

Cameroon

1. Discrimination in the family

a) Overarching legal framework for marriage

In Cameroon, civil, customary and religious marriages are recognised by the law. Under the civil law, marriages require the presence of a civil officer and the consent of the two spouses (Civil Code, Ordinance 81-02, Art. 64, 1981). Moreover, consent cannot be obtained through violence or abuse or threats (Art. 65, 1981). Reinforcing this law, the state's Penal Code prohibits forced marriage and penalises offenders with imprisonment and a monetary fine (Art. 356, 2016). Polygamy is permitted by the law and deeply rooted in tradition (Civil Code, Ordinance 81-02, Art. 49, 1981; UNECA, 2010).

At the time of writing, there are no laws prohibiting harmful practices against widows. There is a stigma attached to widows and traditional widowhood rites are practiced particularly in rural areas of the country, (CEDAW, 2014; WPD, 2014). Widowhood rites may vary across religions, ethnics or tribal affiliations, subjecting widows to degrading, humiliating, discriminating and inhumane practices (WPD, 2014). These include being dispossessed of their husbands property, publicly blamed for their husbands' death, forced to prove their innocence through traditional rites, forced to have sexual relations or marrying their husbands' relatives, forced to sleep on the floor, shaved and publicly unclothed, forced to beg for food or forced to be imprisoned in their own homes (WPD, 2014).

b) Child marriage

Under statutory law, the legal age of marriage is 15 years for girls with parental permission, and 18 years old for boys (Ordinance 81-02, 1981). In 2016, the state adopted a new Penal Code, which criminalises forced marriage, penalizing offenders with five to ten years in prison, as well as a fine of CFAF 25 000 – 1 000 000 (CFA franc) (Penal Code, Art. 356, 2016). If the married spouse is under the age of 18, the punishment may not be less than 2 years of imprisonment, regardless of the mitigating circumstances (Penal Code, Art. 356, 2016).

Early marriage was especially pervasive in remote provinces where many girls were married off as early as 12 years old (Emery, 2013; UNECA, 2010). Reportedly, early marriage was prevalent in the Adamawa, North, and particularly Far North Regions (US Department of State, 2017).

c) Household responsibilities

The Civil Code designates the husband as the head of household, who has the final decision on the family's domicile, contradicting the woman's constitutional rights to freedom of movement and residence within the border (Ordinance 81-02, Art. 212-214, 1981; Constitution, 1996). Reinforcing the unequal footing between women and men in the household, statutory law allows the husband to have up to four wives and gives more flexibility to men in the crime of adultery, where a man be

convicted of adultery if the sexual act takes place in his home while a women may be convicted irrespective of the venue (UNECA, 2010). Women's dependence on their husbands' consent also became a barrier to contraceptive decisions (US Department of State, 2017).

With regard to legal guardianship and maintenance of their children, parental authority is equally shared between mothers and father (Ordinance 81-02, 1981). Each of the parents is responsible for the education and support of the children proportional to their financial capacity to do so (Ibid).

d) Divorce

Under the Civil Code, women have the same rights as men to initiate and finalise a divorce (Ordinance 81-02, 1981). Divorce can be granted by mutual consent, breakdown of community life or fault, whereby the grounds for fault may include adultery or domestic abuse (Art. 229-246). In practice, divorce by fault of adultery or domestic abuse may be much more difficult to obtain given the discriminatory civil law surrounding such acts. Men are deemed to commit adultery only if the act occurs in his home; whereas women can be deemed to commit adultery regardless of the location. A judge is not required to grant a divorce on the ground of domestic abuse, which is not criminalised by the law (Emery, 2013; UNECA, 2010). Under customary law in some communities, husbands can divorce their wives in a traditional court without being required to provide justification for divorce (Emery, 2013).

With regard to guardianship and care of children, women and men share equal rights and responsibilities, irrespective of their marital status. Specifically, the civil code stipulates that the separation of the parents has no influence on parental authority, and each parent shall respect the bonds of the other parent in the raising of the child (Ordinance 81-02). The court however may make decisions on the best interest of the child as it deems appropriate (Emery, 2012).

With regard to division of property, in the event of the divorce, the marital assets are divided in accordance with the ownership regime chosen at time of marriage (separate and co-owned property regime) (Ordinance 81-02). For the latter, the property should be equally shared after a divorce. This however is not the case in practice and Cameroonian women are often pressured to renounce their property rights (Emery, 2013).

e) Inheritance

The Civil Code provides women with equal rights to inheritance as men. This extends to daughters as well as female surviving spouses (Ordinance 81-02, Art. 735; Art. 731- 732, 1981). Reinforcing equality in inheritance laws, a Supreme Court decision formally recognised the right of women to inherit in 1993 (No. 14 / L, 1993). At the time of writing, however, there are no laws prohibiting disinheritance or property grabbing, and there is lack of legal protections for widows.

In practice, despite having the statutory laws in place, land inheritance is governed by traditional or customary laws which vary among ethnic groups (UNECA, 2010; FAO). In many communities, customary law regards women as the property of their husband and prevents them from inheriting from their husbands (US Department of State, 2017). In other regions, customary widowhood rites,

including levirate (which forces a widow to marry a male relative of the deceased husband) are widely practiced, infringing upon women's right to inherit (UNECA, 2010).

2. Restricted Physical integrity

a) Violence against women

In 2012, Cameroon ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol). At present, there is no single bill that comprehensively addresses violence against women, however a draft law addressing violence against women and gender-based discrimination is under consideration (UNECA, 2010). The country has however enacted some laws pertaining to different forms of violence against women, such as rape, sexual harassment, and female genital mutilation. In 2012, the government drafted a National Strategy to Combat Violence against Women, provided health and financial assistance victims, established and operates a hotline for victim support and reporting cases, and implemented awareness-raising activities at the national and local levels (CEDAW, 2014; UN Women, n.d.)

Despite these government efforts, there is a high prevalence of violence against women throughout the country, in large part due to the inadequate legislation to address the problem and lack of systematic action to eliminate stereotypes and harmful practices that discriminate against women (CEDAW, 2014; UNECA, 2014; Advocates of Human Rights, 2014). Paired with this is a limited number of investigations and prosecutions of such cases and overall failure to hold perpetrators accountable (CEDAW, 2014; Advocates of Human Rights, 2014).

b) Domestic violence

At present, there is no legislation that prohibits domestic violence, although assault more broadly is prohibited under the state's Penal Code. Given that there is no legal recourse for justice or protection of victims, there are pervasive levels of domestic violence in the country (CEDAW, 2014; Advocates of Human Rights, 2014). In most cases, women who have experienced domestic violence resort to counselling and mediation, where the offender is often not held accountable, leaving the practice to continue (Advocates of HR, 2014).

c) Rape

Under the Penal Code, sexual assault is prohibited and punishable by 5 to 10 years of imprisonment (Art. 296, 2016). The Penal Code also allows perpetrators to marry the victim, and thus avoid prosecution (Penal Code, Art. 297, 2016; CRC, 2017; Advocates of Human Rights, 2014). Given the stigmatisation of rape and pressure from their community and family, many victims do not report incidents or resort to marrying their rapists, exonerating their rapists from any crime (Advocates of HR, 2014).

Spousal rape is not specifically addressed in the Penal Code. Reportedly, marital rape is one of the most prevalent forms of domestic violence experienced by women in Cameroon (Advocates of HR, 2014). While rape is a criminal offense punishable by law, the law is not effectively enforced, cases are often not investigated, and incidents rarely reported (CRC, 2017; US Department State, 2017;

Advocates of Human Rights, 2014). This allows for a culture of impunity and a high prevalence of rape to persist in all regions of the country (CRC, 2017; US Department of State, 2017; Advocates of Human Rights, 2014; UNECA, 2010).

d) Sexual harassment

Sexual Harassment is prohibited under the Penal Code, penalising persons who use their authority to obtain sexual favours through using orders, threats, constraints, or pressure (Penal Code, Art. 302, 2016). Penalties range from imprisonment from six months to one year and with fines from 100 000 to one million CFA, which can be increased if the victim is a minor and the offender is responsible for the victim's education (Penal Code, Art. 302, 2016). Despite these legal provisions, sexual harassment was widespread throughout the country (US Department of State, 2017).

e) Female genital mutilation

Female Genital Mutilation (FGM) is criminalised under the Penal Code where offenders may be sentenced to prison for 10 to 20 years (Penal Code, Art 277-1, 2016). This penalty may be increased to life for repeat offenders or if the act leads to death of victim (Ibid). Reportedly, the practice is decreasing, but in isolated areas of the Far North, East, and Southwest provinces, in the Choa and Ejagham tribes, children continue to be subjected to FGM (US, Department of State, 2017; Advocates, 2014). Under traditional law, women who are not circumcised may be cast out by the community, thus reinforcing the practice by women themselves (UNECA, 2010).

f) Abortion

Abortion is illegal for both the pregnant woman who procures the abortion and the person who conducts the abortion (Penal Code, Art. 334, 2016). The Penal Code, however, allows for extenuating circumstances where abortion is permitted, including saving the mother's life, if the pregnancy causes danger to the mother's health or in the case of rape (Art. 339, 2016). Under such circumstances, approval from a qualified medical practitioner is required (UN DESA, 2015). Among adolescents, induced abortion has become a particularly serious problem in the country due to insufficient family planning facilities and accessibility to contraception (UN DESA, 2015).

More

In Cameroon, the breast ironing of women is considered a way to delay a girl's physical development, thus limiting the risk of rape, early marriage and teenage pregnancy (US Department of State, 2017; Advocates of Human Rights, 2014). In this view, breast ironing is often condoned and perpetrated by family members of victims (Advocates of Human Rights, 2014). The procedure however has seriously harmful physical and psychological consequences, which include pain, cysts, abscesses, and physical and psychological scarring (US Department of State, 2017). At present, there is no specific law addressing breast ironing, however the Penal Code more broadly prohibits interference with an organ in order to inhibit its normal growth (US Department of State, 2017).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

In principle, the state's Constitution affords each citizen the right to own property individually or jointly with other (Art. 17, 1992). Moreover, the law states that no one shall be arbitrarily deprived of their property (Ibid). However, these rights are hindered by other discriminatory laws, both in civil and customary legal regimes that do not allow married women to own or manage land and assets. Namely, under civil law, marital property is under the authority of the husband who may manage and make decisions on without the consent of his spouse (Ordinance 81-02, 1981). In the case of divorce, marital assets are divided in accordance with the property regime chosen at time of marriage - separate or co-owned property - which is the default regime (Emery, 2013)

Under customary law, only men have the right to own the land, women are often regarded as the property of the husband, and thus are excluded from land ownership (US Department of State, 2017; FAO). In the case of polygamous households, women marrying the same man are required to cultivate land belonging to their husband (Ibid). Rural women and indigenous women particularly vulnerable and are disproportionately affected with regards to discriminatory laws and practices. This includes land grabbing, obstacles to land titles (e.g. prohibited land transactions fees); dispossession of their land and land grabbing; and the surrender of land to the male relatives of a married women (CEDAW, 2014). This sociocultural practice of depriving women of land ownership, especially through inheritance, was prevalent in most regions in the country (US Department of State, 2017).

b) Secure access to formal financial resources

Women and men have equal access to formal financial resources, including opening a bank account and accessing credit (World Bank, 2016). These rights are entitled to each citizen under the state's Constitution, which stipulates that women and men have equal rights to and may freely pursue their economic development (Art 20, 22, 1996). In practice, women often experience difficulties in accessing microcredit to engage in income-generating activities (CEDAW, 2014).

c) Workplace rights

With regard to workplace rights and protections, Cameroon has ratified several international instruments, including the conventions that address equal remuneration, and discrimination in employment and occupation (ILO C100, C111). Moreover, the state has made efforts to domesticate these into its national legal framework. Specifically, the Labour Code outlines equal pay for equal work regardless of origin, sex, status and religious denomination (Art. 61, 1992). Under this framework, women and men, regardless of marital status, also have the legal right to work (Art. 2, 1992). This has some contradictions to the Civil Code, which allows the husband to challenge his wife's rights to work if it is in the interest of the marriage and the children (Ordinance 81-02, 1981). Moreover, the Labour Code allows for specific provisions for pregnant women, including protection from working night hours while pregnant, fully compensated maternity leave for 14 weeks, and job

security while on maternity leave (Art 84-85, 1992). Additionally, under this law, men are also entitled for paid paternity leave for 10 days (Art. 89, 1992).

The contradictions in the law result in women's limited access to the labour force in Cameroon. Moreover, there are a persistent gender wage gap, a concentration of women in the informal sector without legal or social protections, challenges specific to women in accessing microcredit, exploitation and abuse of women domestic workers and exploitative and hazardous conditions of work faced by women and girls working in plantations and the mining sector (CEDAW, 2014). This is particularly the case for women living in rural areas, who account for the majority of women in the country and who are disproportionately affected by the lack of economic opportunities (CEDAW, 2014).

4. Restricted Civil liberties

a) Citizenship rights

Women may confer their nationality to their children in the same way as men under the Code (Art. 7, 1968). Further, women and men may equally register the birth of their child, irrespective of their marital status (Ordinance 81-02, 1981). In practice, children are not registered at birth due to a myriad of challenges, including financial costs, inaccessible and under resourced civil registries disproportionately affecting vulnerable populations, and lack of legal literacy and awareness of the importance of birth registration (CRC, 2017; CEDAW, 2014). In consequence, this prevents young girls and boys from accessing social security, health-care education, formal employment, and ultimately accessing their full rights and entitlements from the state (CEDAW, 2014).

Under the state's Constitution, the freedom of movement of all individuals is protected, whereby women and men may move freely throughout the country, choose their own residence, and travel outside of the country as they wish (Art. 12, 1996). This law contradicts the Civil Code which stipulates that the man is the head of the household and has full authority to choose the domicile of the household (Ordinance 81-02, Art. 212-214, 1981). Regarding identity documents and passports, both women and men may apply for such documents for themselves and for their children (Decree No 2007/254, 2007; Decree No. 2013/002; World Bank, 2016). Married women are however required to submit their marriage certificate when applying to such documents, while the same stipulation is not applied to married men (Decree No 2007/254, 2007; Decree No. 2013/002, 2013).

b) Voting

Women and men enjoy the same rights to vote, provided that they are above 20 years old (Constitution, Art. 2, 1996).

c) Political voice

By law, women have the same rights as men to vote, hold public office, serve as electoral monitors, and participate in political life (US Department of State, 2017). To promote women's participation, the government enacted several measures, including: the adoption of Act No. 2012/001 amending the Electoral Code of Cameroon to require political parties to consider achieving a gender balance in

preparing their electoral lists, the adoption of a Gender and Elections Plan which sets a target of 30% participation of women in public service (2012), and the establishment of the Parliamentarians' Network for Gender Advancement (CEDAW, 2014). The Act introducing the gender legal consideration in creating all candidate lists is applicable to parliament, municipal council, Senate, and regional council elections (Advocates of Human Rights, 2014).

Cultural and traditional factors, however, have resulted in a low participation of women in the political life compared to men (US Department of State, 2017; CEDAW, 2014; Advocates for Human Rights, 2014). Such factors include discriminatory stereotypes of the roles of women and men, women's economic dependence on men, priority given to boys with regard to education (resulting in low literacy of women), social stigma and sexist attitudes and a continuing tradition of patriarchal power structures in Cameroonian government (Advocates of Human Rights, 2014, CEDAW, 2014). As such, women remain underrepresented at all levels of government (US Department of State, 2017; Advocates for Human Rights, 2014).

d) Access to justice

The state's Constitution guarantees women and men's same rights to access justice, including rights to effective court remedies and fair and independent court hearing (Art. 8 -10, 1996). Moreover, Act No. 2009/004 provides legal aids to increase women's legal literacy (CEDAW, 2014). In addition, the government established the National Commission on Human Rights and Freedoms, an independent institution for the monitoring, promotion and protection of the human rights of each Cameroonian citizen (Presidential Decree No 90-1459, Act. No. 2004/016, 2004).

Particularly in rural areas, customary courts are often more accessible than formal courts owing to a lack of awareness of legal rights under civil law and the influence of tradition (Hallward-Driemeier and Hasan, 2012, FAO, n.d., Department of State, 2017). Broadly speaking, customary courts limit women's access to justice as they reinforce discriminatory practices and attitudes favoring men in most cases (US Department of State, 2017; CEDAW, 2014; Advocates of Human Rights 2015).

Sources

Advocates for Human Rights (2014) *Submission on the Rights of Women in the Republic of Cameroon – Shadow Report*,

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=CMR&Lang=EN.

Committee on the Elimination of Discrimination against Women (CEDAW) (2014) *Concluding observations on the combined fourth and fifth periodic reports of Cameroon*,

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=CMR&Lang=EN.

Committee on the Rights of the Child (2017) *Concluding observations on the combined third to fifth periodic reports of Cameroon*,

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=CMR&Lang=EN.

Emery, Robert (2013), *Cultural Sociology of Divorce: An Encyclopaedia*, SAGE Publications, Virginia.

Food and Agriculture Organization of the United Nations (FAO) (n.d.) *Gender and Land Rights Database*, <http://www.fao.org/gender/landrights/>.

Government of Cameroon (1999) *Arrêté du 5 novembre 1830 promulguant le Code civil (mis à jour au 30 novembre 1999)*,

http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=81651&p_country=CMR&p_count=300&p_classification=01.03&p_classcount=4 Government of Cameroon (1996) *Constitution, 1996*, http://constitutions.unwomen.org/en/countries/africa/~/_media/f380231dff614e3baa54f8d31ccf9e79.ashx

Government of Cameroon (1881) *Birth Registration: Ordinance No. 81-02 (29 June 1981)*

Government of Cameroon (2012) *Electoral Code Act No. 2012/001*

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

Government of Cameroon (1992) *Labour Code Law No. 92/007 of 14 August 1992*,

<https://www.ilo.org/dyn/natlex/docs/WEBTEXT/31629/64867/E92CMR01.htm>).

Government of Cameroon (2006) *Loi N°2006/015 Du 29 Decembre 2006 Portant Organisation Judiciaire*, <https://www.legal-tools.org/doc/5e4c67/pdf/>.

Government of Cameroon (1981) *Ordinance No. 81-02 of 29 June 1981*,

<https://www.equalitynow.org/content/civil-status-registration-ordinance-no-81-02-29-june-1981>.

Government of Cameroon (2015) *Penal Code*,

<http://www.wipo.int/wipolex/en/details.jsp?id=16366>.

Hallward-Driemeier Mary and Hasan, Tazeen (2012) *Empowering Women: Legal Rights and Economic Opportunities in Africa*.

Kiye, Mikano Emmanuel (2015) *Conflict between Customary Law And Human*

Rights In Cameroon: The Role of The Courts in Fostering an Equitably Gendered Society,
http://jambo.africa.kyoto-u.ac.jp/kiroku/asm_normal/abstracts/pdf/36-2/14-6-5.pdf.

United Nations, Department of Economic and Social Affairs, Population Division (2014). *Abortion Policies and Reproductive Health around the World*.

United Nations Economic Commission for Africa African Centre for Gender and Social Development (ACGSD) (2010) *Violence against Women in Africa: A Situational Analysis*,
<http://www1.uneca.org/Portals/awro/Publications/21VAW%20in%20Africa-A%20situational%20analysis.pdf>.

United States Department of State (2017) *2016 Country Reports on Human Rights Practices*.,
<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=58ec8a5da&skip=0&query=human%20rights%20report&coi=CMR>).

UN Women (n.d.) *Global Database on Violence against Women*, <http://evaw-global-database.unwomen.org/en>.

Widows for Peace (2014) *Issues Of Discrimination In Widowhood In Cameroon That Require Addressing In The Context Of The CEDAW*.

World Bank Group (2015) *Women, Business and the Law 2016: Getting to Equal*,
http://wbl.worldbank.org/~/_media/WBG/WBL/Documents/Reports/2016/Women-Business-and-the-Law-2016.pdf?la=en.