refrain from seeking valuable information.²³⁸ The judgmental nature of this communication strategy discourages such adolescent girls from discussing issues relating to their sexual health.²³⁹ This necessarily creates a barrier to reaching these girls, with the result that they may venture into worse behavior than imagined. On the other hand, the research also identifies the supportive communication approach in which parents adopt a cordial communication strategy, educating their adolescent girls about the dangers of engaging in early sexual activities and helping them focus on key life priorities.²⁴⁰ This Article suggests that there is a need for mass education of parents on the importance of an effective parent-communication strategy in addressing issues of SRH instead of the brutish resort to breast ironing. In this way, it is important that parents be educated about the usefulness of a supportive communication approach towards helping their adolescent girls understand the peculiarities of the new phase they are entering into, helping them overcome their fears and guiding them all the way, to the end that they make right choices in line with the purpose of Almighty God for them. This will better accomplish the goal of protecting these girls from becoming early parents.

C. Training and Support Services to Identify Cases of Breast Ironing

Taking into account, the vulnerable status of women in most societies and cultures, it would seem that extra-legal structures, such as a robust support system, are necessary to assist girls who have become victims of breast ironing as well as potential victims. The Maputo protocol emphasizes the importance of such a system by calling member-states to take domestic steps such as:

Provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counseling as well as vocational training to make them self-supporting; protection of women who are at risk of being subjected to

238. *Id.*

239. *Id.*

240. *Id.*

harmful practices or all other forms of violence, abuse, and intolerance.²⁴¹

Identifying victims or potential victims of breast ironing by persons who are not family members could be challenging since children hardly make such reports themselves due to fear and ignorance.²⁴² It is imperative that these girls are identified with the aim of protecting them from harm. Physical signs of abuse might not be obvious, but children withdrawing from routine playful activities, being absent from schools or classes, paying less attention in class, and trying to cover up breasts through baggy clothes or with their hands are sometimes tell-tale signs of breast ironing. Relevant professionals working with children, including law enforcement agents, school officials, health workers, and social workers, must be trained to identify girls who are at risk of breast ironing or have indeed become victims and report such cases promptly.²⁴³ Early identification will help prevent some girls from experiencing the practice while others already ongoing will be nipped in the bud and help prevent severe consequences.

Support services, including counseling and rehabilitation, are important in providing the needed care to victims of breast ironing, and the resources required for these services to be effective must be made available.²⁴⁴ The provision of healthcare is also important for victims who are experiencing health challenges with their breasts or who are finding it difficult to breastfeed.²⁴⁵ Shelters for temporary accommodation and housing assistance for long-term stays should be made available to victims of breast ironing. Hotlines which will be accessible from any location within Cameroon and available throughout the day, without incurring any costs, should also be provided for victims to lodge complaints and receive other forms of attention that might be needed.²⁴⁶ It is essential that service providers recognize the effects of breast ironing on girls and make an effort to

241. Maputo Protocol, *supra* note 13, at 9-10.

242. Williams and Finlay, *supra* note 32, at 90-91.

243. Amahazion, *supra* note 40, at 3.

244. *Id.*

245. See GERRY CAMPBELL, ET AL., HARMFUL TRADITIONAL PRACTICES: PREVENTION, PROTECTION AND POLICING 98 (2020).

246. *Virtual Knowledge Centre to End Violence Against Women and Girls: Rights-Based Education, Hotlines, and Crisis Centers*, U.N. WOMEN: VIRTUAL KNOWLEDGE CENTRE TO END VIOLENCE AGAINST WOMEN, <http://www.endvawnow.org/en/articles/156-rights-based-education-hotlines-and-crisiscenters.html?next=157>.

comply with the requirements of confidentiality and privacy to gain the trust of the victims and attend to their needs efficiently. Service providers should partner among themselves to provide more robust and effective services, while the services provided should be constantly monitored and evaluated.²⁴⁷ Professionals and related organizations should in turn collaborate with communities so as to engage with them, train them, and encourage victims to report.²⁴⁸

V. CONCLUDING REMARKS

The practice of breast ironing is a violation of the rights of the girl-child, as established in several IHRL instruments. It has the effect of causing immediate and long-term consequences to a girl's health, affects her psychologically and mars her self-worth as well as her dignity. The fact that objects such as stones, pans, hammers, and pestles, heated in fire, can be used on a human being is not only cruel, inhuman, and barbaric, but it is also evil as it speaks to the disdain for the value of the human person by the perpetrators.

Moreover, it does not effectively prevent sexual violence as incorrectly believed. Article 19 (2) of the CRC provides that to complement the efforts of States in fulfilling their obligation of protecting children from abuse and exploitation, States are expected to establish social programs that will efficiently assist children and those caring for them, in addition to identifying, reporting, investigating and prosecuting such cases of abuse. It is also important to treat the victims, follow up on their progress, and more essentially, prevent further cases from occurring. The government of Cameroon has an obligation to apply the above provision of the CRC as well as the broader IHRL framework, to curb the practice of breast ironing and ensure the well-being, survival, and development of Cameroonian girls. Girls are meant to enjoy their childhood and be prepared for their future through adequate schooling, play, and leisure. There must be an end to the discrimination of persons just because they were born as girls.

247. *Overview of Victim Services: Legislation*, U.N. WOMEN: VIRTUAL KNOWLEDGE CENTRE TO END VIOLENCE AGAINST WOMEN, <http://www.end-va.wnow.org/en/articles/854-overview.html?next=153> (last updated Mar. 1, 2011).

248. See generally CAMPBELL, ET AL, *supra* note 245.