



**African Commission on Human and Peoples' Rights
54th Ordinary Session
22 October – 5 November, 2013**

**Report on the Rights of Women in the Republic of Cameroon
Under the African Charter on Human and Peoples' Rights
in response to
The Third Periodic Report of the Republic of Cameroon
presented at
The 53rd Ordinary Session of the Commission
April 2013**

prepared by

The Advocates for Human Rights

**An NGO with Observer Status at the African Commission on Human and Peoples' Rights
since 1991**

in collaboration with

Ecumenical Service for Peace (SeP)

August 2013

Founded in 1983, The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates' Women's Human Rights Program has published 22 reports on violence against women as a human rights issue, frequently provides consultation and commentary on drafting laws on domestic violence, and trains lawyers, police, prosecutors, and judges to implement new and existing laws on domestic violence effectively.

Ecumenical Service for Peace (SeP) is a proactive organisation empowering communities and stakeholders in non violent strategies to solve their problems. SeP influences policy change to promote and protect human rights and good governance within Cameroon and the central African sub region. SeP's strategic axis for 2012-2016 includes:

- Improving access to justice
- Promoting greater transparency and accountability in the management of public affairs
- Promoting democracy and responsible citizenship
- Promoting peaceful participatory approaches to resolving community conflicts
- Transforming SeP into a vibrant and responsive organization.

EXECUTIVE SUMMARY

1. This Report addresses human rights violations in Cameroon in relation to the African Charter on Human and People's Rights. Specifically, this report examines four forms of violence against women that are prevalent in Cameroon: rape, domestic violence, and the harmful traditional practices of breast ironing and female genital mutilation. The report also addresses discriminatory laws and practices that interfere with women's rights to employment in Cameroon.
2. The Report consists of four Parts. Part I (pages 4 to 12) describes Cameroon's Regional, International, and Domestic Human Rights Commitments, all of which call for an end to violence against women and gender-based employment discrimination in Cameroon. Part I describes the relevant provisions in the African Charter on Human and Peoples' Rights (pages 4 to 5), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (pages 5 to 6), the African Charter on the Rights and Welfare of the Child (page 6), the Convention on the Elimination of All Forms of Discrimination against Women (pages 7 to 9), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (pages 9 to 10), the International Covenant on Civil and Political Rights (pages 10 to 11), the International Covenant on Economic, Social and Cultural Rights (page 11), the Convention on the Rights of the Child (page 12), and the Constitution of Cameroon (page 12).
3. Part II (pages 12 to 22) demonstrates that the Government of Cameroon has made little progress in upholding its obligations to protect women and girls from gender-based violence and to promote gender equality in employment. It describes the efforts of the international human rights community over the past decade to urge the Government of Cameroon to protect and promote the rights of women and girls. The discussion includes the proceedings of the African Commission on Human and Peoples' Rights (page 13), the Committee for the Elimination of Discrimination against Women (pages 13 to 16), the Committee Against Torture (page 17), the Human Rights Committee (pages 17 to 18), the Committee on Economic, Social and Cultural Rights (pages 18 to 19), the Committee on the Rights of the Child (pages 19 to 20), and U.N. Human Rights Council's Universal Periodic Review (pages 20 to 22).
4. Part III (pages 22 to 31) demonstrates that the Government of Cameroon is failing to protect women and girls from violence and employment discrimination. This Part proceeds in four Subparts, each concluding with suggested questions for the Delegation from the Government of Cameroon and suggested recommendations for the Government of Cameroon:
 - Subpart A (pages 22 to 24) addresses the Government of Cameroon's failure to protect women from rape and sexual assault, to provide services and rehabilitation for victims, and to hold perpetrators accountable. It also explains why Section 297 of the Penal Code, which allows a perpetrator of rape to avoid prosecution if he marries his victim, violates Cameroon's international human rights obligations.
 - Subpart B (pages 24 to 27) describes the pervasiveness of domestic violence in Cameroon and the Government of Cameroon's ongoing failure to create a legal regime that will protect victims and hold perpetrators accountable. It highlights the Government of Cameroon's failure to criminalize marital rape. It also demonstrates that law enforcement and prosecutors fail to take action in cases of domestic violence. And it highlights the problem of the use of mediation services in family disputes involving domestic violence.

- Subpart C (pages 27 to 30) shows that two harmful practices—breast ironing and female genital mutilation—are widespread in Cameroon and the Government of Cameroon does little to prevent the practices, hold perpetrators accountable, or provide services for victims.
- Subpart D (pages 30 to 3131) highlights the barriers to employment that women face, in particular as a result of Chapter VI, Section 74 of the Civil Code, which allows a husband to veto his wife’s exercise of a trade.

Part IV (pages 31 to 32) offers some brief concluding remarks and reiterates the Report’s main recommendations.

5. This Report offers many recommendations to address the human rights violations in Cameroon relating to violence against women and barriers to the employment of women. Some of the most important recommendations urge the Government of Cameroon to:

- Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of sexual assault, in collaboration with women’s NGOs that serve victims of violence.
- Mandate all Judicial Police Officers to conduct thorough and effective investigations of all cases of sexual assault, using a victim-centered approach.
- Immediately repeal Article 297 of the Penal Code absolving a rapist who marries his victim.
- Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of domestic violence and coercive control, in collaboration with women’s NGOs that serve victims of violence.
- Eliminate all practices of mediation in cases of domestic violence. Conduct mandatory screening in cases of “family disputes” for domestic violence and desist from using mediation in these cases.
- Amend the penal code to criminalize all acts of domestic violence, including those involving low-level injuries, and include 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.
- Adopt 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.
- Immediately adopt legislation that specifically criminalizes breast ironing. Such legislation should:
 - Clearly state that consent cannot be a defense to a charge of breast ironing;
 - Establish a separate and distinct offence of the act of breast ironing; and

- Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- Immediately adopt legislation that broadly defines 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.
- Immediately adopt criminal legislation immediately that prohibits female genital mutilation. Such legislation should:
 - Not distinguish between the different types of female genital mutilation for the purposes of punishment;
 - Clearly state that consent cannot be a defense to a charge of female genital mutilation;
 - Establish a separate and distinct offence of the act of female genital mutilation; and
 - Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- Immediately adopt criminal legislation that provides for effective sanctions against anyone who condones or participates in FGM or breast ironing.
- Immediately repeal Chapter VI, Section 74 of the Civil Code.

I. Cameroon’s International, Regional, and Domestic Human Rights Commitments Call for an End to Violence Against Women and Gender-Based Employment Discrimination in Cameroon.

6. Cameroon’s human rights treaty obligations and domestic law require that the Government of Cameroon protect women and girls from gender-based violence and gender-based employment discrimination. These obligations arise out of the African Charter on Human and Peoples’ Rights, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the African Charter on the Rights and Welfare of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention Against Torture, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Constitution of Cameroon.

African Charter on Human and Peoples’ Rights

7. Under the African Charter, all people, regardless of sex or gender, are entitled to enjoy the protections provided by the Charter, including the right to life, security of person, privacy, dignity, the right to be free from discrimination, and the right to be free from torture and other forms of ill-treatment. Member States have the duty to promote and protect the human rights and fundamental freedoms of their people.¹ Article 18(3) of the Charter calls for the elimination of all discrimination against women and for the protection of the rights of women and children.

8. The African Commission has recognized:

Together with equality before the law and equal protection of the law, the principle of non-discrimination provided under Article 2 of the Charter provides the foundation for the enjoyment of all human rights [E]quality and non-discrimination ‘are

¹ African Charter on Human and Peoples’ Rights, Adopted June 27, 1981; Entered into Force October 21, 1986.

- central to the human rights movement.’ The aim of this principle is to ensure equality of treatment for individuals irrespective of nationality, sex, racial or ethnic origin, political opinion, religion or belief, disability, age or sexual orientation.²
9. The African Charter recognizes that “[h]uman beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”³ Article 6 recognizes “the right to liberty and to the security of [the] person.” Article 5 prohibits “[a]ll forms of exploitation and degradation,” particularly “torture [and] cruel, inhuman or degrading punishment and treatment.” Under Article 16(1), “[e]very individual shall have the right to enjoy the best attainable state of physical and mental health.”
 10. Article 15 of the African Charter states that “[e]very individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.”
 11. Article 60 of the African Charter directs the Commission to look to international laws and charters for inspiration on human and peoples’ rights. Cameroon has signed and ratified the International Covenant on Civil and Political Rights (“ICCPR”),⁴ the International Covenant on Economic, Social and Cultural Rights (“ICESCR”),⁵ the Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”),⁶ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”),⁷ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa,⁸ and the Convention on the Rights of the Child (“CRC”).⁹ Like the Charter, these instruments commit the Government of Cameroon to guarantee the equality of all citizens, and to protect and promote their fundamental right to life, freedom, security, respect, and dignity.¹⁰

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

12. The African Protocol on Women’s Rights was ratified by Cameroon “to ensure that the rights of women are promoted, realized and protected in order to enable them to enjoy fully all their human rights”¹¹ under national law and other international treaties.
13. Article 4 outlines several obligations with respect to violence against women. First, State parties must “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.”¹² Second, they must “adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women.”¹³ Third, they must “identify the causes and consequences

² *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, AHRLR, para. 169 (ACHPR 2006) (emphasis added).

³ African Charter on Human and Peoples’ Rights, art. 4.

⁴ Ratified on 27 June 1984.

⁵ Ratified on 27 June 1984.

⁶ Signed on 6 June 1983 and ratified on 23 August 1994.

⁷ Ratified on 19 December 1986.

⁸ The Protocol to the African Charter on Human and Peoples’ Rights relating to the Rights of Women in Africa adopted in Maputo on 11 July 2003, was ratified by decree 28 May 2009 and the instrument of ratification was deposited in January 2013.

⁹ Signed on 25 September 1990 and ratified on 11 January 1993.

¹⁰ See 3rd Periodic Report of Cameroon within the Framework of the African Charter on Human and Peoples’ Rights, Sections 84, 563, 566, 630, 636, 638, and 644.

¹¹ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa [hereinafter African Protocol on Women’s Rights], Preamble.

¹² *Id.*, art. 4(2)(a).

¹³ *Id.*, art. 4(2)(b).

of violence against women and take appropriate measures to prevent and eliminate such violence.”¹⁴ Fourth, they must “actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women.”¹⁵ Fifth, they must “punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims.”¹⁶ Sixth, they must “establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women.”¹⁷

14. Article 5 requires State Parties to “prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards.” State Parties must “take all necessary legislative and other measures to eliminate such practices, including: creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes; prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them; provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting; protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.”¹⁸
15. Article 13 calls on State Parties to “adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement.” State Parties must, inter alia, “promote equality of access to employment,” and “guarantee women the freedom to choose their occupation.”
16. State Parties to the African Protocol on Women’s Rights must indicate “in their periodic reports submitted in accordance with Article 62 of the African Charter . . . the legislative and other measures undertaken for the full realisation of the rights . . . recognised” in the Protocol.¹⁹

African Charter on the Rights and Welfare of the Child

17. Under the African Charter on the Rights and Welfare of the Child, the State must guarantee “legal protection in conditions of freedom, dignity and security”²⁰ to the child regardless of the child’s “race, ethnic group, color, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.”²¹
18. Article 4(1) requires that “the best interests of the child shall be the primary consideration” “[i]n all actions concerning the child undertaken by any person or authority.” Under Article 14(1), “Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.” Article 1(3) of the African Charter on the Rights of the Child requires State Parties to “discourag[e]” “[a]ny custom, tradition, cultural or religious practice that is inconsistent with the rights, duties and obligations contained in the present Charter.” Article

¹⁴ *Id.*, art. 4(2)(c).

¹⁵ *Id.*, art. 4(2)(d).

¹⁶ *Id.*, art. 4(2)(e).

¹⁷ *Id.*, art. 4(2)(f).

¹⁸ *Id.*, art. 5.

¹⁹ *Id.*, art. 26(1).

²⁰ African Charter on the Rights and Welfare of the Child, Preamble, entered into force 29 Nov. 1999 [hereinafter Charter on the Rights of the Child].

²¹ *Id.*, art. 3.

21 requires State Parties to “take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: (a) those customs and practices prejudicial to the health or life of the child; and (b) those customs and practices discriminatory to the child on the grounds of sex or other status.” State Parties must ensure that children are not subjected to any “forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment,” and must “take specific legislative, administrative, social and educational measures to protect the child from” such treatment.²²

Convention on the Elimination of All Forms of Discrimination against Women

19. Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women “condemn[s] discrimination against women in all its forms.”²³ Article 2(c) requires State Parties to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.²⁴ Article 2 also requires State Parties “[t]o refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation,”²⁵ “to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise,” and “to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices.”²⁶
20. As relevant to women’s right to work, State Parties must “take in all fields . . . all appropriate measures, including legislation to ensure the full development and advancement of women.”²⁷ Under Article 11, they must “take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights [including] . . . (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities . . . [and] (c) The right to free choice of profession and employment, promotions, job security and all benefits and conditions of service and the right to receive vocational training and retraining.”²⁸
21. In General Recommendation No. 19, the Committee for the Elimination of Discrimination against Women recognized that “[g]ender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men.” The Committee explained, “[t]he definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”
22. General Recommendation 19 states: “Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention.”²⁹ Gender-based violence impairs women’s ability to access the following human rights: the right to life,³⁰ the right not to be subject to torture or to cruel, inhuman or

²² *Id.*, art. 16.

²³ Convention on the Elimination of All Forms of Discrimination against Women, art. 2.

²⁴ *Id.*, art. 2(c).

²⁵ *Id.*, art. 2(d).

²⁶ *Id.*, art. 2(e), (f).

²⁷ *Id.*, art. 2.

²⁸ *Id.*, art. 11.

²⁹ Committee on the Elimination of Discrimination Against Women, General Recommendation 19, para. 7.

³⁰ *Id.*, para. 7(a).

degrading treatment or punishment,³¹ the right to liberty and security of person,³² the right to equal protection under the law,³³ and the right to the highest standard attainable of physical and mental health.³⁴

23. According to General Recommendation 28, “Article 2 is not limited to the prohibition of discrimination against women caused directly or indirectly by States parties. Article 2 also imposes a due diligence obligation on States parties to prevent discrimination by private actors.”³⁵ “[D]iscrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2(e), 2(f) and 5). For example, under article 2(e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”³⁶
24. In General Recommendation 28, the Committee noted that “States parties also have an obligation to ensure that women are protected against discrimination committed by public authorities, the judiciary, organizations, enterprises or private individuals, in the public and private spheres. This protection shall be provided by competent tribunals and other public institutions and enforced by sanctions and remedies, where appropriate. States parties should ensure that all Government bodies and organs are fully aware of the principles of equality and non-discrimination on the basis of sex and gender and that adequate training and awareness-raising programmes are set up and carried out in this respect.”³⁷
25. In General Recommendation No. 28, the Committee recognized that “States parties have a due diligence obligation to prevent, investigate, prosecute and punish such acts of gender-based violence.”³⁸ The Committee clarified that “Where discrimination against women also constitutes an abuse of other human rights, such as the right to life and physical integrity in, for example, cases of domestic and other forms of violence, States parties are obliged to initiate criminal proceedings, bring the perpetrator(s) to trial and impose appropriate penal sanctions. States parties should financially support independent associations and centres providing legal resources for women in their work to educate women about their rights to equality and assist them in pursuing remedies for discrimination.”³⁹
26. The Committee has called upon State parties to “ensure that laws against . . . rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.”⁴⁰ The Committee has also called upon State parties to “establish or support services for victims of . . . rape, sexual assault and other forms of gender-based violence, including refuges, specially trained health workers, rehabilitation and counseling.”⁴¹

³¹ *Id.*, para. 7(b).

³² *Id.*, para. 7(d).

³³ *Id.*, para. 7(e).

³⁴ *Id.*, para. 7(g).

³⁵ Committee on the Elimination of Discrimination Against Women, General Recommendation 28, para. 13.

³⁶ Committee on the Elimination of Discrimination Against Women, General Recommendation 19, para. 9.

³⁷ Committee on the Elimination of Discrimination Against Women, General Recommendation 28, para. 17.

³⁸ *Id.*, para. 19.

³⁹ *Id.*, para. 34.

⁴⁰ Committee on the Elimination of Discrimination Against Women, General Recommendation 19, para. 24(b).

⁴¹ *Id.*, para. 24(k).

27. “States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:
- “(i) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including inter alia violence and abuse in the family, sexual assault and sexual harassment in the workplace;
 - “(ii) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women;
 - “(iii) Protective measures, including refuges, counselling, rehabilitation and support services for women who are the victims of violence or who are at risk of violence.”⁴²
28. The Committee also emphasized that “States parties have an obligation not to cause discrimination against women through acts or omissions; they are further obliged to react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors. Discrimination can occur through the failure of States to take necessary legislative measures to ensure the full realization of women’s rights, the failure to adopt national policies aimed at achieving equality between women and men and the failure to enforce relevant laws.”⁴³
29. Moreover, the Committee recognized that “States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular.”⁴⁴
30. The Convention recognizes that “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services”⁴⁵ In General Recommendation 24, the Committee noted, “The obligation to protect rights relating to women’s health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. Since gender-based violence is a critical health issue for women, States parties should ensure: (a) The enactment and effective enforcement of laws and the formulation of policies, including health care protocols and hospital procedures to address violence against women and abuse of girl children and the provision of appropriate health services”⁴⁶

Convention Against Torture

31. The Convention Against Torture prohibits torture “for any reason based on discrimination of any kind.”⁴⁷ The Convention against Torture defines torture as severe mental or physical pain or suffering that is intentionally inflicted either by a State actor or with the consent or acquiescence of a State actor for an unlawful purpose.⁴⁸ State parties are obligated to protect victims from torture and hold perpetrators accountable, as set forth in Article 2 (non-derogable requirement of effective legislative, administrative, judicial, or other measures to

⁴² *Id.*, para. 24(t).

⁴³ *Id.*, para. 10.

⁴⁴ *Ibid.* (emphasis added).

⁴⁵ Convention on the Elimination of All Forms of Discrimination against Women, art. 12(1).

⁴⁶ Committee on the Elimination of Discrimination Against Women, General Recommendation 24, para. 15.

⁴⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], *entered into force* June 26, 1987 [hereinafter CAT], art. 1.1.

⁴⁸ *Id.*, art. 1.

prevent acts of torture, including acts by private actors), Article 4 (acts of torture must be identified as offenses under criminal law and receive appropriate penalties), Article 7 (criminalized cases of torture should be submitted to authorities for prosecution), Article 12 (prompt investigation by impartial and competent authorities), Article 13 (victim's right to complain and to have her complaint examined by competent authorities), and Article 14 (victim's right to redress and compensation, including rehabilitation).⁴⁹

32. The Committee against Torture has recognized that rape and domestic violence are forms of torture and that under the Convention State Parties have an obligation to prevent rape and other forms of gender-based violence, to protect victims from such violence, and to provide redress and rehabilitation to victims of such violence.⁵⁰ Rape, sexual assault, and domestic violence contravene the Convention when the government fails to prevent such violence and does not prosecute or punish perpetrators of the violence.⁵¹ General Comment No. 2 recognizes:

[W]here State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape and domestic violence⁵²

International Covenant on Civil and Political Rights

33. Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) requires each State Party "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 26 reiterates this non-discrimination principle: "All persons are equal before the law and are entitled without any discrimination to the equal

⁴⁹ *Id.*, arts. 2, 4, 7, 12–14.

⁵⁰ Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, UN Doc. No. CAT/C/GC/2, ¶ 18. See also Amnesty International, *It's in Our Hands: Stop Violence Against Women*, at 76 (2004), available at <http://www.amnesty.org/en/library/asset/ACT77/001/2004/en/d711a5d1-f7a7-11dd-8fd7-f57af21896e1/act770012004en.pdf> (last visited 11 October 2012) ("International human rights courts and international criminal tribunals have affirmed that the pain and suffering caused by rape are consistent with the definition of torture. In many circumstances under international law, rape has been acknowledged as a form of torture owing to the severe mental and physical pain and suffering that is inflicted on the victim.").

⁵¹ The Advocates for Human Rights, *StopVAW*, available at http://www.stopvaw.org/Convention_against_Torture_and_Other_Cruel_Inhuman_or_Degrading_Treatment_or_Punishment_CAT.html (last visited 11 October 2012). Amnesty International, *It's in Our Hands: Stop Violence Against Women*, at 76 (2004), available at <http://www.amnesty.org/en/library/asset/ACT77/001/2004/en/d711a5d1-f7a7-11dd-8fd7-f57af21896e1/act770012004en.pdf> (last visited 11 October 2012) ("The state is accountable under international human rights law for rape by its agents. It is also accountable for rape by private individuals when it has failed to act with due diligence to prevent, punish or redress it.").

⁵² Committee against Torture, General Comment No. 2: Implementation of Article 2 by States Parties, 24 January 2008, UN Doc. No. CAT/C/GC/2, ¶ 18.

protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

34. The ICCPR recognizes that every woman has the right to life, freedom from torture, equality before the courts, equal protection before the law, equality with men before the law, and protection of the family. The following articles of the International Covenant on Civil and Political Rights articulate a state’s duty to protect these fundamental human rights that are commonly violated in the context of gender-based violence.

- *Right to life and security of person (Article 6)*: The right to life is shared by both men and women. However, violence directed against women by their intimate partners (current or former spouses, boyfriends, dating partners) is an epidemic that has devastating and unequal physical, emotional, financial and social effects on women and children.
- *Prohibition of torture or cruel, inhumane or degrading treatment or punishment (Article 7)*: The Committee against Torture acknowledged that domestic violence may constitute torture or ill treatment under CAT as well as violate the right not to be subjected to torture or ill-treatment under Article 7 of the ICCPR.
- *Administration of Justice (Article 14)*: When a state fails to ensure that its criminal and civil laws adequately protect women and consistently hold abusers accountable, or that its agents—such as police and prosecutors—implement the laws that protect victims of domestic violence, that state has not acted with due diligence to prevent, investigate and punish violations of women’s rights.⁵³ ()
- *Protection of the family, the right to marriage and equality of the spouses (Article 23)*: General Comment No. 19 recognizes that the ICCPR protects the family and equality of the spouses. General recommendations 18 and 19 both ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.
- *Equality before the law (Article 26)*: States are required under international law to provide all citizens with equal protection of the law. If a state fails to provide individuals who are harmed by an intimate partner with the same protections it provides to those harmed by strangers, it has failed to live up to this obligation. For example, when judges impose higher sentences on those who assault strangers than those who assault their intimate partners, battered women have been denied equal protection.

International Covenant on Economic, Social and Cultural Rights

35. Under Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, States parties “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

36. Article 6(1) of the Convention recognizes “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts,” and requires State Parties to “take appropriate steps to safeguard this right.” Article 7 recognizes “the right of everyone to the enjoyment of just and favourable conditions of work.”

⁵³ See General Comment No. 32: Right to equality before courts and tribunals and to a fair trial (article 14) (2007).

Convention on the Rights of the Child

37. The Convention on the Rights of the Child prohibits “discrimination of any kind,” including discrimination on the basis of “the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”⁵⁴
38. Article 3(1) requires “the best interests of the child” to be “a primary consideration” “[i]n all actions concerning children.” Article 19(1) requires States Parties to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.” Article 37(a) states that “[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.” Under Article 24(1), children have the right “to the enjoyment of the highest attainable standard of health.” Article 24(3) requires State Parties to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”

Domestic Law

39. The State of Cameroon assures its citizens equality and non-discrimination in its Constitution which includes and incorporates the Universal Declaration of Human Rights.⁵⁵ Article 1(2) “ensure[s] the equality of all citizens before the law.” The Preamble recognizes the Government’s obligation to “protect women [and] the young” and guarantees to each individual “freedom and security.”
40. The Constitution’s Preamble affirms Cameroon’s “attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and the African Charter on Human and Peoples’ Rights, and all duly ratified international conventions relating thereto.” Article 45 of the Constitution emphasizes Cameroon’s membership in the international community, recognizing that “duly approved and ratified treaties and international agreements shall . . . override national laws.”⁵⁶

II. For More Than a Decade, the International Human Rights Community Has Repeatedly Urged the Government of Cameroon to Protect and Promote the Rights of Women and Girls, but the Government of Cameroon Has Made Little Progress in Upholding Its Obligations.

41. In their examinations of Cameroon’s compliance with its human rights treaty obligations, the African Commission on Human and Peoples’ Rights, the U.N. Committee for the Elimination of Discrimination against Women, the U.N. Committee Against Torture, the U.N. Human Rights Committee, the U.N. Committee on Economic, Social and Cultural Rights, and the U.N. Committee on the Rights of the Child continue to express concern about gender-based violence—including rape, domestic violence, and harmful practices such as female genital mutilation (FGM) and breast ironing—and about gender-based employment discrimination. Many States raised these issues of concern during Cameroon’s Universal Periodic Review earlier this year.

⁵⁴ Convention on the Rights of the Child, art. 2(1), G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2 1990.

⁵⁵ Constitution of the Republic of Cameroon, Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972.

⁵⁶ *Ibid.*

African Commission on Human and Peoples' Rights

42. In response to Cameroon's First Periodic Report, the African Commission in 2005 noted with concern that the Report did not "elaborate on the measures adopted to give effect to gender, notably the participation of women in political and economic activities."⁵⁷ The Commission recommended that the Government of Cameroon "[t]ake measures to facilitate the economic integration of women."⁵⁸
43. In 2010, in consideration of Cameroon's Second Periodic Report, the African Commission expressed concern that "[s]everal legislative measures related to women's rights are under preparation, but few mechanisms actually protect these rights."⁵⁹ The Commission recommended that the Government of Cameroon:

Accelerate the reform of the Criminal Code which provides for the inclusion of punitive clauses related to violence against women and to put in place appropriate measures and programmes for the eradication of all forms of violence against women including the training of Judges, Lawyers and Judicial Police Officers.⁶⁰

44. The Commission also observed that "[t]he persistence of traditional practices and customs" "hinder the enjoyment of human rights in Cameroon" and "could constitute an obstacle for the realization of human rights."⁶¹
45. The Commission expressed concern that the Second Periodic Report did "not make mention of measures taken to enhance and ensure women's rights, in particular issues such as . . . the situation of women in the informal sector [and] the prevalence of harmful practices such as Female Genital Mutilation and forced marriages."⁶² The Commission also expressed concern that the Report did "not mention the measures taken concerning the fight against poverty, notably in the areas linked to women's access to . . . employment."⁶³

Committee for the Elimination of Discrimination against Women

2009 Concluding Observations

46. In its 2009 Concluding Observations considering Cameroon's second and third periodic reports, the Committee on the Elimination of Discrimination against Women expressed concern that, despite the fact that Article 45 of the Constitution incorporates international legal instruments and gives them precedence over national laws, the Government of Cameroon had not enacted "domestic legislation prohibiting discrimination against women" and imposing "sanctions for such discrimination."⁶⁴ The Committee recommended that the Government of Cameroon "enact appropriate national legislation containing a prohibition of discrimination against women that encompasses both direct and indirect discrimination . . . and sanctions, when appropriate."⁶⁵

⁵⁷ African Commission on Human and Peoples' Rights, 39th Ordinary Session, Concluding Observations and Recommendations on the Periodic Report of the Republic [of] Cameroon, 11-25 May 2005, para. 16.

⁵⁸ *Id.*, para. 21.

⁵⁹ African Commission on Human and Peoples' Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Second Periodic Report of the Republic of Cameroon, 12-26 May 2010, para. 24.

⁶⁰ *Id.*, para. 42.

⁶¹ *Id.*, para. 13(i).

⁶² *Id.*, para. 22.

⁶³ *Id.*, para. 23.

⁶⁴ Committee on the Elimination of Discrimination Against Women, Concluding Observations: Cameroon, 43rd Session (19 Jan.-6 Feb. 2009), para. 10.

⁶⁵ *Id.*, para. 11.

47. The Committee recommended that the Government of Cameroon urgently undertake an accelerated, comprehensive reform of its legislation to address the rights of women:

The Committee reminds the State party of the importance of a coherent and unified legal system and urges the State party to accelerate its law review process and work effectively with the parliament to ensure that all discriminatory legislation is amended or repealed to bring it into compliance with the Convention and the Committee's general recommendations. It urges the State party to set a clear time frame for such reforms, including the passage of the proposed amendments to the Penal Code, the Civil Status Registration Ordinance and the Civil Code. It also requests the State party to raise the awareness of legislators regarding the need to give priority attention to such reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. In line with its previous concluding comments, made in 2000, the Committee reiterates the need for the State party to undertake a comprehensive reform of legislation as a matter of urgency in order to promote and protect equality and human rights for women.⁶⁶

48. The Committee welcomed the draft law on the prevention and punishment of violence against women and gender-based discrimination, but expressed "regret[] that the draft law has not yet been adopted."⁶⁷ The Committee also expressed regret about "the lack of data and information on violence against women and girls, disaggregated by age group."⁶⁸ The Committee expressed concern:⁶⁹

- "at the high rate of violence against women and girls, such as widespread domestic violence"
- at "the fact that no specific law on violence against women has been adopted"
- that "such violence appears to be socially legitimized by a culture of silence and impunity and is socially accepted in most cases"
- that "cases of violence are underreported"
- that "there is no specific legislation addressing domestic violence"
- that "marital rape is not recognized as a criminal offence"
- "about the lack of sufficient shelters for victims of violence"
- about "the delay in the adoption of the draft law on the prevention and punishment of violence against women and gender-based discrimination."⁷⁰

49. The Committee made the following recommendations with respect to violence against women:

The Committee urges the State party to accelerate the adoption of the draft law on the prevention and punishment of violence against women and gender-based discrimination and to give priority attention to combating violence against women and girls, in particular domestic violence. It requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women constitute discrimination under the Convention and therefore in violation of women's human rights. The Committee calls upon the State party to ensure that violence against women and girls, including domestic violence, marital

⁶⁶ *Id.*, para. 15.

⁶⁷ *Id.*, para. 26.

⁶⁸ *Id.*, para. 26.

⁶⁹ *Id.*, para. 26.

⁷⁰ *Id.*, para. 26.

rape and all forms of sexual abuse, constitutes a criminal offence; that perpetrators are prosecuted and punished and victims rehabilitated; and that women and girls who are victims of violence have access to immediate means of redress and protection. The Committee requests the State party to remove any impediments faced by women and girls in gaining access to justice and recommends that legal aid be made available to all victims of violence, including through the establishment of legal aid clinics in rural areas. The Committee recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and community development officers, in order to ensure that they are sensitized to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims.⁷¹

50. The Committee urged the Government of Cameroon “to continue to take measures, including the enactment of national legislation, to modify or eliminate harmful traditional and cultural practices that discriminate against women,” as the Committee had recommended in its 2000 concluding observations.⁷² The Committee expressed serious concern “at the persistence in some areas of the country of harmful practices such as female genital mutilation and breast ironing, and that the State party has not taken sustained and systematic action directed at their elimination.”⁷³ The Committee reiterated the concern it had expressed in previous concluding observations “that practices impeding the enjoyment of women’s rights, such as female genital mutilation and breast ironing, are still occurring in some parts of the country and that there is no law to punish them.”⁷⁴ The Committee noted that the Committee Against Torture and the Committee on Economic, Social and Cultural Rights share these concerns.⁷⁵ The Committee also expressed concern “that little sensitization is being done to eradicate these practices.”⁷⁶

51. The Committee made the following recommendations with respect to harmful practices:

The Committee urges the State party to enact national legislation to prohibit female genital mutilation, as well as any other harmful practice, such as breast ironing, in all instances, to strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, and to eliminate the practices of female genital mutilation and breast ironing and their underlying cultural justifications. It also encourages the State party to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.⁷⁷

52. The Committee reiterated the Committee Against Torture’s concerns “that the Criminal Code exempts a rapist from punishment if he subsequently marries the victim.”⁷⁸

53. On the issue of employment, the Committee expressed concern “about certain provisions that discriminate against women, such as Decree 81-02 of 1981, which allows a husband to oppose his wife’s employment by invoking the interest of the household and children.”⁷⁹ The

⁷¹ *Id.*, para. 27.

⁷² *Id.*, para. 25.

⁷³ *Id.*, para. 28.

⁷⁴ *Id.*, para. 28.

⁷⁵ *Id.*, para. 28.

⁷⁶ *Id.*, para. 28.

⁷⁷ *Id.*, para. 29.

⁷⁸ *Id.*, para. 14.

⁷⁹ *Id.*, para. 36.

Committee urged the Government of Cameroon “to review, as a matter of priority, discriminatory provisions with a view to their repeal or amendment.”⁸⁰

August 2013 List of Issues

54. In August 2013, the Committee released a list of issues for its 2014 consideration of Cameroon’s combined fourth and fifth periodic reports.⁸¹ The Committee noted that Cameroon’s report “indicates that the Penal Code, the Civil Code and the Family code are being revised,” and requested the Government of Cameroon to “indicate the content of the draft amendments related to women’s rights and provide a clear time frame for their adoption.”⁸²
55. On the topic of gender-based violence, the Committee inquired “whether the State party envisages the adoption of a specific law on violence against women and the criminalization, inter alia, of domestic violence, including marital rape.”⁸³ The Committee noted that Cameroon’s report mentioned “that a national strategy to combat gender-based violence, developed in 2009, was in the process of being publicized,” and asked “whether the strategy is currently in force, and if so, [requested that the Government of Cameroon] provide information on its implementation.”⁸⁴
56. The Committee also asked about “Centres for Women Empowerment which act as shelters.”⁸⁵ The Committee requested “information on the number, the places and the functioning of these shelters” and “the actions taken to provide remedies and assistance, as well as counseling and rehabilitation services to all victims of domestic violence.”⁸⁶
57. The Committee requested that the Government of Cameroon “indicate the measures taken to withdraw legal provisions exempting from punishment a rapist who subsequently marries the victim.”⁸⁷
58. The Committee requested that the Government of Cameroon “indicate concrete measures taken and envisaged to change social and cultural patterns and eliminate gender-based stereotypes and harmful practices, such as early and forced marriages; female genital mutilation; [and] breast ironing.”⁸⁸ The Committee requested “information on steps taken to explicitly criminalize these practices, and to educate and raise awareness about this subject, targeting women and men at all levels of society, and involving the school system, the media as well as the community and religious leaders.”⁸⁹
59. On the topic of employment, the Committee requested “information on the measures taken or envisaged to (a) withdraw the discriminatory provision of Decree 81-02 of 1081 allowing a husband to oppose his wife’s employment.”⁹⁰

⁸⁰ *Id.*, para. 37.

⁸¹ Committee on the Elimination of Discrimination Against Women, List of issues in relation to the combined fourth and fifth periodic reports of Cameroon, 2 Aug. 2013, U.N. Doc. CEDAW/C/CMR/Q/4-5.

⁸² *Id.*, para. 1.

⁸³ *Id.*, para. 5.

⁸⁴ *Ibid.*

⁸⁵ *Id.*, para. 6.

⁸⁶ *Ibid.*

⁸⁷ *Id.*, para. 5.

⁸⁸ *Id.*, para. 4.

⁸⁹ *Ibid.*

⁹⁰ *Id.*, para. 12.

Committee Against Torture

60. In its May 2010 Concluding Observations, the Committee Against Torture expressed “concern[] about the high rate of violence against women and girls, especially the widespread domestic violence that continues to go unpunished.”⁹¹ The Committee recommended:

that the State party raise public awareness, through information and education programmes, of the fact that all forms of violence against women and girls constitute a violation of the Convention. The Committee urges the State party to ensure that violence against women and girls, including domestic violence, rape (even marital rape), and all forms of sexual abuse, is made a criminal offence, that perpetrators are prosecuted and punished and that their victims are rehabilitated, and that female victims of violence may seek immediate redress, protection and compensation. In addition, the Committee urges the State party to remove any impediments to access to justice by women and girls and recommends that legal assistance be made available to victims of violence.⁹²

61. The Committee also “reiterate[d] its previous recommendation, in which it encouraged the State party to amend its legislation to end the exemption from punishment of rapists who marry their victims, where the victims were minors when the crime was committed.”⁹³

62. On the topic of harmful practices, the Committee “reiterate[d] its previous concluding observations on the subject of harmful practices such as female genital mutilation and breast ironing in some parts of the country and among refugees in Cameroon.”⁹⁴ The Committee noted with concern that the Government of Cameroon had “not taken sustained and systematic action to eliminate these practices.”⁹⁵ The Committee recommended:

that the State party pass legislation to prohibit female genital mutilation and other harmful traditional practices, in particular breast ironing, no matter what the circumstances, and to ensure its effective enforcement. It also urges the State party to devise programmes to offer alternative sources of income to those who earn their living by performing female genital mutilation and other harmful traditional practices. It should also step up efforts, through information programmes, to raise awareness and educate both women and men regarding the pressing need to put an end to the practices of female genital mutilation and breast ironing.⁹⁶

Human Rights Committee

2010 Concluding Observations

63. In August 2010, the Human Rights Committee completed its review of Cameroon’s fourth periodic report under the International Covenant on Civil and Political Rights.⁹⁷ The Committee expressed concern “about high levels of domestic violence against women in” Cameroon and “about weak protection against such violence, including rape.”⁹⁸ The Committee expressed concern that even though “the law criminalizes rape,” “only a small

⁹¹ Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations of the Committee against Torture: Cameroon, para. 30, 44th Session (19 May 2010), U.N. Doc. CAT/C/CMR/CO/4.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Id.*, para. 29.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ Human Rights Committee, Concluding observations of the Human Rights Committee: Cameroon, (4 Aug. 2010), U.N. Doc. CCPR/C/CMR/CO/4.

⁹⁸ *Id.*, para. 11.

proportion of cases are reported and investigated as a consequence of widespread perceptions of domestic violence as a purely private matter.”⁹⁹ The Committee recommended that the Government of Cameroon “accelerate the adoption of specific legislation on violence against women with a view to strengthening the legal framework for the protection against domestic violence; sexual harassment; rape, including marital rape; and other forms of violence suffered by women.”¹⁰⁰ The Committee recommended that the Government of Cameroon take measures “to ensure that women fleeing an abusive partner or husband have access to assistance and can seek refuge in crisis centres.”¹⁰¹

64. The Committee also expressed “concern[] that under the Penal Code a perpetrator of rape can be exonerated if he offers to marry the victim and she accepts.”¹⁰² The Committee recommended the repeal of this provision.¹⁰³

65. The Committee also recommended that Cameroon “bring its legislation into conformity with the Covenant by ensuring that women are not discriminated against under the law.”¹⁰⁴

November 2011 List of Issues

66. In its November 2011 list of issues, the Committee requested “information on any new developments, since the consideration of the fourth periodic report, regarding the legal framework for combating all forms of violence against women in Cameroon.”¹⁰⁵ The Committee also requested “information on the measures taken to criminalize domestic violence, marital rape, and sexual harassment.”¹⁰⁶ With respect to the various forms of violence against women, the Committee requested “statistics on the number of complaints filed and the number of convictions handed down, including the sentences imposed and the compensation awarded to the victims.”¹⁰⁷ The Committee also requested information about “the measures taken to provide assistance specifically to women victims of sexual violence and other measures to protect them from further trauma,” as well as “the number of shelters available to victims of domestic violence” and “detailed information on the special training and awareness-raising programmes designed for law enforcement personnel on the handling of female victims of violence.”¹⁰⁸

67. The Committee also requested “information on the measures taken to criminalize . . . harmful traditional practices, such as female genital mutilation and breast ironing.”¹⁰⁹

68. The Government of Cameroon’s responses to the list of issues were due July 30, 2013. As of August 23, 2013, they do not appear on the Committee’s website.

Committee on Economic, Social and Cultural Rights

69. In January 2012, the Committee on Economic, Social and Cultural Rights issued its concluding observations in consideration of Cameroon’s second and third periodic reports to the Committee.¹¹⁰ The Committee “note[d] with concern that acts of violence against women

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Id.*, para. 8.

¹⁰⁵ *Id.*, para. 9.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ Committee on Economic, Social and Cultural Rights, Draft concluding observations of the Committee on Economic, Social and Cultural Rights, (Jan. 23, 2012), U.N. Doc. E/C.12/CMR/CO/2-3.

and girls, domestic violence, female genital mutilation and even sexual harassment are still not explicitly prohibited by the law of [Cameroon], in spite of the Committee's previous recommendations."¹¹¹ The Committee "also note[d] with concern the absence of penalties under the State party's law for acts such as marital rape and breast-ironing."¹¹² The Committee expressed regret at "the lack of reliable information on how widespread such practices are in" Cameroon.¹¹³ On these subjects:

The Committee strongly recommends that the State party expedite the review and adoption of laws designed to strengthen the legal framework to combat violence against women and girls and to ensure that domestic violence, female genital mutilation and sexual harassment, along with breast-ironing and marital rape, are made punishable under the Criminal Code and that perpetrators are prosecuted. The Committee also recommends that national awareness-raising campaigns be conducted to combat all forms of violence against women and girls. The Committee requests that the State party include information in its next report on how widespread the various forms of violence against women and girls are, together with statistics on prosecutions and convictions.¹¹⁴

70. The Committee repeated its previous "concern[s] that legislative provisions discriminating against women, the repeal of which [the Committee] recommended in its previous concluding observations, are still in force in" Cameroon.¹¹⁵ The Committee urged the Government of Cameroon "to ensure that the relevant provisions of the Family Code, the Labour Code and the Criminal Code are amended as quickly as possible and that any provisions discriminating against women are dropped from bills currently under consideration."¹¹⁶ The Committee also expressed concern "about the high rates of unemployment and underemployment, . . . especially among young people and women."¹¹⁷ The Committee recommended that the Government of Cameroon "[i]nclude in its employment policy measures to overcome obstacles preventing young people and women from entering the formal labour market."¹¹⁸

Committee on the Rights of the Child

71. The Committee on the Rights of the Child completed its review of Cameroon's second periodic report and issued its concluding observations in February 2010.¹¹⁹ On the topic of harmful practices, the Committee "welcome[d] the review in 2009 of the National Plan of Action to Combat Female Genital Mutilation (FGM) and the adoption of the National Programme on Reproductive Health which covers, inter alia, the elimination of harmful traditional practices, including FGM and early and forced marriages."¹²⁰ The Committee expressed grave concern "that infibulation, the most extreme form of FGM, and excision, continue to be widely practised especially in the South-West and Far North regions."¹²¹ The Committee regretted "the lack of adequate information and statistics on traditional harmful practices and the limited sensitization carried out to achieve the abandonment of these

¹¹¹ *Id.*, para. 20.

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

¹¹⁵ *Id.*, para. 12.

¹¹⁶ *Ibid.*

¹¹⁷ *Id.*, para. 14.

¹¹⁸ *Id.*, para. 14(a).

¹¹⁹ Committee on the Rights of the Child, Concluding observations: Cameroon, (Feb. 18, 2010), U.N. Doc. CRC/C/CMR/CO/2.

¹²⁰ *Id.*, para. 59.

¹²¹ *Ibid.*

practices among the population groups concerned.”¹²² The Committee reiterated the concerns of the Committee for the Elimination of Discrimination against Women “regarding the persistence of harmful traditional practices in the State party, including female genital mutilation, breast ironing and early and forced marriages which violate the rights of girls and women, undermine their status and dignity, and have a particularly negative impact on their health.”¹²³

72. The Committee on the Rights of the Child repeated its recommendations from 2001 on these topics, urging the Government of Cameroon to:

- (a) Take all the necessary measures to adopt without delay the draft law on female genital mutilation and other gender-based offences;
- (b) Ensure that female genital mutilation, breast ironing and early and forced marriages are explicitly criminalized by the law and prosecute those responsible for such acts;
- (c) Ensure the implementation in a comprehensive manner of the National Plan of Action to Combat Female Genital Mutilation and the National Programme on Reproductive Health, and allocate adequate resources for their implementation, in particular in the South-West and Far North regions;
- (d) Set up physical and psychological recovery programmes for child victims of harmful traditional practices and provide adequate resources for their implementation;
- (e) Increase awareness-raising campaigns and educational programmes on the negative effects of harmful traditional practices on children’s health, status and dignity, especially girls, ensuring that the campaigns are systematically and consistently mainstreamed and that they target all segments of society including the general public, men, and community, traditional and religious leaders. Also ensure the full participation of civil society and children in programmes and campaigns to combat such practices;
- (f) Strengthen educational measures for girls who are particularly exposed to harmful traditional practices, including those living in the northern and eastern part of the country;
- (g) Involve practitioners in the efforts to promote abandonment of these practices and when necessary provide retraining for them;
- (h) Include data collection on and analysis of traditional harmful practices in national surveys so as to develop measures to tackle and eliminate such practices, ensuring the full participation of women and girls victims of these practices.¹²⁴

Universal Periodic Review

73. On April 30, 2013, a delegation from the Government of Cameroon appeared for an interactive dialogue as part of Cameroon’s second Universal Periodic Review.¹²⁵ The Government delegation asserted that “the Government had intensified capacity-building actions for the prevention and management of gender-based violence, adopted the national strategy against such forms of violence and implemented a programme to combat various

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ *Id.*, para. 60.

¹²⁵ Human Rights Council, Report of the Working Group on the Universal Periodic Review: Cameroon, (July 5, 2013), U.N. Doc. A/HRC/24/15.

forms of violence against women.”¹²⁶ The delegation responded to questions submitted in advance from four countries “on violence and discrimination against women,” stating that:

the actual revision of the Penal Code would allow eventually repressing all forms of violence against women. Sexual assaults are the most common form of violence against women and perpetrators are systematically prosecuted and sentenced in most cases. The Government had developed a national strategy to fight against sexual violence around several axes such as prevention; legal and psychosocial counselling of victims; research; and the fight against specific violence.¹²⁷

74. On the topic of FGM, the Government delegation stated that “the phenomenon was restricted to the far north, north and south-west parts of the country and to a few sites in Yaoundé. In total, it stated that 1.4 per cent of the population was mutilated in Cameroon. It listed several actions carried out to fight against FGM, such as microprojects to allow persons who practise FGM to develop income-generating activities and the organization of an annual campaign called ‘Zero tolerance to FGM.’”¹²⁸
75. During the interactive dialogue, six States made general comments about women’s rights,¹²⁹ and nine States made comments generally about violence against women in Cameroon,¹³⁰ with three States expressing concern about the issue. Sixteen States commented on FGM,¹³¹ with two States expressing concern about the issue and five states encouraging Cameroon to take further action to eradicate the practice. Five States commented on harmful practices more generally,¹³² and one State expressed concern about the need to address stereotypes about women’s roles.¹³³
76. As part of the interactive dialogue, many States made recommendations concerning women’s rights. Four States made general recommendations concerning women’s rights,¹³⁴ and six States made recommendations about discrimination against women.¹³⁵ One State made a recommendation that Cameroon take action to better protect women’s rights in the labor market.¹³⁶
77. Ten States made recommendations on the general topic of violence against women,¹³⁷ with one making a recommendation about rape,¹³⁸ three making specific recommendations on domestic violence,¹³⁹ two making recommendations on marital rape,¹⁴⁰ and three making recommendations about forced or early marriage.¹⁴¹ Fourteen States made recommendations

¹²⁶ *Id.*, para. 14.

¹²⁷ *Id.*, para. 30.

¹²⁸ *Id.*, para. 31.

¹²⁹ *Id.*, paras. 65 (Bulgaria), 64 (Brazil), 74 (Comoros), 110 (Netherlands), 116 (Poland), 120 (Rwanda).

¹³⁰ *Id.*, paras. 38 (Thailand), 40 (Tunisia), 42 (United Kingdom), 70 (Cape Verde), 103 (Malaysia), 110 (Netherlands), 116 (Poland), 117 (Moldova), 120 (Rwanda).

¹³¹ *Id.*, paras. 34 (Slovenia), 35 (South Africa), 50 (Algeria), 62 (Benin), 64 (Brazil), 66 (Burkina Faso), 72 (Chile), 79 (Cyprus), 84 (Estonia), 94 (Ghana), 97 (Hungary), 98 (Indonesia), 99 (Ireland), 100 (Italy), 107 (Montenegro), 122 (Senegal).

¹³² *Id.*, paras. 85 (Ethiopia), 94 (Ghana), 97 (Hungary), 100 (Italy), 116 (Poland).

¹³³ *Id.*, para. 94 (Ghana).

¹³⁴ *Id.*, para. 131 (Brazil, the Republic of Korea, Nigeria, and South Africa).

¹³⁵ *Ibid.* (Costa Rica, France, Malaysia, Netherlands, Niger, Nigeria).

¹³⁶ *Ibid.* (Brazil).

¹³⁷ *Ibid.* (Cambodia, China, Costa Rica, France, Malaysia, Moldova, Netherlands, Nigeria, Russian Federation, Thailand).

¹³⁸ *Ibid.* (Belgium).

¹³⁹ *Ibid.* (Mexico, Russian Federation, United Kingdom).

¹⁴⁰ *Ibid.* (Belgium, Costa Rica).

¹⁴¹ *Ibid.* (Costa Rica, Mexico, Russian Federation).

pertaining to FGM,¹⁴² while six States made recommendations concerning harmful practices more generally,¹⁴³ and one State made a recommendation concerning breast ironing.¹⁴⁴

78. Several States recommended that Cameroon make efforts to conform its domestic legislation to its international treaty obligations.¹⁴⁵

79. The Government of Cameroon has not yet announced whether it accepts any of the recommendations made during the April 30 interactive dialogue.

III. The Government of Cameroon Has Failed to Protect Women and Girls from Violence and Employment Discrimination.

80. The Government of Cameroon is failing to protect women and girls from violence and employment discrimination in four primary ways. First, it fails to protect women from rape and sexual assault, to provide services and rehabilitation for victims, and to hold perpetrators accountable. Notably, the Penal Code of Cameroon allows a perpetrator of rape to avoid prosecution if he marries his victim, in violation of Cameroon's international human rights obligations. Second, domestic violence is pervasive in Cameroon, yet the Government of Cameroon for more than a decade has failed to create a legal regime that will protect victims and hold perpetrators accountable. Law enforcement and prosecutors fail to take 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. Moreover, the Government of Cameroon has failed to criminalize marital rape. Third, two harmful practices—breast ironing and female genital mutilation—are widespread in Cameroon, yet the Government of Cameroon does little to prevent the practices, hold perpetrators accountable, or provide services for victims. Fourth, women face many barriers to employment, particularly under the Civil Code of Cameroon, which allows a husband to veto his wife's exercise of a trade. This Part describes each of these problems in turn.

A. Rape

81. Rape and impunity are a serious problem in Cameroon. 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.¹⁴⁶ Informal estimates by the National Network of Aunties' Associations, a coalition of Cameroonian organizations working against rape, project the number of rapes to be as high as 500,000 each year in Cameroon.¹⁴⁷

82. The Penal Code provides punishment for rape. 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. Article 296 of the Penal Code

¹⁴² *Ibid.* (Belgium, Burundi, Chile, Cyprus, France, Germany, Guatemala, Haiti, Hungary, Rwanda, Senegal, Spain, Uruguay, United Kingdom).

¹⁴³ *Ibid.* (China, Ethiopia, Guatemala, Ireland, South Africa, Uruguay).

¹⁴⁴ *Ibid.* (Guatemala).

¹⁴⁵ *Ibid.* (Afghanistan, Australia, Egypt, Niger).

¹⁴⁶ 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>.

¹⁴⁷ *CAMEROON: Underreporting, Burden of Proof Foils Justice for Rape Victims in Cameroon*, Make Every Woman Count, Jan. 16, 2012, http://www.makeeverywomancount.org/index.php?option=com_content&view=article&id=2498:cameroon-underreporting-burden-of-proof-foils-justice-for-rape-victims-in-cameroon&catid=37:violence-against-women&Itemid=63 (last visited Aug. 23, 2013).

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.

83. In its 3rd Periodic Report, the Government of Cameroon asserted that “proceedings are systematically instituted against the perpetrators [of sexual aggression,] who are sentenced in most cases.” In contrast, however, the most recent U.S. Department of State Country Human Rights Report notes that investigations and prosecutions by law enforcement and the judiciary are rare.¹⁴⁸ Indeed, the 52 rapes in Douala and Yaoundé reported in 2012 by the media reveal the widespread impunity for rape in the absence of effective investigations and prosecutions.¹⁴⁹ Fifty of the fifty-two rapes took place in Yaoundé near the University of Yaoundé II-Soa.¹⁵⁰ Police failed to identify any of the perpetrators of the Yaoundé rapes, nor did they provide adequate protection in the area where 99% of the rapes occurred (near the university).¹⁵¹ In the single instance in which police arrested and detained a perpetrator of a rape in Douala, the prosecutor subsequently released him.¹⁵²
84. A Cameroonian NGO also notes that the law does not mandate Judicial Police Officers to investigate cases of sexual assault.¹⁵³ The absence of such a directive to thoroughly investigate cases of sexual assault is another factor that hinders effective prosecution and punishment of offenders.
85. In addition, the current Penal Code perpetuates impunity for rape by ending prosecution if the rapist marries his victim with the so-called free consent of the parties. Section 297 of the Penal Code stops prosecution for rape when the parties “freely consent” to marriage, providing the female victim is above the age of puberty at the time of the sexual assault.¹⁵⁴ Given the stigmatization that rape victims may face in their communities, they may have very little choice but to “consent” to marrying their rapist.¹⁵⁵ Since the victim’s family often knows the rapist, it is not uncommon for family members to informally negotiate compensation or marriage as settlement.¹⁵⁶ Provisions such as Article 297 that absolve perpetrators do not promote offender accountability or victim safety.
86. Finally, in its 3rd Periodic Report, the Government of Cameroon describes its support and rehabilitation to victims of “unwanted pregnancies” or abandonment by their partners as distribution of baby clothes.¹⁵⁷ The government fails, however, to describe any measures to support these victims in terms of their most basic needs, including social and economic assistance, physical and medical health care, vocational or job skills training, and legal aid.

Suggested questions for the delegation from the Government of Cameroon:

- a. What steps is the Government of Cameroon taking to exercise due diligence to prevent, investigate and punish acts of rape and sexual violence?

¹⁴⁸ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27.

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

¹⁵⁴ 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).

¹⁵⁵ 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 Aug. 23, 2013).

¹⁵⁶ See *ibid.*

¹⁵⁷ 3rd Government Report within the Framework of the African Charter on Human and Peoples’ Rights, para. 506.

- b. Does the Cameroon Government intend to repeal Article 297 of the Penal Code and if so, what is its timeframe for doing so?
- c. What support services, including rape crisis centres, programs for victims of sexual assault, sexual assault hotlines, health care services including physical, mental, and reproductive, and legal aid does the Cameroon Government make available to victims? How does it ensure access (both financial and geographical) to all women victims of sexual violence?

Suggested recommendations for the Government of Cameroon:

- a. Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of sexual assault, in collaboration with women’s NGOs that serve victims of violence.
- b. Mandate all Judicial Police Officers to conduct thorough and effective investigations of all cases of sexual assault, using a victim-centered approach.
- c. Immediately repeal Article 297 of the Penal Code absolving a rapist who marries his victim.
- d. Systematically track and release statistics on sexual assault, including the scope, incidence and prevalence of sexual assault, the consequences of sexual assault (severity, such as frequency of attack, or seriousness of injury) and be disaggregated by age, severity of incident, relationship with perpetrator, frequency, and other relevant criteria such as disability or ethnic group.

B. Domestic Violence

87. 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.¹⁵⁸ These data match more recent statistics, including a study from Douala-based La Maison des Droits de l’Homme that approximately 39 percent of women suffered from physical violence in 2008,¹⁵⁹ thus indicating that little has been done to stem the epidemic of domestic violence over the years. The vast majority of victims are women, as females account for 92% of domestic violence victims in Cameroon.¹⁶⁰
88. The Government of Cameroon fails to engage in effective criminal investigation and prosecution of domestic violence acts. Cameroon’s penal code does not specifically criminalize domestic violence.¹⁶¹ In the absence of a specific criminal domestic violence provision, victims are thus left to rely on the general assault provisions in the Penal Code, which address murder (Articles 275, 276), grievous harm (Article 277), assault causing death (Article 278), assault causing grievous harm (Article 279), simple harm (Article 280), failure

¹⁵⁸ Alio, Amina P., et al, “Association between intimate partner violence and induced abortion in Cameroon,” 112 *International Journal of Gynecology & Obstetrics* 2 (Feb. 2011).

¹⁵⁹ 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).

¹⁶⁰ L’Association Camerounaise des Femmes Juristes, *Lutte contre les violences faites aux femmes au Cameroun: Une mobilisation Considérable*, Justice & Solidarité, July 2012, p. 4.

¹⁶¹ 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.

to assist women abandoned by their husbands (Article 282), and assault of a pregnant woman (Article 338).¹⁶²

89. Marital rape is not a crime under Cameroon law.¹⁶³ Current attempts at legal reform do not suggest that prohibiting marital rape is a priority objective of the Government of Cameroon at this time. The Government of Cameroon's 3rd Periodic Report states that "the draft bill of the Criminal Code, which is in the process of being finalized, contains provisions that criminalize violence against women, in particular sexual harassment, disruption of growth of an organ etc."¹⁶⁴ This paragraph does not include, however, any specific mention of criminalizing spousal rape.
90. Although general assault and murder provisions are available, legal systems actors' practices show a failure to prioritize the prosecution of domestic violence. Domestic violence is generally considered a private matter by the community and law enforcement and is rarely addressed at the level of the courts for these same reasons.¹⁶⁵ Harmful practices also perpetuate domestic violence, as men at times defend their use of domestic violence because of the bride price they paid for their wives.¹⁶⁶ In its 3rd Periodic Report, the Government of Cameroon points out the 2010 indictment of one defendant, a police officer, for murdering his wife, a magistrate.¹⁶⁷ While the prosecution of this single offender for domestic violence homicide is a welcome step toward offender accountability, the Report makes no other reference to or mention of prosecution for the hundreds of other domestic violence cases in Cameroon.
91. Moreover, victims of domestic abuse have little recourse for protection. There is no domestic violence law in Cameroon that would provide women with an order for protection against their abusers.¹⁶⁸ The Family Code that was drafted in 1997 to address issues of domestic violence has remained on the shelf.¹⁶⁹ Stakeholders see this failure to adopt the law as a lack of political will to address domestic violence.¹⁷⁰ Women seeking to escape the violence through divorce are hindered by the fact that spousal abuse is not a legal ground for divorce.¹⁷¹
92. Other practices by the government also create additional obstacles for victims seeking safety. The Cameroonian Government in its report states 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."¹⁷² It is well-documented, however, that mediation is problematic and dangerous for domestic violence victims, because the assumptions underlying the use of mediation do not apply when there

¹⁶² 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].

¹⁶³ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27.

¹⁶⁴ 3rd Government Report within the Framework of the African Charter on Human and Peoples' Rights, Section 30.

¹⁶⁵ Beijing + 15, "The Stance of Cameroon and the Unfinished Business," *Gender Power and Development*, July 2010, pg. 35-36.

¹⁶⁶ 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>.

¹⁶⁷ 3rd Government Report within the Framework of the African Charter on Human and Peoples' Rights, para. 505.

¹⁶⁸ 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 Aug. 23, 2013).

¹⁶⁹ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

¹⁷⁰ *Ibid.*

¹⁷¹ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 27.

¹⁷² 3rd Government Report within the Framework of the African Charter on Human and Peoples' Rights, paras. 446, 506.

has been domestic violence. Mediation assumes that both parties are equal, yet an abuser holds tremendous power over a victim. This imbalance of power between the parties cannot be remedied, even with the skills of a trained mediator. During mediation, the abuser can easily control the victim through the use of signals known only to the couple. Also, a victim is often 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.¹⁷³

93. Finally, services for victims are scarce, and NGOs report that victims of violence do not have access to free legal aid, shelters, or safe-houses.¹⁷⁴

Suggested questions for the delegation from the Government of Cameroon:

- a. What steps, if any, is the government taking to criminalize the specific offense of domestic violence and what is its timeframe for doing so? What penalties does the government envision for the offense of domestic violence?
- b. Does the government intend to prohibit marital rape in its Penal Code? If so, what is the government's time frame for accomplishing this legal amendment? What penalties does the government envision for the offense of marital rape?
- c. What steps, if any, is the government taking to provide legal remedies, including an order for protection, to victims of domestic violence? What is its timeframe for accomplishing such legal reform?
- d. What kinds of victim services and shelters does the government make available to victims, and how does it promote access to these support services for rural victims?

Suggested recommendations for the Government of Cameroon:

- a. Systematically track and release statistics on domestic violence, including the scope, incidence and prevalence of violence, the consequences of domestic violence (severity, such as frequency of attack, or seriousness of injury) and be disaggregated by age, severity of incident, relationship with perpetrator, frequency, and other relevant criteria such as disability or ethnic group.
- b. Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of domestic violence and coercive control, in collaboration with women's NGOs that serve victims of violence.
- c. Eliminate all practices of mediation in cases of domestic violence. Conduct mandatory screening in cases of "family disputes" for domestic violence and desist from using mediation in these cases.
- d. Amend penal legislation immediately as follows:
 - i. Amend the penal code to criminalize all acts of domestic violence, including those involving low-level injuries, and include 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.

¹⁷³ *Mediation*, StopVAW, Feb. 2008, <http://www.stopvaw.org/Mediation>.

¹⁷⁴ 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).

- ii. Increase criminal penalties for repeated domestic violence offenses, even if they involve low-level injury. Legislation should provide that sentencing be enhanced for repeat offenses.
 - iii. Prohibit by statute 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.
- e. Amend civil legislation immediately as follows:
- i. Amend legislation to provide that spousal abuse is a legal ground for divorce. Expedite divorce proceedings in cases involving domestic violence.
 - ii. Adopt 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.¹⁷⁵ 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.¹⁷⁶

C. Harmful Practices

94. In its 3rd Periodic Report, Cameroon assured the African Commission it was in the process of finalizing amendments to the Penal Code, which contains provisions to criminalize violence against women, “in particular sexual harassment, disruption of growth of an organ etc.”¹⁷⁷ The Government of Cameroon does not specify the “organ” to which it is referring, which renders the law vague and potentially unenforceable.
95. With regard to women’s rights in rural areas, Ms. Nana Patyswit of the Cameroon Bar Association indicated that religion and traditional practices are a source of human rights violations in the North Region, adding that most often these violations go unpunished as a result of the high cost of justice and the fact that the majority of the victims are under-educated citizens.¹⁷⁸

1. Breast Ironing

96. Breast ironing occurs in all of Cameroon’s provinces across ethnic and religious groups, although it is more common in Littoral Province (53%).¹⁷⁹ Up-to-date statistics on the prevalence of breast ironing are not readily available, but a 2006 study by the German

¹⁷⁵ Handbook for Legislation on Violence against Women, U.N. Division for the Advancement of Women, 2010, <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>.

¹⁷⁶ See also Legislation, UN Women Virtual Knowledge Centre to End Violence against Women and Girls, <http://www.endvawnow.org/en/modules/view/8-legislation.html>.

¹⁷⁷ Government Report, Section VI, ¶ 30.

¹⁷⁸ REPORT OF THE JOINT MISSION OF THE MECHANISMS OF THE SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN IN AFRICA AND THE COMMITTEE ON THE RIGHTS OF PEOPLE LIVING WITH HIV, AND THOSE AT RISK, VULNERABLE TO, AND AFFECTED BY HIV TO THE REPUBLIC OF CAMEROON, Sept. 4-14, 2012, ¶ 182.

¹⁷⁹ 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 Aug. 23, 2013).

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.¹⁸⁰ It is estimated that girls as young as nine years of age are subjected to this practice.¹⁸¹

97. 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.¹⁸²
98. Family members are frequently the perpetrators who carry out or condone breast ironing.¹⁸³ Breast ironing is primarily motivated by the misperception that the practice protects girls from sexual advances, rape, early marriage, and pregnancy.¹⁸⁴ The practice of breast ironing highlights the gaps in the Cameroon legal system to adequately prevent and punish sexual assault and sexual harassment, leaving it instead to civilians to resort to harmful practices as perceived prevention.
99. There are currently no laws addressing breast ironing or sexual harassment.¹⁸⁵ Provisions of the current Penal Code could be used to prosecute cases of breast ironing, including provisions on harm and assault.¹⁸⁶ Recent research in Cameroon, however, failed to identify any legal interventions, arrests, or detentions for breast ironing based on these provisions.¹⁸⁷

¹⁸⁰ 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.

¹⁸¹ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 30.

¹⁸² *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 Aug. 23, 2013).

¹⁸³ *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.

¹⁸⁴ Georgette Arrey Taku, *Breast Ironing in Cameroon*, RENATA, <http://www.ohchr.org/Documents/HRBodies/CEDAW/HarmfulPractices/RENATA.pdf> (last visited Aug. 23, 2013); 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 Aug. 23, 2013).

¹⁸⁵ 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 Aug. 23, 2013).

¹⁸⁶ 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").

¹⁸⁷ 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.

2. Female Genital Mutilation

100. Female genital mutilation (FGM) is carried out in nearly all areas of Cameroon.¹⁸⁸ Most FGM practices are clitorectomies; it is reported that infibulation has been performed in the Kajifu area.¹⁸⁹ In the southwest and far northern provinces, FGM is reportedly practiced on 100% of Muslim and 63.6% of Christian girls.¹⁹⁰
101. There is no law prohibiting FGM. The government's history and recent statements by ministry officials suggest that addressing FGM is not a priority for the Cameroon Government. Attempts by the Cameroon Parliament to address FGM have been unsuccessful and protracted over the course of nearly a decade.¹⁹¹ 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 since failed.¹⁹² In 2010, Ministry of Justice authorities informed Amnesty International that the process was underway to criminalize FGM, but three years later, such legal reform has yet to happen.¹⁹³ 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."¹⁹⁴
102. In its 3rd Periodic Report, the Government of Cameroon describes its support and rehabilitation for victims of FGM experiencing obstetric fistula as "psycho-social welfare."¹⁹⁵ It does not, however, detail any medical assistance it is providing these girls to address their physical and reproductive health care needs.

Suggested questions for the delegation from the Government of Cameroon:

- a. What measures, if any, is the Government taking to campaign against FGM and breast ironing and raise awareness about the physical and psychological effects on women and girls?
- b. Does the government intend to criminalize FGM and breast ironing, and if so, what is the timeframe to accomplish such legal reform?
- c. What support services does the government provide victims of FGM and breast ironing? How accessible in terms of cost and location are these services to victims?

Suggested recommendations for the Government of Cameroon:

- a. Adopt 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.¹⁹⁶

¹⁸⁸ 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.

¹⁸⁹ Country Reports on Human Rights Practices for 2012: Cameroon, U.S. Department of State (2012), at 29-30.

¹⁹⁰ 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 Aug. 23, 2013).

¹⁹¹ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

¹⁹² *Ibid.*

¹⁹³ *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.

¹⁹⁴ *Ibid.*

¹⁹⁵ 3rd Government Report within the Framework of the African Charter on Human and Peoples' Rights, para. 506.

¹⁹⁶ Supplement to the Handbook for Legislation on Violence against Women "Harmful Practices," U.N. Division for the Advancement of Women, 2011, at 15-17.

- b. Immediately adopt criminal legislation that provides for effective sanctions against anyone who condones or participates in FGM or breast ironing.¹⁹⁷
- c. Immediately adopt legislation that specifically criminalizes breast ironing. Such legislation should:
 - Clearly state that consent cannot be a defense to a charge of breast ironing;
 - Establish a separate and distinct offence of the act of breast ironing; and
 - Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- d. Immediately adopt legislation that broadly defines 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.
- e. Immediately adopt criminal legislation immediately that prohibits female genital mutilation. Such legislation should:
 - Not distinguish between the different types of female genital mutilation for the purposes of punishment;
 - Clearly state that consent cannot be a defense to a charge of female genital mutilation;
 - Establish a separate and distinct offence of the act of female genital mutilation; and
 - Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.

D. Employment Discrimination

103. The Government of Cameroon’s 3rd Periodic Report states: “In a bid to promote gender, the Government and National Community will ensure equitable representation of girls in all sectors, particularly in vocational training, higher education and access to employment.”¹⁹⁸ In light of this goal, the Report points to the formulation of a National Gender Policy (“NGP”) which seeks to “guarantee the enjoyment of the same rights by men and women including an equitable and equal participation in the development of the country” by 2035.¹⁹⁹ The NGP also seeks to ensure the “promotion of the equality of chances and opportunities between men and women in the economic and employment spheres.”²⁰⁰

104. Cameroon’s Civil Code of 1981 (“Civil Code”) perpetuates gender discrimination and significantly impairs the ability of women to pursue their right to employment. Specifically, Chapter VI, Section 74 of the Civil Code states the following:

- (1) A married woman may exercise a trade different from that of her husband.
- (2) The husband may object to exercise of such a trade in the interest of the marriage or their children.²⁰¹

105. The Civil Code provision discriminates against women in two ways. First, it grants veto power to a woman’s husband regarding her employment decisions, effectively discriminating

¹⁹⁷ *Ibid.*

¹⁹⁸ 3rd Government Report within the Framework of the African Charter on Human and Peoples’ Rights, Section 3(1)(c).

¹⁹⁹ *Id.*, para. 460.

²⁰⁰ *Ibid.*

²⁰¹ Cameroon Civil Code of 1981, Chapter VI, Section 74.

against women and their right to work under Article 15 of the African Charter. Second, this provision has a de facto discriminatory effect on women, as employers may be reluctant to hire women and, in some cases, may even require written authorization from a woman's husband before hiring.²⁰²

106. As a result, women may have less ability to exercise their employment options given their husbands' authority, particularly in the Northern Muslim-dominated region, where misperceptions that the men are superior to women prevail.²⁰³ Additionally, some men are reluctant to employ well-educated women, such as lawyers and journalists.²⁰⁴ Women may refuse certain jobs that they feel may put their matrimonial harmony at risk.²⁰⁵ Finally, a husbands' veto power in the interest of their children is exacerbated by the scarce and insufficient facilities for children such as crèches, childcare centers, and kindergartens.²⁰⁶

107. The Civil Code's discriminatory effect against women in employment is evident in the employment statistics reported by the Cameroon Government in its 3rd Periodic Report: 61.3% of males are employed versus 44.5% of females.²⁰⁷ When employment data is broken down by employment in the formal sector, the gender disparity becomes even more apparent: 11.9% of males are working in the formal sector, whereas just 4.1% of women are employed in the formal sector.²⁰⁸ Women's employment as salaried, permanent workers is low, and only 8.2% of women working in any capacity falling in this category.²⁰⁹

Suggested questions for the delegation from the Government of Cameroon:

- a. Does the Cameroon Government intend to repeal Chapter VI, Section 74 of the Civil Code and if so, what is its timeframe for doing so?
- b. What is preventing the Cameroon Government from establishing an earlier date before 2035 to attain the objectives of the National Gender Policy?
- c. What steps is the Cameroon Government taking to increase women's participation in the formal employment sector?

Suggested recommendations for the Government of Cameroon:

- a. Immediately repeal Chapter VI, Section 74 of the Civil Code.

IV. Conclusion

108. The Government of Cameroon is failing to protect and promote the human rights of women and girls in the context of gender-based violence and access to employment. First, it fails to protect women from rape and sexual assault, to provide services and rehabilitation for victims, and to hold perpetrators accountable. Notably, Cameroonian law allows a perpetrator of rape to avoid prosecution if he marries his victim, in violation of Cameroon's international human rights obligations. Second, domestic violence is pervasive in Cameroon, yet the Government of Cameroon for more than a decade has failed to create a legal regime that will

²⁰² Cameroon Society and Culture Complete Report, World Trade Press, 2010, Petaluma CA.

²⁰³ Written Communication with Ndi Richard Tanto, Ecumenical Service for Peace, Aug. 20, 2013.

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ Isidore Léopold Miendjiem, Etude nationale sur la discrimination en matière d'emploi et de professionnet proposition d'un plan national d'action au Cameroun, at 78, Geneva 2011,

http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_164856.pdf

²⁰⁷ 3rd Government Report within the Framework of the African Charter on Human and Peoples' Rights, para. 483, Table 47.

²⁰⁸ *Ibid.*

²⁰⁹ *Id.*, para. 485, Table 48.

protect victims and hold perpetrators accountable. Law enforcement and prosecutors fail to take 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. Moreover, the Government of Cameroon has failed to criminalize marital rape. Third, two harmful practices—breast ironing and female genital mutilation—are widespread in Cameroon, yet the Government of Cameroon does little to prevent the practices, hold perpetrators accountable, or provide services for victims. Fourth, women face many barriers to employment, particularly under a Cameroonian law that allows a husband to veto his wife’s exercise of a trade.

109. The Government of Cameroon should undertake the following measures, among others, to better protect and promote the rights of women and girls in Cameroon:

- Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of sexual assault, in collaboration with women’s NGOs that serve victims of violence.
- Mandate all Judicial Police Officers to conduct thorough and effective investigations of all cases of sexual assault, using a victim-centered approach.
- Immediately repeal Article 297 of the Penal Code absolving a rapist who marries his victim.
- Provide mandatory and regular training to judges, police, social service and health care personnel, prosecutors, and community leaders on the dynamics of domestic violence and coercive control, in collaboration with women’s NGOs that serve victims of violence.
- Eliminate all practices of mediation in cases of domestic violence. Conduct mandatory screening in cases of “family disputes” for domestic violence and desist from using mediation in these cases.
- Amend the penal code to criminalize all acts of domestic violence, including those involving low-level injuries, and include 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.
- Adopt 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.
- Immediately adopt legislation that specifically criminalizes breast ironing. Such legislation should:
 - Clearly state that consent cannot be a defense to a charge of breast ironing;
 - Establish a separate and distinct offence of the act of breast ironing; and

- Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- Immediately adopt legislation that broadly defines 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.
- Immediately adopt criminal legislation immediately that prohibits female genital mutilation. Such legislation should:
 - Not distinguish between the different types of female genital mutilation for the purposes of punishment;
 - Clearly state that consent cannot be a defense to a charge of female genital mutilation;
 - Establish a separate and distinct offence of the act of female genital mutilation; and
 - Establish that perpetrators are subject to higher criminal penalties associated with crimes against children.
- Immediately adopt criminal legislation that provides for effective sanctions against anyone who condones or participates in FGM or breast ironing.
- Immediately repeal Chapter VI, Section 74 of the Civil Code.