

**Migration Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

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Questions

- 1. Please advise whether there is a process of formal adoption in Cameroon? If so, please provide some basic information about it including when it was introduced.**
- 2. Please provide information about the Nso culture in relation to family life. It is claimed that in Nso culture it is not acceptable to question the paternity of a child when the mother is alive. Is there any available information about this issue?**

RESPONSE

- 1. Please advise whether there is a process of formal adoption in Cameroon? If so, please provide some basic information about it including when it was introduced.**

There is a formal process of adoption in Cameroon, which is based on the 1804 Napoleonic Civil Code. This is also apparently cited in “Ordinance No. 81/02 of 29 June 1981 on the organization of the registry office and various provisions on the status of natural persons”. There are two categories, simple and full adoption. Whereas simple adoption may be revoked, full adoption is final;

107. In simple adoption, not only does the adopted child acquire the same inheritance rights as the children or legitimate descendants of the adopter (art. 356 of the Civil Code) but it remains a member of its original family and retains all rights therein. However, all rights of paternal authority over the adoptee are vested in the adopter (art. 351 of the Civil Code). In the case of full adoption, by contrast, the adoptee ceases to belong to his or her original family. Henceforth, the child has the same rights and duties in respect of his or her adoptive parents as would a child issuing from their marriage (art. 370 of the Civil Code). It should be noted that full adoption is permitted only in the case of children aged under five who have been abandoned by their parents or whose parents are unknown or deceased (art. 368 of the Civil Code) (United Nations Committee on the Rights of the Child 2001., “Initial Reports of States Parties due in 1995. Addendum. Cameroon”, 26 March, p. 34, http://www.bayefsky.com/docs.php/area/reports/treaty/crc/opt/0/state/30/node/4/filename/cameroon_crc_c_28_add.16_2000 - Accessed 6 February 2009 –Attachment 1).

A single person who wishes to adopt a child must be at least 40 years old; a couple must have been married for at least 10 years and at least one of the couple must be 35 years or older. The woman must be incapable of bearing children and the adopter must always be at least 15 years older than the child. Full investigation of the background of the applicants is undertaken and a guarantor is also required. Intercountry adoption is also permitted;

Foreigners who want to adopt a child in Cameroon first of all need to present an agreement, psychological profile, identification papers from their government together with a report of their social inquiries. After fulfilling these conditions, the Ministry of Social Affairs will provide a letter of agreement from which the individual will proceed to obtain the judicial agreement (“Cameroon: Jean Pierre Edjoa – People need to be educated on child adoption” 2008, *All Africa* [source: *Cameroon Tribune*], 4 November, <http://allafrica.com/stories/printable/200811050368.html> - Accessed 9 February 2009 – Attachment 2).

The lengthy process has been the subject of criticism as few adoptions seem to be approved, as few as seven in 1994 and 10 in 2002:

"The law is the law, even if it does not work, it still needs to be applied," the head of the judicial unit at the social affairs ministry, Rodolphe Soh insists.

Yet in 1995, Soh wrote his Master's in private law dissertation on the issue, criticising the very law, which according to him, prevented a more efficient care of children in distress.

In the study, he noted the decline in the number of adoptions in Cameroon: twenty children adopted in 1990, seven in 1994, twelve in 2001 and ten in 2002.

He cited the recurrence of ill treatments, abuses and other forms of exploitation of children as the prime reason for the decline.

As a result, he said, morality investigations take more time, while experimental placement period after the adoption agreement is granted lasts much longer.

All these impediments have caused a sharp decline in international adoptions.

"We receive applicants which have been approved for adoption in their country of origin or residence, but if they do not meet our criteria, we do not give them a child to adopt," Soh told PANA.

The procedure is even more complex in the case of international adoptions where virtually, experimental placement does not exist, and parents having to return to their country of origin (Bonny, Beatrice 2003, “Obsolete law frustrated child adopters in Cameroon”, 16 April, *Panfrican News Agency (PANA) Daily Newswire*, 16 April –Attachment 3).

2. Please provide information about the Nso culture in relation to family life. It is claimed that in Nso culture it is not acceptable to question the paternity of a child when the mother is alive. Is there any available information about this issue?

The Nso comprise a significant ethnic group located in the Bamenda Grassfields of the Northwest Province of Cameroon.

Residence in Nso villages, which vary in territorial size, population, and importance, is patrilineal and clustered around a lineage or family head. Social ties to extensive networks of kind and affines provide anchorage for supportive fellowship, especially in childrearing and emotional security...Generally, women's labor is allocated to childcare, homekeeping, and food processing, whereas men concentrate on the cultivation of industrial crops and the performance of ill-defined community-oriented roles (Nsameng, Bame A. 1992,

“Perceptions of parenting among the Nso of Cameroon” in Hewlett, Barry S., (ed), *Father-Child Relations*, Aldine de Gruyter, New York, p. 328 – Attachment 4).

There seems to be a much greater degree of collective responsibility for childrearing than in Western societies;

There is a lively and widespread belief in Africa that parents alone cannot raise wholesome and competent children. Furthermore, in Nso as in much of Africa, only the unborn baby belongs to the parents; from the moment of birth, the child belongs to the kin group whose members readily share in childcare. Kinsmen are subject to pressures and sanctions if they depart too widely from the expected role as surrogate or foster careproviders. Thus, in much of Africa, kin retain some responsibility for the socialization and care of children, a role that may mean grandparents, in-laws, uncles, cousins, even fictive kin may have, and frequently do have, authority to make important decision affecting kin’s children (Nsamenang, Bame A. 1992, “Perceptions of parenting among the Nso of Cameroon” in Hewlett, Barry S., (ed), *Father-Child Relations*, Aldine de Gruyter, New York, p. 323 – Attachment 4).

Elsewhere, this author argues that kinship among the Nso extends “to all those who can be traced by blood on both the paternal and maternal side, and kinship by marriage extends to the most distant kinsfolk of the spouse. The larger the circle of one’s kin, the greater one’s social and political importance.”

West Africans describe themselves by terms which are used only for near relatives; for example, a person uses ‘brother’ for almost all male members of the group in the same generation...Similarly, the terms ‘father’ or ‘mother’ are used for people of one’s father’s or mother’s generation. Hence the child is taught early to regard his adult kin as his ‘other’ fathers and mothers and their children as his brothers and sisters. They, in turn, treat him accordingly (Macquet, 1978). A man may, therefore, call not only his father’s son ‘brother’, but also the first or second cousins of his own generation (Nsamenang, Augustine B. 1987, “A West African Perspective” in Lamb, M., E. (ed), *The Father’s Role. Cross-cultural Perspectives*, Erlbaum, Hillsdale, New Jersey, p. 280 – Attachment 5).

The practice of kinship fostering is also widely practised:

A kinsman (or occasionally a non-kinsman) assumes the rights and duties of parenthood often until the child’s marriage, but without the biological parents surrendering their full rights as they would in adoption (Schildkrout, 1973). The child, in turn, looks to the foster parents rather than his biological parents for assistance and gives them the obedience and services which are expected from a child. The biological parents delegate rights to others as a means of unifying the kin group which may have become separated in space or to provide childhood help in a household that otherwise has no children.

Kinsmen foster the children of other relatives in order to demonstrate their concern and regard for ‘these relatives’ of the family. In this sense, fostering is seen to be an African way of rearing children “within the context of the extended family” (Ware, 1975). Children may also be fostered for advantage: to receive an education, to be taught a trade, or to be disciplined more carefully (Nsamenang, Augustine B. 1987, “A West African Perspective” in Lamb, M., E. (ed), *The Father’s Role. Cross-cultural Perspectives*, Erlbaum, Hillsdale, New Jersey, pp. 280-281 – Attachment 5).

Marriage and the production of children are central to such societies, and, traditionally, childless marriages are seen to be indicative of failure and possibly a form of punishment.

Polygyny is practised and levirate is also known, whereby a man 'inherits his brother's widow';

Sometimes a woman may 'marry' the widow of a deceased brother and then permit a member of her lineage or family to cohabit with the woman (Ayisi, 1979). Children of such a union belong to the woman who is the 'husband' of the widow. This is consistent with the dogma of African paternity which distinguishes between sociological paternity (pater) and biological paternity (genitor). Levirate is very rare today (Nsamenang, Augustine B. 1987, "A West African Perspective" in Lamb, M., E. (ed), *The Father's Role. Cross-cultural Perspectives*, Erlbaum, Hillsdale, New Jersey, pp. 283 – Attachment 5).

In a separate recent study undertaken in East Cameroon by Dutch anthropologist Catrien Notermans, marriage-related practices are seen as much more negotiable than those of the Nso;

Men prefer to marry one woman officially and to combine this marriage with a number of mistresses since such an informal polygynous relationship is considered cheaper than assuming responsibility for several wives and their children. Women, for their part, also combine formal marriage with a number of informal conjugal relationships. They feel free to have sexual relationships simultaneously and/or successively, and men take it for granted as women take polygyny for granted.

...

It is not shameful for women to give birth to children in different marriages. On the contrary, it seems to be their aim to bear children from different fathers. Even when women themselves do not strive for it intentionally, their mothers may urge them to have some children from informal relationships in order to claim the children for themselves (Notermans, Catrien 2004, "Fosterage and the politics of marriage and kinship in East Cameroon" in Bowie, Fiona (ed), *Cross-Cultural Approaches to Adoption*, Routledge, London, p. 53 – Attachment 6).

Common with the Nso however is the prevalence of kinship fostering;

Women consider the children that they solicit from their matrilineal kin, and especially from their brothers, to be their own children and they see the foster children that the husband added to the household as strangers, since they belong to his descent groups. The children that women classify as being their 'own' are either biological children born outside marriage – and fostered to their mother or brothers – or foster children from their brothers (who mostly also care for the children of their sisters). These children belong to her (lineage) and not to her husband's and will therefore stay with her, even when marriage ends (Notermans, Catrien 2004, "Fosterage and the politics of marriage and kinship in East Cameroon" in Bowie, Fiona (ed), *Cross-Cultural Approaches to Adoption*, Routledge, London, p. 59 – Attachment 6)

The role of the father is discussed in the chapter by Nsamenang who seems to have been arguing over a number of years for stronger recognition of his importance in the welfare of children in Cameroonian culture, even as women take on roles in the paid labor force;

The father is increasingly becoming simply one of the family instead of its undoubted head and focal authority. Father's authority is still considerable, nevertheless, but his powers are eroding rapidly as other members of the family are gaining in status and independence by virtue of personal achievements... The father's resources are no longer the sole means for family survival because some women are now earning higher incomes or have access to better resources than their husbands...

[However] fathers play a critical role in childhood niches, not so much in the direct care of children, but more through the influence they exert on the niches, even when absent. Fathers are an important link between children and the social network of kin and neighbours, a group whose importance is reflected in the care of the child growing up in a sociological field of kin (Nasamenang, A. B. 2000, "Fathers, Families, & Child Well-Being in Cameroon: A Review of the Literature", University of Pennsylvania National Center on Fathers and Families, July <http://www.ncoff.gse.upenn.edu/briefs/briefs.htm> - Accessed 5 February 2009 – Attachment 7).

Earlier he reported on a case study of adolescents and intervention therapy the case of the 17 year old (Alen) whose paternity was uncertain:

His predicament started soon after birth when a bitter quarrel over his paternity led to the separation of his parents. Alen was to realize as he grew older that he did not really resemble his elder siblings physically, a realization which seemed to prove the veracity of the paternity dispute. When he insisted on knowing his biological father, his uncompromising mother instead tried to coax him into adopting his maternal grandfather's name. Of course, this was incongruous to his self-concept and therefore unacceptable.

Because his mother remained adamant and did not disclose his paternity, he progressively became restless and insomniac and suffered persistent bouts of headache, heat and fullness in the head, and intermittent mental blackouts (Nsamenang, Augustine B. 1987, "A West African Perspective" in Lamb, M., E. (ed), *The Father's Role. Cross-cultural Perspectives*, Erlbaum, Hillsdale, New Jersey, p. 288– Attachment 5).

List of Sources Consulted

Internet Sources

Government Information and Reports

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

Region Specific Links

All Africa <http://allafrica.com>

Search Engines

Google <http://www.google.com>

Google Scholar <http://www.google.com>

Clusty <http://www.clusty.com>

Other

Miriam Goheen, *Men Own the Fields, Women Own the Crops. Gender and Power in the Cameroon Grassfields* (University of Wisconsin Press, Madison, 1996).

Patrice L. Engle and Cynthia Breaux "Fathers' involvement with children: Perspectives from developing countries, *Social Policy Report. Society for Research in Child Development*, Vol. 12, 1998.

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. United Nations Committee on the Rights of the Child 2001,. "Initial Reports of States Parties due in 1995. Addendum. Cameroon", 26 March, p. 34,
http://www.bayefsky.com/docs.php/area/reports/treaty/crc/opt/0/state/30/node/4/filename/cameroon_crc_c_28_add.16_2000 - Accessed 6 February 2009.
2. "Cameroon: Jean Pierre Edjoa – People need to be educated on child adoption" 2008, *All Africa* [source: *Cameroon Tribune*], 4 November,
<http://allafrica.com/stories/printable/200811050368.html> - Accessed 9 February 2009.
3. Bonny, Beatrice 2003, "Obsolete law frustrated child adopters in Cameroon", 16 April, *Panafrican News Agency (PANA) Daily Newswire*, 16 April. (FACTIVA).
4. Nsamenang, Bame A. 1992, "Perceptions of parenting among the Nso of Cameroon" in Hewlett, Barry S., (ed), *Father-Child Relations*, Aldine de Gruyter, New York.
5. Nsamenang, Augustine B. 1987, "A West African Perspective" in Lamb, M., E. (ed), *The Father's Role. Cross-cultural Perspectives*, Erlbaum, Hillsdale, New Jersey.
6. Notermans, Catrien 2004, "Fosterage and the politics of marriage and kinship in East Cameroon" in Bowie, Fiona (ed), *Cross-Cultural Approaches to Adoption*, Routledge, London.
7. Nasamenang, A. B. 2000, "Fathers, Families, & Child Well-Being in Cameroon: A Review of the Literature", University of Pennsylvania National Center on Fathers and Families, July <http://www.ncoff.gse.upenn.edu/briefs/briefs.htm> - Accessed 5 February 2009.