Cameroon

1. Discriminatory family code

It should be noted that a draft Code of the Person and the Family is currently being considered by the government. If passed, the Code may provide for gender equality in some of the areas of law outlined in this section. However, non-governmental organisations have raised concerns about key omissions in the draft bill and the length of time taken by the government to make the bill into law.

Under the new code (in process), the legal age of marriage would be 18 for men and women. As it stands, the Civil Status Registration Ordinance provides that the minimum age of marriage is 15 for women and 18 for men.

Parental authority is shared equally by fathers and mothers, unless one spouse is deprived of parental rights because of questionable behaviour, or loss of physical or mental capacity. In the event of divorce, the law does not stipulate whether the mother of father will be granted custody. Despite equality in parental authority, the law in Cameroon provides that the father is the head of the family and has the right to decide on the family home, thus codifying women’s unequal position in the family.

Cameroon’s national courts affirm the principle of gender equality with respect to inheritance rights, and sons and daughters are able to inherit equally, whether or not they are married. However, in practice, the extent to which women can inherit is governed by customary law which varies from group to group. In some cases, a married woman may be considered part of her husband’s estate, grouped together with other property. Furthermore, customary practices which require women to marry a man from the family of her deceased husband also limit a woman’s right to inherit her deceased husband’s property.

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2 Women In Research And Action et al. (2008), p. 18
3 CEDAW (2012), p. 13
4 CEDAW (1999), p. 92
5 Civil Code, Sections 213, 215; Women In Research And Action et al. (2008), p. 18
6 Women In Research And Action et al. (2008), p. 16
7 Civil Code, Article 745; CEDAW (2012), p. 37
8 Gender Empowerment and Development et al. (2010), p. 12
The law established that both spouses can initiate divorce.\textsuperscript{10} Although there is no discrimination with regards to divorce rights, in the event of adultery, the onus of proof is higher for women than for men.\textsuperscript{11}

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According to the NGO shadow report to the Committee on the Elimination of Discrimination against Women (CEDAW) in 2008, the customary practice of the ‘bride price’ payment to the bride’s family is still common.\textsuperscript{12}

In its most recent report to CEDAW, the government reported that discriminatory attitudes towards women in the family are common. This includes the likening of women to property and the designation of all domestic chores and child-rearing responsibilities to women.\textsuperscript{13} Non-governmental organisations have also raised concerns about discriminatory attitudes towards widows. For example, a widow who does not practice widowhood rites may be considered as responsible for her husband’s death. This is not the case for the widower.\textsuperscript{14}

\textbf{2. Restricted physical integrity}

It should be noted that the government drafted a law on the prevention and suppression of violence against women and gender-based discrimination\textsuperscript{15} which, according to the government’s 2012 report to CEDAW, has been absorbed into current revisions of the Penal Code, being undertaken in order to ‘repeal and revise discriminatory provisions.’\textsuperscript{16} It should be noted that these changes have been in process since the government’s last report to CEDAW (in 2007).

There is no specific law prohibiting domestic violence. A 2011 Demographic and Health Survey found that women 51\% of women reported that they had experienced physical and/or sexual violence from an intimate partner in their life time.\textsuperscript{17}

Non-governmental organisations report that law officials commonly view domestic violence as a ‘private’ matter. Such attitudes prevent women from reporting domestic violence.\textsuperscript{18} It is also reported that some judges see domestic violence as an expression of a husband’s ‘disciplinary rights’ over his wife.\textsuperscript{19}

As it stands, rape is criminalised under article 296 of the Penal Code and punishable by a term of five to ten years imprisonment.\textsuperscript{20} There is a lack of clarity as to whether marital or spousal rape is a criminal act, with the government stating in its 2012 report to CEDAW that spousal rape could technically be included under article 296 of the Penal Code (‘may be prosecuted for causing intentional injury’) though, the government admits, that punishment would be left to the discretion

\textsuperscript{10} Articles 229-230 of the Civil Code
\textsuperscript{11} Penal Code, Section 316; Women In Research And Action et al. (2008), p. 17
\textsuperscript{12} Women In Research And Action et al. (2008), p. 13
\textsuperscript{13} CEDAW (2007), p. 22
\textsuperscript{14} Women In Research And Action et al. (2008), p. 22
\textsuperscript{15} United Nations Human Rights Committee (2009), p. 85
\textsuperscript{16} CEDAW (2012), p. 29
\textsuperscript{17} OECD (2014), Gender, Institutions and Development Database, http://stats.oecd.org
\textsuperscript{18} Women In Research And Action et al. (2008), p. 46
\textsuperscript{19} OMCT (2003), p. 133
\textsuperscript{20} CEDAW (2012), p. 16
of the judge. The government further states that penalties surrounding spousal rape will be clarified under revisions to the Penal Code underway.

Despite the existence of the law prohibiting rape, there are concerns about its effectiveness in preventing sexual violence and providing protection and justice for victims. For example, the Penal Code provides that a perpetrator of rape is exempt from punishment in the event he marries the victim. The 2009 African Women's Report scored Cameroon on providing protection from rape on the basis of the law, policy commitment, planning, targets, institutional mechanisms, budget, human resources, research, involvement of civil society, information and monitoring and evaluation. The total score for Cameroon across these areas was 10 out of a possible 22.

The law does not currently prohibit sexual harassment, but according to the 2012 report to CEDAW, the labour code is currently undergoing a redesign that would include it.

The 2004 Demographic health Survey reported that 1.4% of women aged 15-49 had experienced female genital mutilation.

Limitations on women’s reproductive rights also infringe upon women’s physical integrity in Cameroon.

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Abortion is forbidden in Cameroon under the Penal Code. However, there are exceptions when a woman becomes pregnant after rape or when the woman’s health is in danger because of the pregnancy. There is also a concern about the limited availability of abortion for the cases where it is legal.

3. Son bias

The male-to-female sex ratio at birth in 2013 is 1.03 and for the working age population (15-64 years old) is 1.01.

There is evidence to suggest that Cameroon is a country of low concern in relation to missing women due to high adult sex ratios.

4. Restricted resources and assets

Although land law does not address women’s land rights specifically, according to the Food and Agriculture Organization (FAO), the Civil Code grants all Cameroonians access to land regardless of gender. Despite these safeguards, discriminatory customary practices continue to restrict women’s access to land. Legally, any person may individually or collectively acquire land rights, as long as a land title that designates such property rights is obtained. Due to discriminatory inheritance

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21 CEDAW (2012), p. 16
22 CEDAW (2012), p. 16
23 Penal Code, article 297; Gender Empowerment and Development et al. (2010), p. 11
24 Economic Commission for Africa (2009), p. 68
25 CEDAW (2012), p. 29
26 UN DESA (2013)
27 United Nations Human Rights Committee (2009), p. 4
29 See Civil Code, Art. 1401, 1421, 1428; FAO (n.d.)
30 Economic Commission for Africa (2009), p. 162
practices, very few women own land, particularly in rural areas. In an assessment of women’s access to land, the Economic Commission for Africa gave Cameroon a score of 1 out of a possible 22.

According to the Joint NGO report to CEDAW in 2013, indigenous women face discrimination based on race and gender bias that prevents them from fully enjoying their rights, biases not addressed in the government’s 2012 report. The International Indigenous Women’s Forum reports that the majority of this discrimination has to do with access to land rights.

With respect to ownership of non-land assets, the law in Cameroon discriminates against women. According to the Civil Status Registration Ordinance, women are not fully entitled to use, enjoy or sell their property. The law grants the husband the right to administer communal property, providing him the right to sell or mortgage the couple’s property without the wife’s consent. The law also stipulates that the husband has the right to manage his wife’s personal property and exercises all rights to it.

In terms of financial services, Cameroon’s current credit legislation does not discriminate against women, but several factors make it difficult for the majority of women to gain access to bank loans. For example, in the event that a woman owns property jointly with her husband, often only the name of the husband is on the title, meaning that women do not legally possess the collateral needed for credit. According to the latest data from the World Bank (2011), 10.9% of women have accounts at formal financial institutions, compared to 18.8% of men, while 3.4% of women had a loan from a financial institution in the past year, compared to 5.5% of men. Even in the area of microfinance, which in many countries include a majority of women borrowers, women in Cameroon were only 36.67% of borrowers in 2011.

Although the law gives women the freedom to establish their own businesses, the Civil Status Registration Ordinance allows husbands to end their wives’ commercial activity by simply notifying the clerk of the commerce tribunal of their opposition based upon the family’s interest.

5. Restricted civil liberties

Although there are no blanket restrictions on women’s freedom of movement and access to public space, the law in Cameroon provides that husbands have the right to choose where the family resides, obliging wives to follow.

Both male and female same-sex activity is illegal in Cameroon, and punishable by a five-year prison term and 20,000 to 200,000 franc fine. This fosters an unsafe public environment for lesbians and transgender women (as well as gay and transgender men).

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31 CEDAW (2007), p. 55
32 Economic Commission for Africa (2009), p. 161
33 Joint NGO Report (2013)
35 Civil Code, articles 1421 and 1428; Gender Empowerment and Development et al. (2010), p. 11
36 Women In Research And Action et al. (2008), p. 39
37 World Bank (2013a)
38 Microfinance Information Exchange (2013)
39 Civil Status Registration Ordinance, section 74(2); Women In Research And Action et al. (2008), p. 18
40 Civil Code, article 215; World Bank (2013b)
Reports have indicated that indigenous women and girls face discrimination with regard to access to education.\textsuperscript{42}

Discriminatory attitudes about the role of women in public life create barriers to increasing women’s participation in political life. In its 2007 report to the Committee on the Elimination of Discrimination against Women (CEDAW), the government reported that the widely held view that women’s abilities do not naturally predispose them to engage in politics is a factor underlying the poor representation of women in public life.\textsuperscript{43} In its 2012 report to CEDAW, the government noted that growing numbers of women were heads of household and traditional chiefs, potentially giving women more say in land rights and inheritance decisions. That said, women made up only 1 of 78 chiefs at the first class level and 2 out of 867 chiefs at the second class level.\textsuperscript{44} There are no legislated quotas at the national or sub-national level, although some political parties do include voluntary quotas to encourage women’s participation.\textsuperscript{45}

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With respect to women’s workplace rights in Cameroon, the constitution and Labour Code recognise the right of every individual to work. However, a law introduced in 1981 allows husbands to oppose their wives’ right to work, based on the interests of the household and the children.\textsuperscript{46} Under Section 84 of the Labour Code, women in Cameroon have the right to 14 weeks of maternity leave, which is paid at 100% of earnings under the Family Allowance Code.\textsuperscript{47}

\textsuperscript{42} Joint NGO Report (2013), p. 3
\textsuperscript{43} CEDAW (2007), p. 23
\textsuperscript{44} CEDAW (2012), pp 36-37
\textsuperscript{45} The Quota Project (2009)
\textsuperscript{46} Women In Research And Action et al. (2008), p. 34
\textsuperscript{47} ILO (2010)
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