



# INTERNATIONAL, REGIONAL AND NATIONAL LEGAL INSTRUMENTS RELATED TO GENDER- BASED VIOLENCE IN CAMEROON

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Embassy  
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Community Centre for Integrated Development  
Express Union Building, Checkpoint – Buea  
Tel: 233324 360 / 670 222 514 / 666 952 306  
GBV WhatsApp Helpline: 697 820 996  
[info@comuceid.org](mailto:info@comuceid.org)  
[www.comuceid.org](http://www.comuceid.org)  
[www.facebook.com/comuceid](https://www.facebook.com/comuceid)  
Twitter: @CCID\_Official

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CCID works with communities to bring diverse groups together and leverage their abilities, interests, and resources in order to engender shared values and benefits. CCID ensures local ownership of initiatives by working with communities to drive program design and implementation. It values the importance of developing a comprehensive understanding of the social, cultural, political, and economic dynamics in the communities where they implement programs and interventions. CCID aims to empower individuals and communities to uplift women, young people— especially girls—and the wider community to be leaders for positive change.

This report was produced by Claire Adionyi ([adionyiclaire@gmail.com](mailto:adionyiclaire@gmail.com)) – an international human rights lawyer and a lecturer at Strathmore University Law School - as contracted by CCID.

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# INTERNATIONAL AND NATIONAL LEGAL INSTRUMENTS RELATED TO GENDER- BASED VIOLENCE

## A. INTRODUCTION

Gender-based violence has been defined as referring to harmful acts directed at an individual based on their gender and is rooted in gender inequality, the abuse of power and harmful norms.<sup>1</sup> It is further estimated that one in three women will experience sexual or physical violence in their lifetime.<sup>2</sup> Violence against women, including rape, domestic violence and harmful practices – such as breast ironing and female genital mutilation - has been a widespread issue in Cameroon.<sup>3</sup> As of May 2019, UN OCHA reported that, due to violence and insecurity, a 30 % increase compared to 2018, women and girls are more than ever at risk of being victims of domestic violence, sexual and economic exploitation, abduction, separation, forced recruitment and arbitrary detention in the country.<sup>4</sup> It is asserted that this violence against women is highly prevalent throughout Cameroon, in large part due to lack of adequate legislation and systematic action to eradicate stereotypes and harmful practices against women.<sup>5</sup>

However, it is important to note that gender-based violence is preventable, which relates to the overall objective of this database, to document gender-based violence legislation at international and national level.

Accordingly, the database sets out the relevant international and national legal framework that relate to the prevention and protection of gender-based violence. It is important to note that the database also contains the policy framework based on the fact that, even though these are not legally binding, they contain authoritative interpretation of the rights protected within the attendant legal instruments.

The first part of the database addresses the relevant international instruments and in order to provide context-specific knowledge, the database also maps out the relevant regional instruments. The second part of the database maps out the national framework. It is worth noting that the database also highlights the key provisions that relate to prevention and protection of gender-based violence internationally and within Cameroon.

1 UNHCR, Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence, October 2020, p4.

2 UNHCR, Gender-based Violence. Available: <https://www.unhcr.org/gender-based-violence.html>. Last accessed: 24 May 2021.

3 Advocates for Human Rights, Cameroon: Committee on the Elimination of Discrimination Against Women 57th Session, 24 January 2014, p1.

4 UN OCHA, Gender-based violence: Financial independence and economic empowerment key to survivors' recovery, 17 May 2019.

5 OECD Social Institutions and Gender Index, Country Profile: Cameroon, 2019

## B. THE RELEVANT INTERNATIONAL INSTRUMENTS

Gender-based violence is the subject of a number of international legal and policy instruments. By virtue of Article 45 of the Constitution of the Republic of Cameroon, these instruments form a part of the laws of Cameroon. It is critical to note here that Article 45 of the Constitution provides that duly approved or ratified treaties override national laws. In this section, the database will focus on these instruments.

### 1. The International Instruments

INSTRUMENT	RELEVANT PROVISIONS
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW - 1979) <sup>6</sup>	<ul style="list-style-type: none"><li>▪ <b>Article 1</b> - Violence against women is a form of discrimination.</li><li>▪ <b>Article 2</b> - States parties are responsible for adopting appropriate legislation and other measures to prohibit all discrimination against women and establish legal protection of the equal rights of women – including:<ul style="list-style-type: none"><li>a. sanctions where appropriate, prohibiting all discrimination against women;</li><li>b. to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</li><li>c. To 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;</li><li>d. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; and</li><li>e. To repeal all national penal provisions which constitute discrimination against women.</li></ul></li><li>▪ <b>Article 5</b> - States parties are required to take measures to eliminate prejudices and stereotyped roles for men and women.</li><li>▪ <b>Article 6</b> - States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.</li><li>▪ <b>Article 11</b> - States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment, including measures to ensure women are not dismissed or sanctioned due to their marital status or during pregnancy, and provisions are made to protect women during pregnancy in jobs that may be harmful to them and encourage the provision of support for parents, including child-care.</li></ul>

6 Available: <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>. Last accessed: 24 May 2021.

Committee on the Elimination of Discrimination Against Women, General Recommendations<sup>7</sup>

- **General Recommendation No.12 (1989)** calls on States Parties to include in periodic reports to the Committee updates on laws and:
  - a) Other measures adopted to eradicate this violence;
  - b) The existence of support services for women who are the victims of aggression or abuses;
  - c) Statistical data on the incidence of violence of all kinds against women and on women who are the victims of violence.
- **General Recommendation No. 19 (1992)** notes:
  - a) Gender-based violence... is discrimination within the meaning of article 1 of the Convention (Paragraph 7)
  - b) CEDAW applies to violence perpetrated by public authorities. Such acts of violence may breach that State's obligations under general international human rights law and under other conventions, in addition to breaching this Convention (Para 8)
  - c) 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, and provide compensation. (Para 9)
  - d) Measures to suppress all forms of traffic includes equal protection of prostitutes, who are especially vulnerable to violence because their status, which may be unlawful, and tend to be marginalized. They need the equal protection of laws against rape and other forms of violence. It also requires specific protective and punitive measures during wars, armed conflicts and the occupation of territories. (Paras 15-16)
  - e) As part of appropriate protective and support services, gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention. (Para 24b)
  - f) Specific preventive and punitive measures are necessary to overcome trafficking and sexual exploitation. (Para 24g)
  - g) States parties should ensure that services for victims of violence are accessible to rural women and that where necessary special services are provided to isolated communities. (Para 24o)
  - h) Measures that are necessary to overcome family violence should include criminal penalties where necessary and civil remedies in cases of domestic violence. (Para 24ri)
  - i) States parties should report on the extent of domestic violence and sexual abuse, and on the preventive, punitive and remedial measures that have been taken. (Para 24s)
  - j) 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. (Para 24ti)
  - k) States parties should report on all forms of gender-based violence, and such reports should include all available data on the incidence of each form of violence and on the effects of such violence on the women who are victims. (Para 24u)
  - l) The reports of States parties should include information on the legal, preventive and protective measures that have been taken to overcome violence against women, and on the effectiveness of such measures. (Para 24v)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)<sup>8</sup>

- **Article 1** - Includes violence committed by or with the consent of state agents (e.g. security personnel) for the purposes of discrimination.

7 Available: <https://www.un.org/womenwatch/daw/cedaw/recommendations/>. Last accessed: 24 May 2021.

8 Available: <https://www2.ohchr.org/english/law/pdf/cat.pdf>. Last accessed: 24 May 2021.

UN General Assembly, Declaration on the Elimination of Violence against Women (1993) <sup>9</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 4 (i)</b> - Calls upon States to ‘take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women.’</li> </ul>
Beijing Platform for Action (1995) <sup>10</sup>	<ul style="list-style-type: none"> <li>▪ Governments committed to pursue strategic objectives that would include;             <ol style="list-style-type: none"> <li>a) provide gender-sensitive human rights education and sensitize individuals on the nature of GBV acts;</li> <li>b) to prevent re-victimization of women victims of violence as a result of gender-insensitive laws or judicial practices;</li> <li>c) to include laws that punish any agents of state who engage in violence against women during the performance of their duties;</li> <li>d) to strengthen institutional mechanisms through which victims of GBV can report acts of violence without fear of penalties or retaliation.</li> </ol> </li> </ul>
UN General Assembly Resolution 52/86 on Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women (1998) <sup>11</sup>	<ul style="list-style-type: none"> <li>▪ <b>Urged states to:</b> <ol style="list-style-type: none"> <li>a) empower the police to respond efficiently to incidents of violence against women;</li> <li>b) encourage women to enroll into the police forces including at operational level;</li> <li>c) encourage mandatory cross-cultural and gender-sensitivity training modules for police to deal with the denial (unacceptability) of violence against women, its impact and results, with a view to promoting prompt and adequate response to instances of violence against women.</li> </ol> </li> </ul>
UN Security Council Resolution 1325, 2000 <sup>12</sup>	<p>This is a land mark resolution that incorporated women in the discourse around international security issues by stressing the essence of the involvement of women in efforts to maintain and promote global peace and security. It:</p> <ul style="list-style-type: none"> <li>▪ Stresses the importance of women’s equal participation and full involvement in all efforts to maintain/promote peace and security.</li> <li>▪ <b>Article 6</b> - Calls on the Secretary-General to ensure that civilian personnel of peacekeeping operations receive training on the protection, rights and the particular needs of women.</li> <li>▪ <b>Article 8c</b> - Calls on all actors involved in peace agreements to include measures that ensure the protection of and respect for human rights of women and girls, including related to police.</li> <li>▪ <b>Article 11</b> - Emphasizes State responsibility to put an end to impunity and to prosecute those responsible for war crimes including those relating to sexual violence against women and girls.</li> <li>▪ Encourages consideration of the different needs of female and male ex-combatants and their dependants in disarmament, demobilization and reintegration.</li> </ul>

9 Available: <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>. Last accessed: 24 May 2021.

10 Available: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>. Last accessed: 24 May 2021.

11 Available: <https://www.unfpa.org/sites/default/files/resource-pdf/52-86.pdf>. Last accessed: 24 May 2021.

12 Available: [https://www.un.org/ruleoflaw/files/res\\_1325e.pdf](https://www.un.org/ruleoflaw/files/res_1325e.pdf). Last accessed: 24 May 2021.

Rome Statute of the International Criminal Court <sup>13</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 7g</b> - Includes acts of rape and other forms of sexual violence as “Crimes Against Humanity” when committed in a widespread or systematic manner, whether or not in times of armed conflict.</li> </ul>
UNGA, Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, 2000/2004 <sup>14</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 6(4)</b> - Calls for states to assist and protect victims of trafficking in persons, considering their age, gender and special needs.</li> <li>▪ <b>Article 10 (2)</b> - States Parties shall ‘...provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons’ and this training shall address ‘human rights and child- and gender-sensitive issues’.</li> </ul>
UNSC Resolution 1820 (2008) <sup>15</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 3</b> - Special measures taken to protect women and girls from sexual violence in armed conflict (e.g. enforcing appropriate military disciplinary measures and upholding command responsibility, training troops on the prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces for past actions of rape and other forms of sexual violence, and evacuation of women and children under threat of sexual violence to safety).</li> <li>▪ <b>Article 4</b> - Calls on states to end impunity for sexual violence and ensure that all victims have equal protection under the law.</li> <li>▪ <b>Article 6</b> - Requests the development and implementation of appropriate training programs for all UN peacekeeping and humanitarian personnel to help better prevent, recognize and respond to sexual violence and other forms of violence against civilians.</li> <li>▪ <b>Article 7</b> - Requests the Secretary General to strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in UN peacekeeping operations and urges countries contributing peacekeeping troops to take preventative action on sexual exploitation and abuse, including pre-deployment and in-theatre awareness training.</li> <li>▪ <b>Article 8</b> - Urges countries contributing peacekeeping troops to increase personnel responsiveness to protect civilians, including women and children, and prevent sexual violence against women and girls. Including by deploying a higher percentage of women peacekeepers or police.</li> <li>▪ <b>Article 9</b> - Development of peacekeeping guidelines and strategies to protect civilians, including women and girls, from all forms of sexual violence.</li> <li>▪ <b>Article 10</b> - Development of effective mechanisms for providing protection from sexual violence to women and girls in and around UN managed refugee and internally displaced persons camps, and in all disarmament, demobilization, and reintegration processes, and security sector reform efforts assisted by the UN.</li> <li>▪ <b>Article 12</b> - Urges women’s participation in discussions related to conflict prevention and resolution, the maintenance of peace and security, and post conflict peacebuilding, and encourages parties to facilitate women’s equal and full participation at decision-making levels.</li> </ul>

13 Available: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>. Last accessed: 24 May 2021.

14 Available: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>. Last accessed: 24 May 2021.

15 Available: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N98/764/59/IMG/N9876459.pdf?OpenElement>  
Last accessed: 24 May 2021.



UNSC Resolution 1888 (2009)<sup>16</sup>

- **Article 3** - Demands that ‘all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including... vetting candidates for national armies and security forces to ensure the exclusion of those associated with ... sexual violence’.
- **Article 6** - Urges States to undertake comprehensive legal and judicial reforms to ensure that survivors of sexual violence have access to justice, are treated with dignity throughout the justice process, are protected and receive redress for their suffering.
- **Article 7** - All parties to conflict to ensure that all reports of sexual violence committed by civilians or by military personnel are thoroughly investigated and alleged perpetrators brought to justice, and that civilian superiors and military commanders use their authority and powers to prevent sexual violence and address impunity.
- **Article 9** - Encourages States to increase capacities of law enforcement personnel with regard to sexual violence in armed conflict.
- **Article 17** - Urges including sexual violence issues from the outset of peace processes, including in sector reform and during the vetting of armed and security forces.
- **Article 19** - Deployment of greater numbers of female military and police personnel to United Nations peacekeeping operations, and to provide all military and police personnel with adequate training to carry out their responsibilities.
- **Article 20** - Provision of technical support to troop and police contributing countries, in order to include guidance for military and police personnel on addressing sexual violence in pre-deployment and induction training.
- **Article 21** - Ongoing requests to strengthen efforts to implement the UN policy of zero tolerance of sexual exploitation and abuse and urging of troop-contributing countries to take actions such as pre-deployment and in-theatre awareness training.

16 Available: <https://www.unwomen.org/en/docs/2009/9/un-security-council-resolution-1888>. Last accessed: 24 May 2021.

UNSC 1889 on Women, Peace and Security (2009) <sup>17</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 3</b> - Highlights state responsibility to put an end to impunity and to prosecute those responsible for all forms of violence committed against women and girls in armed conflicts, including rape and other sexual violence.</li> <li>▪ <b>Article 10</b> - Design of concrete strategies to support women and girl's security needs, including through gender-responsive law enforcement.</li> <li>▪ <b>Article 13</b> - Consideration of the needs of women and girls associated with armed forces and armed groups and their children in the planning for disarmament, demobilization and reintegration, ensuring their access to such programmes.</li> </ul>
UNSC Resolution 1960 (2010) <sup>18</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 5</b> - Parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, including, issuance of clear orders through chains of command prohibiting sexual violence and the prohibition of sexual violence in Codes of Conduct, military field manuals; and parties to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable.</li> <li>▪ <b>Article 15</b> - Encourages Member States to deploy greater numbers of female police personnel to United Nations peacekeeping operations, and to provide all police and military personnel with adequate training on sexual and gender-based violence.</li> <li>▪ <b>Article 16</b> - Continued requests related to provision and deployment of guidance on addressing sexual violence for pre-deployment and inductive training of military and police personnel, and in developing situation-specific procedures to address sexual violence at the field level and to ensure provision of technical support to troop and police contributing countries so guidance is included for military and police personnel on addressing sexual violence in pre-deployment and induction training.</li> </ul>

## 2. Regional Instruments

<b>INSTRUMENTS</b>	<b>RELEVANT PROVISIONS</b>
The African (Banjul) Charter on Human and People's Rights, (ACHPR) 1981 <sup>19</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 2</b> – Establishes a non-discrimination clause that allows all individuals to enjoy rights under the Charter without distinction based on their gender or any other status.</li> <li>▪ <b>Article 3</b> – Provides that all individuals shall be equal before the law and shall be entitled to equal protection before the same law.</li> <li>▪ <b>Article 18</b> – Contemplates that the State parties shall act to ensure the elimination of any form of discrimination against women besides protecting their entitlements as enshrined under international conventions and declarations.</li> </ul>

17 Available: <https://www.un.org/ruleofflaw/files/4acdd8512.pdf>. Last accessed: 24 May 2021.

18 Available: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES%201960.pdf>. Last accessed: 24 May 2021.

19 Available: <https://www.achpr.org/legalinstruments/detail?id=49>. Last accessed: 24 May 2021.

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 2003 <sup>20</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 3</b> – Enshrines the right to dignity requiring State Parties to adopt and implement relevant measures to restrain the exploitation and degradation of women. It also imposes an obligation on the State Parties to implement measures that guarantee the protection of women's right to dignity by protecting them from all forms of violence citing sexual and verbal violence.</li> <li>▪ <b>Article 4</b> – Enshrines the right to life, integrity and security of the person. Contemplates that all women shall be entitled to the respect of their life, integrity, as well as security with effect to prohibiting all forms of exploitation, cruel, inhuman and degrading treatment against women. As such, it imposes an obligation on State parties to undertake measures that enact and enforce laws that prohibit all forms of violence against women whether in private or in public. This is coupled with the obligation that the State parties shall actively promote peace education to eradicate retrogressive traditional and cultural beliefs and practices that legitimize the tolerance of violence against women. In light of the same, it requires State parties to make adequate budgetary allocations and resources for the implementation of such actions aimed at eradicating violence against women.</li> <li>▪ <b>Article 5</b> – Provides for the requirement on elimination of harmful practices. This provision anticipates that State parties shall prohibit all forms of harmful practices (by legislative and other measures) that negatively affect the rights of women contrary to international standards of human rights. Apart from legislation, this provision anticipates that States shall create public awareness regarding these harmful practices; impose penal sanctions on all forms of FGM; support victims of harmful practices with basic health and legal services; and protect women that are vulnerable to being subjected to such harmful practices or any other form of violence, abuse or intolerance.</li> </ul>
The Constitutive Act of the African Union, 2000 <sup>21</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 4</b> – Affirms that the Act is founded on the principles of gender equality and respect for human rights, the rule of law and good governance. Hence it contemplates that State parties shall promote the respect of social justice, respect the sanctity of human life and condemn impunity and subversive activities.</li> <li>▪ <b>Article 13</b> – Designates the functions of the Executive Council to be among others the coordination and taking decisions in policies in areas that are of common interest among member states including the formulation of mother and child care policies.</li> </ul>
The African Charter on the Rights and Welfare of the Child, (ACRWC) 1990 <sup>22</sup>	<ul style="list-style-type: none"> <li>▪ <b>Article 21</b> – Provides for the protection against harmful social and cultural practices. This provision anticipates that state parties shall adopt measures to eradicate harmful social and cultural practices that undermine the welfare, dignity as well as the normal growth and development of a child. This being reference to customs and practices that negatively affect the health or life of the child in addition to practices that are discriminatory on the grounds of sex. The provision also prohibits child marriage while affirming that the minimum age of marriage shall be 18 years besides encouraging State parties to make the formal registration of all marriages a compulsory requirement.</li> </ul>

20 Available: <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>. Last accessed: 24 May 2021.

21 Available: [https://au.int/sites/default/files/pages/34873-file-constitutiveact\\_en.pdf](https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf). Last accessed: 24 May 2021.

22 Available: <https://au.int/en/treaties/african-charter-rights-and-welfare-child>. Last accessed: 24 May 2021.

Solemn Declaration on Gender Equality in Africa (SDGEA), 2004 <sup>23</sup>	<ul style="list-style-type: none"> <li>▪ Cameroon is a signatory member to this Declaration and is among the countries that submitted their initial reports to the SDGEA.</li> <li>▪ Declaration 3 – States agreed to launch campaigns for systematic prohibition against the abuse of female children as wives and sex slaves.</li> <li>▪ Declaration 4 – States agreed to engage in two years of sustained public campaigns against gender based violence while reinforcing mechanisms that protect women and end the impunity of crimes against women with a view to achieving social change and positively transforming attitude and behavior within the African society.</li> </ul>
The Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, 2006 <sup>24</sup>	<ul style="list-style-type: none"> <li>▪ The Action Plan promotes the empowerment of women through influencing the establishment of national policies that combat trafficking in human beings and GBV in general.</li> <li>▪ The Principle of Prevention and Awareness Raising – the Action Plan contemplates that States should undertake the following to promote the principle; provide education and training as well as awareness raising and counselling as a core preventive measure to preventing human trafficking. States should also promote the training of those in key positions such as the police and build their capacity to fight trafficking. It also anticipates that States shall take measures to eradicate harmful and retrogressive customs and traditional practices by countering the conventional stereotypes that lead to the trafficking of human beings.</li> </ul>
The Maputo Plan of Action for Sexual and Reproductive Health and Rights, 2016 - 2030 <sup>25</sup>	<ul style="list-style-type: none"> <li>▪ This a non-binding consensus document applicable to the Continental Policy Framework on Sexual and Reproductive Health and Rights, 2006. It primarily addresses issues that relate to the fight against and prevention of gender-based violence.</li> <li>▪ Part of its priority interventions include:             <ul style="list-style-type: none"> <li>2.4 the development of legal frameworks, strategies and programs that combat GBV; and</li> <li>4.2 to improve SRH information, education and communication with a view to reducing GBV.</li> </ul> </li> </ul>
Protocol Relating to the Establishment of the Peace and Security Council, 2002 <sup>26</sup>	<ul style="list-style-type: none"> <li>▪ The Protocol establishes the Peace and Security Council that is expected to promote the protection of human rights within the continent.             <ul style="list-style-type: none"> <li>a) Training – undertakes that the Commission shall provide guidelines for the training of the civilian and military personnel regarding International Humanitarian Law and International Human Rights Law especially with emphasis on the rights of women.</li> <li>b) Peacebuilding at the End of Hostilities – the Security Council undertakes to help Member States adversely affected by conflict with assistance to vulnerable persons including women and other traumatized social groups.</li> </ul> </li> </ul>

23 Available: <https://au.int/en/documents/20200708/solemn-declaration-gender-equality-africa>. Last accessed: 24 May 2021.

24 Available: [https://au.int/sites/default/files/pages/32899-file-3\\_ouagadougou\\_action\\_plan\\_to\\_combat\\_trafficking\\_en\\_1.pdf](https://au.int/sites/default/files/pages/32899-file-3_ouagadougou_action_plan_to_combat_trafficking_en_1.pdf). Last accessed: 24 May 2021.

25 Available: [https://au.int/sites/default/files/documents/30358-doc-mpoa\\_7-revised\\_au\\_stc\\_inputs\\_may\\_se-rob-director\\_002.pdf](https://au.int/sites/default/files/documents/30358-doc-mpoa_7-revised_au_stc_inputs_may_se-rob-director_002.pdf). Last accessed: 24 May 2021.

26 Available: <https://www.peaceau.org/uploads/psc-protocol-en.pdf>. Last accessed: 24 May 2021.

### 3. The Relevant Cameroonian Legal & Policy Frameworks

The Cameroonian legal system brings together French, British, and customary legal traditions – a complex mixture whose composition varies according to the region under consideration. However, there is no national legislation in Cameroon that comprehensively addresses violence against women. There is similarly no legislation that prohibits domestic violence in Cameroon or specifically address spousal rape.

This part of the database highlights the legal and policy framework that relates to gender-based violence in Cameroon.

INSTRUMENTS	RELEVANT PROVISIONS
<p><b>Constitution of Cameroon, 1996<sup>27</sup></b></p>	<ul style="list-style-type: none"> <li>▪ It is important to note that the Constitution of Cameroon does not explicitly refer to violence against women, harmful practices or FGM.</li> <li>▪ The Preamble sets forth the basic human rights and freedoms of all individuals in Cameroon while promoting equality between men and women. It provides that the nation undertakes to protect women and affirms that the people of Cameroon shall guarantee all citizens their rights and freedoms regardless of their gender; that all people possess inalienable rights regardless of their gender; and that all people shall have the same equal rights and obligations.</li> <li>▪ It also confers on all people the right to life, physical and moral integrity besides humane treatment. Further, it anticipates that no one shall be subjected to torture, cruel, inhumane or degrading treatment.</li> </ul>
<p>The Law against Trafficking in Persons and Slavery in Cameroon, Law No 2011 / 024 OF 14 December 2011</p>	<ul style="list-style-type: none"> <li>▪ Criminalises all forms of labor trafficking and some forms of sex trafficking.<sup>28</sup></li> </ul>
<p><b>Penal Code ( amended 12 July 2016)</b></p>	<ul style="list-style-type: none"> <li>▪ Section 296 - Rape is prohibited under the Penal Code and is punishable by 5 to 10 years of imprisonment.</li> <li>▪ Section 356 – Child, early and forced marriages – criminalizes forced marriages and punishes anyone convicted for compelling another to marry with imprisonment for between 5 to 10 years with a fine that ranges from \$45-1,700.</li> <li>▪ Section 277- Genital mutilation               <ol style="list-style-type: none"> <li>(1) Whoever mutilates the genital organ of a person, by any means whatsoever, shall be punished with the penalties provided for in Section 277 above.</li> <li>(2) The penalty shall be imprisonment for life where:                   <ol style="list-style-type: none"> <li>a) the offender habitually carries out such practice or does so for commercial purposes;</li> <li>b) it leads to the death of the victim.</li> </ol> </li> </ol> </li> </ul>

<sup>27</sup> Here, it is important to note that the Constitution of Cameroon does not explicitly refer to violence against women, harmful practices or FGM.

<sup>28</sup> It should be noted that the law requires demonstration of threat, fraud, deception, force, or other forms of coercion to constitute a child sex trafficking offense, and therefore does not criminalise all forms of child sex trafficking. This is inconsistent with international standards.

**National Gender Policy Document 2011-2020**

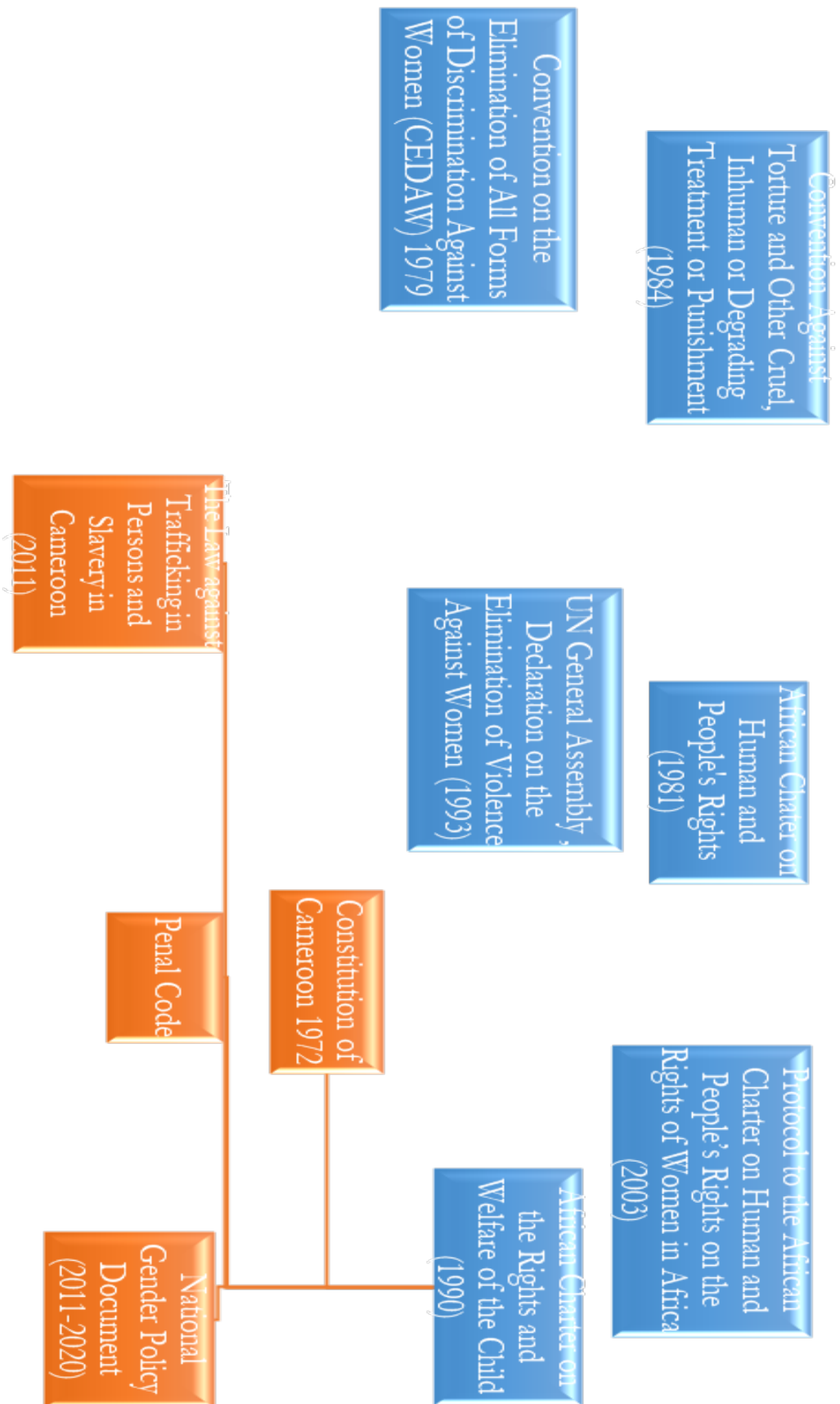
- The document provides for fighting violence against women as one of its seven strategic areas. It identifies that the core problem that underlies gender based violence in Cameroon is the ‘unfavorable socio-cultural environment for the respect of women’s rights.’
- **Strategic Aspect 4** – promotion of a favorable socio-cultural environment for the respect of women’s rights. Specific objectives – include:
  - a) to reduce by half the prevalence rate of violence against women including FGM;
  - b) ensure the rehabilitation of victims even during periods of humanitarian crisis and propose appropriate penalty measures for GBV perpetrators;
  - c) to ensure the management of specific problems encountered by rural women and widows;
  - d) to harmonize national legislation with international legal instruments for the protection of the rights of women.
- **Strategies – include:**
  - a) capacity building for men and women on the rights and means of the prevention of GBV;
  - b) strengthening the legal framework regarding the repression of GBV;
  - c) popularization of the legal instruments for the protection of the rights of women;
  - d) advocacy among administrative, traditional and religious authorities for the elimination of discrimination and GBV;
  - e) drafting more egalitarian laws.

**C. CONCLUSION**

The database demonstrates the depth that exists in the international, regional and national legal framework as regard the fight against gender-based violence that need to be taken into consideration when planning future program undertakings in the prevention and protection of gender-based violence.

However, as a recommendation, there is a need for concerted effort to push for the streamlining of national legislation to adhere to international standards and the creation of a national legislation in Cameroon that comprehensively addresses violence against women. this includes the push for national legislation in Cameroon that comprehensively addresses violence against women. Furthermore, there is a need for legislation that prohibits domestic violence in Cameroon and/or specifically addresses spousal rape.

The other recommendation relates to the need for programs/campaigns that promote the implementation of the existing legal and policy framework such as the National Gender Policy Document 2011-2020. To which end, all actors in this field, including the Community Centre for Integrated Development, need to ensure that raising awareness against gender-based violence is embedded in their programming with a view to ensuring an enabling legal and policy environment for the protection and prevention of gender-based violence.



Annex 1: Flow chart depicting the hierarchy of the main instruments\*

\* *The flow chart only covers the legally binding instruments and excludes the non-binding instruments such as general comments/recommendations in order to make the chart more consumable to a lay person without legal aid.*



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