

CAMEROON
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Written Statement submitted by
The Advocates for Human Rights
a non-governmental organization in special consultative status
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I. BACKGROUND INFORMATION

1. **The Advocates for Human Rights** (The Advocates) is a non-governmental organization established in 1983 that seeks to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world. The Advocates' Women's Human Rights Program documents and reports on violence against women and partners with local NGOs, women's rights advocates, and legal professionals to advance legal reform on this issue. The Advocates has worked extensively in and published 24 reports on violence against women in various countries around the world.

2. Violence against women, including rape, domestic violence and harmful practices against the person, is a widespread problem in Cameroon that is inadequately addressed by its criminal and civil codes. Recent data are not readily available, but a 2004 survey shows that 13% of Cameroonian women had been sexually assaulted.¹ Informal estimates project the number of rapes to be as high as 500,000 each year in Cameroon.² Domestic violence also continues to be prevalent, but is not specifically criminalized under the Cameroonian Penal Code.³ Harmful practices against the person, including breast ironing and female genital mutilation, occur in nearly all provinces and span ethnic and religious groups.⁴

3. These acts of violence against women constitute a violation of human rights. They violate a woman's rights to freedom from discrimination, equal protection, liberty and security of person, equality before the courts and equality with men, recognition as a person, and freedom from torture. These acts of violence against women also conflict with Cameroon's Constitution, which maintains that every person has a right to life, physical and moral integrity, and humane

¹ Johnson Takwa, Teke. 2009. "Violence Against the Women and the Girl Children in Cameroon." Poster presented at the International Conference on Population, 27 September-2 October 2009, Marrakech, Morocco, at 5, <http://iussp2009.princeton.edu/papers/90344>.

² CAMEROON: Underreporting, Burden of Proof Foils Justice for Rape Victims in Cameroon, Make Every Woman Count, Jan. 16, 2012.

³ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27; Beijing + 15, "The Stance of Cameroon and the Unfinished Business," Gender Power and Development, July 2010, pg. 36.

⁴ Bawe Rosaline Ngunshi, Breast Ironing: A Harmful Traditional Practice in Cameroon, 2011, at 4, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014); Johnson Takwa, Teke. 2009. "Violence Against the Women and the Girl Children in Cameroon." Poster presented at the International Conference on Population, 27 September-2 October 2009, Marrakech, Morocco, at 3.

treatment in all circumstances.⁵ The Constitution of Cameroon further provides that it is the government's responsibility to ensure the equality of all citizens before the law.⁶ When a state fails to maintain laws that adequately protect women or ensure that its agents—such as police and prosecutors—implement the laws that protect victims of violence, that state has not acted with due diligence to prevent, investigate and punish violations of women's rights.

4. This submission addresses Cameroon's compliance with its international human rights obligations in the context of violence against women, specifically in the context of rape, domestic violence, and harmful practices that violate the person. Cameroon is failing to protect women and girls from violence in three primary ways:

- a. *First*, it fails to protect women from rape and sexual assault, to provide services and support for victims, and to hold perpetrators accountable. Notably and in violation of Cameroon's international human rights obligations, the Penal Code of Cameroon allows a perpetrator of rape to avoid prosecution if he marries his victim.
- b. *Second*, domestic violence is pervasive in Cameroon, yet for more than a decade Cameroon has failed to create a comprehensive legal regime that protects victims and holds perpetrators accountable. Law enforcement and prosecutors do not take adequate action in cases of domestic violence, and the judicial system employs mediation services in family disputes involving domestic violence—a practice that puts women at risk. Further, Cameroon has failed to criminalize marital rape.
- c. *Third*, two harmful practices, breast ironing and female genital mutilation, are widespread in Cameroon, yet Cameroon does little to prevent the continuation of these practices, hold perpetrators accountable, or provide services for victims.

II. LEGAL FRAMEWORK

A. *Scope of International Obligations*

5. Cameroon has ratified a number of treaties relevant to its obligations to prevent and punish acts of violence against women. Cameroon ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) on August 23, 1994.⁷ Cameroon has also signed and ratified the African Charter on Human and People's Rights (African Charter)⁸ and

⁵ Preamble, Constitution of the Republic of Cameroon, 18 January 1996.

⁶ Part 1, Article 1(2), Constitution of the Republic of Cameroon, 18 January 1996.

⁷ CEDAW does not contain any express language addressing the horrors of rape, domestic violence, or harmful practices such as breast ironing and female genital mutilation. However, one cannot deny that the basis or “spirit” of the Convention opposes and seeks to eliminate such discriminatory actions because it seeks to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women.” *See* CEDAW, Introduction.

⁸ Signed on July 23, 1987, ratified on June 20, 1989, and deposited on September 18, 1989 by the Republic of Cameroon, according to the African Commission on Human and Peoples' Rights, *available at* <http://www.achpr.org/instruments/achpr/ratification/>.

signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Protocol to African Charter).⁹

6. As a signatory to these instruments, Cameroon has promised:

- a. To take appropriate and effective measures to: (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public.¹⁰
- b. To take appropriate and effective measures to...(c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence.¹¹
- c. To take appropriate and effective measures to...(e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims.¹²
- d. To take appropriate and effective measures to...(f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.¹³
- e. To prohibit and condemn all forms of harmful practices which negatively affect 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:...(b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalization and para-medicalisation of female genital mutilation and all other practices in order to eradicate them.¹⁴
- f. Ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.¹⁵

7. In 2011, Cameroon submitted a national report (National Report) to the Committee on the Elimination of Discrimination against Women that combines the fourth and fifth periodic reports on the implementation of CEDAW and covers the period from February 2009 to September 2011. Included in the report is information on legislative, judicial, administrative and other initiatives adopted by Cameroon regarding a wide range of topics involving women's rights.

⁹ Signed on July 25, 2006 but not yet ratified or deposited by the Republic of Cameroon, according to the African Commission on Human and Peoples' Rights, *available at* <http://www.achpr.org/instruments/women-protocol/ratification/>.

¹⁰ Protocol to African Charter, Article 4, ¶ 2.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*, Article 5.

¹⁵ African Charter, Ch. I, Art. 18, Cl. 3.

B. Domestic Legal Framework

8. The Constitution of Cameroon specifically states that “[e]very person has a right to life, physical and moral integrity and to humane treatment in all circumstances”¹⁶ and that the state “shall ensure the equality of all citizens before the law.”¹⁷ Despite these mandates contained in its Constitution, Cameroon is failing to protect women and girls from rape, sexual assault, and harmful practices such as breast ironing and female genital mutilation.

9. **Proposed Legislative Changes:** The Cameroonian government has made public declarations nationally and to international bodies of its intention to revise its Civil Code, Family Code, and Penal Code to include provisions related to violence against women. Several international organizations have urged the Cameroonian government to accelerate this reform of its legislation.¹⁸ Nonetheless, Cameroon has failed to adopt and implement any revisions to any of the above-referenced codes.

III. COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

10. **Rape Is Prevalent and Perpetrators Enjoy Impunity.** Women in Cameroon are sexually assaulted at alarming rates. Recent data are not readily available, but a 2004 survey shows that 13% of Cameroonian women had been sexually assaulted.¹⁹ Local organizations report that marital rape is one of the most prevalent forms of domestic violence experienced by women in Cameroon.²⁰ Informal estimates by the National Network of Aunties’ Associations, a coalition of Cameroonian organizations working against rape, project the number of rapes each year to be as high as 500,000 in Cameroon.²¹

11. While the Cameroonian Penal Code provides punishment for rape, the law is not effectively enforced. Article 296 of the Penal Code imposes a prison sentence of 5 to 10 years for any man who uses physical or moral constraints to engage in sexual relations with a woman regardless of her age.²² Article 296 of the Penal Code punishes any person who “compels any female, whether above or below the age of puberty, to have sexual intercourse with him” with imprisonment for 5 to 10 years.²³ In its National Report, Cameroon asserted that “leaders in the legal arena have recognized the central role the law must play” in the fight against sex crimes.”²⁴ However, the most recent U.S. Department of State Country Human Rights Report notes that investigations

¹⁶ Preamble, Constitution of the Republic of Cameroon, 18 January 1996.

¹⁷ Part 1, Article 1(2), Constitution of the Republic of Cameroon, 18 January 1996.

¹⁸ Committee on the Elimination of Discrimination Against Women, Concluding Observations: Cameroon, 43rd Session (19 Jan.-6 Feb. 2009), para. 15.

¹⁹ Johnson Takwa, Teke. 2009. “Violence Against the Women and the Girl Children in Cameroon.” Poster presented at the International Conference on Population, 27 September-2 October 2009, Marrakech, Morocco, at 5, <http://iussp2009.princeton.edu/papers/90344>.

²⁰ Interview with Cameroonian non-governmental organization via electronic questionnaire, January 2014, on file with The Advocates.

²¹ CAMEROON: Underreporting, Burden of Proof Foils Justice for Rape Victims in Cameroon, Make Every Woman Count, Jan. 16, 2012.

²² National Report, ¶ 64.

²³ *Ibid.*

²⁴ *Ibid.*, ¶ 61.

and prosecutions by law enforcement and the judiciary are rare.²⁵ Indeed, the 52 rapes in Douala and Yaoundé reported in 2012 by the media reveal the widespread impunity for rape enjoyed by perpetrators as a result of the absence of effective investigations and prosecutions.²⁶ Fifty of the fifty-two reported rapes took place in Yaoundé near the University of Yaoundé II-Soa.²⁷ Police failed to identify any of the perpetrators of the Yaoundé rapes, and they further failed to provide adequate protection in the area where 99% of the rapes occurred.²⁸ In the single instance in Douala in which police arrested and detained a perpetrator of a rape, the prosecutor subsequently released him.²⁹ A Cameroonian NGO has pointed out that Cameroonian law does not require Judicial Police Officers to investigate cases of sexual assault,³⁰ and the absence of such a directive is another factor that hinders prosecution and punishment of offenders.

12. The Penal Code perpetuates impunity for rape by foreclosing prosecution if the rapist marries his victim: Section 297 specifically stops prosecution for rape when the parties “freely consent” to be married (and are so married), as long as the female victim was above the age of puberty at the time of the sexual assault.³¹ Given the stigmatization that rape victims may face in their communities, they may have very little choice but to “consent” to marrying their rapist.³² Since the victim’s family often knows the rapist, it is not uncommon for family members to informally negotiate compensation or marriage as settlement.³³ Provisions such as these, which absolve perpetrators of rape, prevent offender accountability and fail to protect rape victims.

13. In its National Report, Cameroon provides insights into various services it is providing to victims of rape and physical violence. For example, the National Report discusses how Centres for Women’s Empowerment, which serve as “shelters for women in need,” have trained victims regarding economic skills and have provided them with “micro-credits” that have led to “income-generating activities.”³⁴ However, the National Report lacks details or descriptions of measures taken by Cameroon to provide for the most basic health needs, including physical, medical, and psychological health care, of victims of rape and harmful practices. As such, it is possible that a national dialogue may be necessary to channel Cameroon’s efforts to addressing these particular needs in conjunction with providing other commendable services to such victims.

14. Local Cameroonian organizations report that many centers offering care for victims of rape and physical violence are not located in close proximity to Cameroon’s gendarmes, which adds a

²⁵ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

³¹ Immigration and Refugee Board of Canada, Cameroon: Domestic violence, including legislation, availability of state protection and support services for victims, 2 December 2010, CMR103371, available at: <http://www.refworld.org/docid/4db7b9d92.html> (accessed 23 August 2013).

³² See Summary: Rape and sexual assault in Cameroon, International Models Project on Women’s Human Rights, Dec. 5, 2012, <http://www.impowr.org/content/summary-rape-and-sexual-assault-cameroon> (last visited Jan. 22, 2014).

³³ Ibid.

³⁴ National Report, ¶ 69.

further burden on women who may need care or treatment.³⁵ In addition, trained staff is in short supply: even if a woman is able to get to a center or facility that may purport to provide assistance after she suffers domestic violence, it is not certain that her immediate care will be seen to by a qualified professional.³⁶

15. Domestic Violence is Widespread and Not Prosecuted in Cameroon: Domestic violence in Cameroon is a pervasive problem. A 2004 study found that, of 2,570 women, 995 (38.7%) reported physical violence and 381 (14.8%) reported sexual violence.³⁷ These data match more recent statistics, including a study from Douala-based La Maison des Droits de l'Homme that approximately 39 percent of Cameroonian women suffered from physical violence in 2008.³⁸ These numbers indicate that little has been done to stem the epidemic of domestic violence in Cameroon in recent years. The vast majority of victims are female: 92% of domestic violence victims in Cameroon are women.³⁹

16. Cameroon's Penal Code does not specifically criminalize domestic violence.⁴⁰ Victims are thus left to rely on the general assault provisions in the Penal Code, which address murder (Articles 275 and 276), grievous harm (Article 277), assault causing death (Article 278), assault causing grievous harm (Article 279), simple harm (Article 280), failure to assist women abandoned by their husbands (Article 282), and assault of a pregnant woman (Article 338).⁴¹

17. In its National Report, the Cameroon Government asserts that domestic violence and spousal abuse will be "better expressed in the penal code currently under revision"⁴² and in the meantime, such crimes can be punished through "various classifications of injuries" under the existing legal framework, described above.⁴³ But the process to prosecute these "injuries" under the current code is anything but clear in the context of domestic abuse. Cameroon asserted in its National Report that: "...with regard to punishment for spousal rape, 'any man who uses physical or moral violence to have sexual relations with a woman shall be punished by imprisonment for a term of five to 10 years' (art. 296 of the Penal Code)."⁴⁴ However, the United States State Department and reputable human rights organizations refute that statement,

³⁵ Interview with Cameroonian non-governmental organization via electronic questionnaire, January 2014, on file with The Advocates.

³⁶ Ibid.

³⁷ Alio, Amina P., et al, "Association between intimate partner violence and induced abortion in Cameroon," 112 *International Journal of Gynecology & Obstetrics* 2 (Feb. 2011).

³⁸ NGO Report On the implementation of the ICCPR (Replies to the List of Issues, available at CCPR/C/CMR/Q4) http://www2.ohchr.org/english/bodies/hrc/docs/ngos/GeED_Cameroon_HRC99.pdf (last visited August 20, 2013).

³⁹ L'Association Camerounaise des Femmes Juristes, *Lutte contre les violences faites aux femmes au Cameroun: Une mobilisation Considérable*, Justice & Solidarité, July 2012, p. 4.

⁴⁰ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27; Beijing + 15, "The Stance of Cameroon and the Unfinished Business," *Gender Power and Development*, July 2010, pg. 36.

⁴¹ Immigration and Refugee Board of Canada, Cameroon: Domestic violence, including legislation, availability of state protection and support services for victims, 2 December 2010, CMR103371, available at: <http://www.refworld.org/docid/4db7b9d92.html> (last accessed 23 August 2013).

⁴² National Report, ¶ 64.

⁴³ Ibid.

⁴⁴ Ibid., ¶ 71.

arguing that Article 296 of the Penal Code does *not* apply to spousal rape.⁴⁵ In its National Report, Cameroon also indicated that: “A husband who uses violence to force his wife to have sexual relations with him *may be prosecuted for causing intentional injury, depending on the severity of the violence*; all of this is a question of fact left to the discretion of the judge hearing the case of the victimized wife.”⁴⁶ Further, rather than focusing on the lack of consent, criminal justice hinges on the presence of injury—which may not be visible, present, documented, or difficult to prove. Based on these (potentially conflicting) statements, it is unclear as to what exactly the legal system provides in terms of enforcement against spousal rape and, more generally, domestic violence.

18. Moreover, victims of domestic abuse have little recourse for protection. There is no domestic violence law in Cameroon that provides women with an order for protection against abusers.⁴⁷ The Family Code, was drafted in 1997 to address issues of domestic violence, has remained on the shelf, unadopted and unimplemented.⁴⁸ Stakeholders see this failure to adopt the law as a lack of political will to address domestic violence.⁴⁹ Women seeking to escape the violence through divorce are further hindered by the fact that spousal abuse is not a legal ground for divorce.⁵⁰

19. Other practices by the government also create obstacles for victims seeking safety. The Cameroonian Government in its report to the African Commission stated that it provides marital and family mediation services in cases of marital or family disputes, noting that its counseling and mediation units processed 17,000 cases and settled 3,668 of them “amicably.”⁵¹ But it is well-documented that mediation is problematic and dangerous for domestic violence victims because the assumptions underlying the use of mediation do not apply when there has been domestic violence. Mediation assumes that both parties are equal, yet an abuser holds tremendous power over a victim. This imbalance of power cannot be remedied, even with the skills of a trained mediator. During mediation, the abuser may be able to manipulate or control the victim through the use of signals known only to the couple, keeping the victim afraid and reluctant to voice her concerns. Further, mediation focuses on future behavior, and many mediators do not allow the victim to address past issues of violence. This furthers the victim’s sense of personal responsibility for the abuse and undermines the accountability of the abuser.

⁴⁵ Country Reports on Human rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27; Immigration and Refugee Board of Canada, *Cameroon: Domestic violence, including legislation, availability of state protection and support services for victims*, 2 December 2010, CMR103371, available at: <http://www.refworld.org/docid/4db7b9d92.html> (last visited Dec. 18, 2013); “On the implementation of the ICCPR,” a report presented by GeED (Gender Empowerment and Development), PRODHOP (Solidarité Pour la Promotion des Droits de l’Homme et des Peuples), ADEFHO (Association pour la défense de l’homosexualité), SNJC (Syndicat National des Journalistes du Cameroun), ALVF (Association de Lutte contre les Violences faites aux Femmes), ALTERNATIVES CAMEROUN, Bamenda, Douala, Geneva, June 2010, available at: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/GeED_Cameroon_HRC99.pdf (last visited Dec. 18, 2013).

⁴⁶ *Ibid.*

⁴⁷ Nisha Giridhar, *The Global Spread of Domestic Violence Legislation: Causes and Effects* (Spring 2012), at 20, http://politics.as.nyu.edu/docs/IO/4600/Giridhar_Nisha.pdf (last visited Jan. 22, 2014).

⁴⁸ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

⁴⁹ *Ibid.*

⁵⁰ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27.

⁵¹ 3rd Government Report within the Framework of the African Charter on Human and Peoples’ Rights, paras. 446, 506.

IV. HARMFUL PRACTICES

20. Harmful Practices of Breast Ironing and FGM Remain Present in Cameroon and Are Not Adequately Addressed by Current or Proposed Cameroonian Law: Female genital mutilation and breast ironing are not specifically prohibited practices under current Cameroonian law.⁵² Cameroon has assured the Committee on the Elimination of Discrimination Against Women that female genital mutilation and other harmful practices have been established as “criminal offences” in draft amendments to the Penal Code, but these changes have yet to be adopted into law.⁵³ Cameroon specifically stated that under Article 277, anyone who “permanently deprives another person of the use of all or part of a limb, an organ or a sense” will be punished “with a term of 10 to 20 years’ imprisonment.”⁵⁴ However, Cameroon does not specify the “organ” to which it is referring, rendering the law vague and potentially unenforceable even if victims of this practice were informed and empowered to enforce these purported legal protections.

21. Breast Ironing: Breast ironing occurs in all of Cameroon’s provinces, spanning ethnic and religious groups, although it is more common in Littoral Province (53%).⁵⁵ Up-to-date statistics on the prevalence of breast ironing are not readily available, but a 2006 study by the German Technical Corporation (GTZ) found that 24% of adolescent girls and 50% of girls with signs of early breast development had been subjected to breast ironing.⁵⁶ It is estimated that girls as young as nine years of age are subjected to this practice.⁵⁷

22. Breast ironing has serious health effects and can lead to burns, physical deformities, psychological issues, pains, high fever, abscesses and cysts in the breast, breasts pimples around the nipples, itching, severe chest pain, flow of breasts, interference with breast development, and infections.⁵⁸

23. Family members frequently perpetrate or condone breast ironing.⁵⁹ Breast ironing is primarily motivated by the misperception that the practice protects girls from sexual advances,

⁵² Bawe Rosaline Ngunshi, *Breast Ironing: A Harmful Traditional Practice in Cameroon*, 2011, at 8, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014).

⁵³ National Report, ¶ 64.

⁵⁴ *Ibid.*

⁵⁵ Bawe Rosaline Ngunshi, *Breast Ironing: A Harmful Traditional Practice in Cameroon*, 2011, at 4, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014).

⁵⁶ Johnson Takwa, Teke. 2009. "Violence Against the Women and the Girl Children in Cameroon." Poster presented at the International Conference on Population, 27 September-2 October 2009, Marrakech, Morocco, at 4.

⁵⁷ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 30.

⁵⁸ *Ibid.*; Bawe Rosaline Ngunshi, *Breast Ironing: A Harmful Traditional Practice in Cameroon*, 2011, at 8, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014).

⁵⁹ Protecting Children from Harmful Practices in Plural Legal Systems with a Special Emphasis on Africa, Plan International and Special Representative of the UN Secretary-General on Violence against Children (2012), at 38.

rape, early marriage, and pregnancy.⁶⁰ The practice of breast ironing highlights the inability of the Cameroonian legal system to adequately prevent and punish sexual assault and sexual harassment, leaving it instead to civilians to continue to implement harmful practices that they perceive will help prevent unwanted sexual attention.

24. There are currently no laws addressing breast ironing or sexual harassment,⁶¹ although provisions of the current Penal Code could be used to prosecute cases of breast ironing, including provisions on harm and assault.⁶² Recent research in Cameroon, however, failed to identify any legal interventions, arrests, or detentions for breast ironing based on these provisions.⁶³ As set forth above, the one proposed (and yet to be enacted) law that Cameroon cites as addressing breast ironing is, at best, vague, and at worst, may not even be enforceable against the practice.⁶⁴

25. In its official response to the list of issues and questions presented by the Committee on the Elimination of Discrimination Against Women in connection with the second and third periodic reports on the implementation of CEDAW, the Cameroonian Government expressed tacit approval for the practice of breast ironing by acknowledging its role in preventing “early puberty which would attract the lustful gaze of men and create a risk of early and unwanted pregnancy.”⁶⁵ Such comments reveal that confronting and combating breast ironing requires a shift in the prevailing mindset within the Cameroonian Government.

⁶⁰ Georgette Arrey Taku, Breast Ironing in Cameroon, RENATA, <http://www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/RENATA.pdf> (last visited Jan. 22, 2014); Bawe Rosaline Ngunshi, Breast Ironing: A Harmful Traditional Practice in Cameroon, 2011, at 5, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014).

⁶¹ Bawe Rosaline Ngunshi, Breast Ironing: A Harmful Traditional Practice in Cameroon, 2011, at 8, http://www2.ohchr.org/english/bodies/cedaw/docs/cedaw_crc_contributions/GenderEmpowermentandDevelopment.pdf (last visited Jan. 22, 2014).

⁶² Article 277 on grievous harm (“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 ten to twenty years”); Article 279 on Assault Occasioning Grievous Harm (“(1) Whoever by force or interference unintentionally causes to another the injuries described in section 277 of this Code shall be punished with imprisonment for from five to ten years and in a fit case with fine of from five thousand to five hundred thousand francs. (2) Where use is made of a weapon, of any explosive, corrosive or toxic substance, of poison, or of any act of witchcraft, magic or divination the imprisonment shall be from six to fifteen years;” and Section 280 on Simple Harm (“Whoever by force or interference causes intentionally or unintentionally to another any sickness or inability to work lasting more than thirty days shall be punished with imprisonment for from six months to five years or with fine of from five thousand to two hundred thousand francs, or with both such imprisonment and fine”); and Article 281 on Slight Harm (“Whoever by force or interference causes intentionally or unintentionally to another any sickness or inability to work lasting for more than eight days and up to thirty days shall be punished with imprisonment for from six days to two years or with fine of from five thousand to fifty thousand francs or with both such imprisonment and fine”).

⁶³ Rebecca Tapscott, CATALYZING SOCIAL CHANGE: A COMPARATIVE ANALYSIS OF FEMALE GENITAL CUTTING AND BREAST FLATTENING (Master of Arts in Law and Diplomacy Thesis, The Fletcher School Tufts University), 2012, at 75-76.

⁶⁴ National Report, ¶ 64 (Article 277 of the proposed Penal Code states that anyone who “permanently deprives another person of the use of all or part of a limb, an organ or a sense” will be punished “with a term of 10 to 20 years’ imprisonment”).

⁶⁵ Responses to the list of issues and questions with regard to the consideration of the combined second and third periodic reports, Cameroon, ¶ 18, November 10, 2008.

26. Female Genital Mutilation: Female genital mutilation (FGM) is carried out in nearly all areas of Cameroon.⁶⁶ Most FGM practices are clitorectomies; it is reported that infibulation has been performed in the Kajifu area.⁶⁷ In the southwest and far northern provinces, FGM is reportedly practiced on 100% of Muslim and 63.6% of Christian girls.⁶⁸

27. There is no law prohibiting FGM. Historical and recent statements by Cameroonian ministry officials suggest that addressing FGM is not a priority for the Cameroonian Government. Attempts by the Cameroonian Parliament to address FGM have been unsuccessful and protracted over the course of nearly a decade.⁶⁹ As early as November 2003, a private member's bill to abolish FGM was introduced, but the majority Cameroon People's Democratic Movement (CPDM) party defeated it. Subsequent efforts have also failed.⁷⁰ In 2010, Ministry of Justice authorities informed Amnesty International that a process was underway to criminalize FGM, but three years later, such legal reform has yet to happen.⁷¹ Furthermore, the Minister of Justice downplayed FGM as practiced in Cameroon, stating that it is "slicing off a section of the clitoris and is not as dramatic as in West Africa."⁷²

28. In its National Report, Cameroon describes its support for promotional efforts that raise awareness of the harmful effects of FGM and gender-based violence in general. For example, Cameroon has implemented, with the support of the United Nations Population Fund (UNFPA), a campaign directed at community leaders, religious officials, and women's associations; it has led to the distribution of 2,000 posters and 2,000 pamphlets on these topics.⁷³ Additionally, on February 6 every year, Cameroon observes a day of Zero Tolerance for FGM, which has emphasized awareness-raising and advocacy vis-à-vis administrative, political, traditional and religious authorities.⁷⁴ According to one study, these efforts have paid off in the urban centers of Douala and Yaoundé, where the FGM prevalence rate is below 1%.⁷⁵ Given the continued presence of FGM in Cameroon, especially in the rural areas, it is questionable how effective these efforts by the Cameroon government are. The National Report also fails to detail any medical assistance that these programs may be providing to victims of FGM to address physical and reproductive health care needs. For example, FGM prevalence rates in the extreme north and the southwest portion of the country are 5.4% and 2.4%, respectively.⁷⁶ Among the Fulbe people and Arab-descended people who live in the extreme north, the prevalence rate is 12.7%.⁷⁷

⁶⁶ Johnson Takwa, Teke. 2009. "Violence Against the Women and the Girl Children in Cameroon." Poster presented at the International Conference on Population, 27 September-2 October 2009, Marrakech, Morocco, at 3.

⁶⁷ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 29-30.

⁶⁸ Legislation and other national provisions: Cameroon, Canada, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Cyprus, Inter-Parliamentary Union, <http://www.ipu.org/wmn-e/fgm-prov-c.htm> (last visited Jan. 22, 2014).

⁶⁹ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

⁷⁰ Ibid.

⁷¹ CAMEROON: Only limited progress on human rights despite promises, Amnesty International Submission to the UN Universal Periodic Review, April-May 2013, Amnesty International, 2013, at 3.

⁷² Ibid.

⁷³ National Report, ¶ 79.

⁷⁴ Ibid., ¶ 80.

⁷⁵ German Federal Ministry for Economic Cooperation and Development, Country Fact Sheet: "Female Genital Mutilation in Cameroon," September 2011.

⁷⁶ Ibid.

⁷⁷ Ibid.

V. RECOMMENDATIONS

29. The Advocates and their local partner NGOs make the following recommendations:

A. *Changes to Domestic Legislation.*

- **Cameroon Should Amend its Penal Code.** Reform to the Penal Code should include:
 - Immediate repeal of Article 297 of the Penal Code absolving a rapist who marries his victim.
 - Criminalization of all acts of domestic violence, including those involving low-level injuries, and inclusion of appropriate criminal penalties that are more severe than similar non-domestic violence-related crimes. This sends the important message that the state will treat a domestic violence crime as seriously, if not more seriously, than a crime against a stranger.
 - An increase of criminal penalties for repeated domestic violence offenses, even if they involve low-level injury. Legislation should provide that sentencing be enhanced for repeat offenses.
 - Prohibition by statute of the defense of payment of bride price or dowry in criminal cases charging acts of domestic violence. Legislation should specifically criminalize marital rape and sexual violence within marriage.
 - Immediate adoption of legislation that specifically criminalizes breast ironing. Such legislation should: (a) clearly state that consent cannot be a defense to a charge of breast ironing; (b) establish a separate and distinct offence of the act of breast ironing; and (c) establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
 - A broad definition of FGM as any procedure involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons, whether committed within or outside of a medical institution.
 - Immediate adoption of criminal legislation that prohibits female genital mutilation. Such legislation should: (a) not distinguish between the different types of female genital mutilation for the purposes of punishment; (b) clearly state that consent cannot be a defense to a charge of female genital mutilation; (c) establish a separate and distinct offence of the act of female genital mutilation; and (d) establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- **Cameroon Should Amend its Civil Legislation and Adopt the Family Code.** Reform to Cameroon's Civil Legislation should include:
 - Provisions that spousal abuse is a legal ground for divorce. Expedite divorce proceedings in cases involving domestic violence.
 - Adoption of a domestic violence law that provides a civil remedy to victims of domestic violence, in accordance with the UN Model Framework for Legislation on Violence Against Women. The definition of domestic violence should include

sexual violence, including marital rape, and it should protect spouses and former spouses (in both official and un-official marriages), parents and children; persons related by blood or marriage, persons who are presently residing together or who have resided together, and intimate and former intimate partners irrespective of whether they live together or have a child-in-common. The law should provide for both an emergency, *ex parte* order for protection and a long-term order for protection that grants the victim several remedies in accordance with the UN Model Framework for Legislation on Violence Against Women.

- Adoption of legislation that mandates all relevant professionals, including practitioners and employees in day-care centres, child welfare services, health and social services, schools and out-of-school care schemes and religious communities report cases of FGM and breast ironing to the appropriate authorities.
- Adoption of the draft Family Code.

B. Justice and Legal Centers

- Cameroon should provide mandatory and regular training to judges, police, social service, and health care personnel, prosecutors, and community leaders on the dynamics of sexual assault, domestic violence, and coercive control in collaboration with NGOs that serve victims of violence.
- Cameroon should mandate all Judicial Police Officers to conduct thorough and effective investigations of all cases of sexual assault, using a victim-centered approach.
- Cameroon should conduct mandatory screening in cases of “family disputes” for domestic violence and desist from using mediation in these cases.

C. Victim Services

- Cameroon should endeavor to provide victim services that focus on the most basic health needs, including physical, medical, and psychological health care, of victims of rape and harmful practices.
- To do so, Cameroon should strive to identify, train, and support a robust number of service providers who:
 - recognize the multiple consequences of violence in victims’ lives;
 - are gender-sensitive and adhere to clear guidelines and ethic codes;
 - maintain the confidentiality and privacy of the victim;
 - consistently monitor and evaluate the services provided; and
 - coordinate with other service providers who may be providing victims with other types of services.⁷⁸
- Provide economic assistance to victims of violence against women, including short-term and long-term financial assistance.

⁷⁸ Virtual Knowledge Centre to End Violence Against Women and Girls: Overview of Victim Services, <http://www.endvawnow.org/en/articles/854-overview.html?next=153> (last visited December 17, 2013).

- Provide a shelter or safe space for emergency stays for every 10,000 population, as well as long-term housing assistance to victims of violence against women.
- Cameroon should also support and assist in the expansion of free, 24-hour hotlines for victims that are accessible from anywhere in the country and staffed by persons trained in counseling victims of violence. Such hotlines may be significant in addressing the psychological needs of the victims and providing urgent police or medical attention when necessary.⁷⁹

⁷⁹ Virtual Knowledge Centre to End Violence Against Women and Girls: Rights-based Education, Hotlines, and Crisis Centers, <http://www.endvawnow.org/en/articles/156-rights-based-education-hotlines-and-crisis-centers.html?next=157> (last visited December 17, 2013).