



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Canada

[Home](#) > [Research](#) > [Responses to Information Requests](#)

RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

2 December 2010

CMR103371.E

Cameroon: Domestic violence, including legislation, availability of state protection and support services for victims (January 2008 - April 2010)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

A 2007 shadow report submitted to the United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW), which was compiled by four non-governmental organizations (NGOs) and coordinated by Women in Research and Action (WIRA), indicates that "[d]omestic violence in the form of physical assault is very rampant" in Cameroon (WIRA et al. 2007, 46). According to a demographic and health survey conducted by the Cameroon's National Institute for Statistics (Institut national de la statistique, INS), with technical assistance from Maryland-based ORC Macro, in 2004, 39 percent, 14 percent and 28 percent of the surveyed women who were in a relationship or who had been in a relationship had respectively experienced physical violence, sexual violence or emotional violence at the hands of their partner (INS and ORC Macro June 2005, 251). The country profile accompanying the 2009 Social Institutions and Gender Index (SIGI) for Cameroon, which is published by the Organisation for Economic Co-operation and Development (OECD), points out that while there is a lack of "reliable" statistics on the number of women affected by violence in the country, the number of media reports on such cases indicates that this phenomenon is "widespread" (OECD n.d.). A poster that was presented at the International Conference on Population in 2009 states that the "persistent high rate of violence" against women in Cameroon can be partly explained by the fact that such violence may be "ignored or ... even accepted by the society" (Johnson Takwa 2009). Similarly, the shadow report submitted to CEDAW indicates that violence against women is "very prevalent but lacks recognition as a social problem due to the fact that it is sometimes invariably accepted as a way of life" (WIRA et al. 2007, 46).

Legislation

The United States (US) Department of State's *Country Reports on Human Rights Practices for 2009* indicates that Cameroonian law does not "specifically prohibit domestic violence, although assault is prohibited and is punishable by prison terms and fines" (11 Mar. 2010, Sec. 6). A country sheet on Cameroon issued by the Country of Return Information Project (CRI Project), a project funded by the European Commission to focus on reintegration possibilities for potential returnees (CRI Project Nov. 2008, 1), also states that, according to an interview with the Executive Secretary of Cameroon Women in Leadership and Development (CAWOLED), there is no specific legislation that prohibits "[w]ife battering" in Cameroon (ibid., 7). In 31 March 2010 correspondence with the

Research Directorate, the President of the Association to Fight Violence Against Women (Association de lutte contre les violences faites aux femmes, ALVF) in Yaounde, Cameroon, provided the following information:

Domestic violence is not recognised as a specific crime in Cameroon and we don't have a legal definition of domestic violence. ...

Cameroon does not have specific legislation by which domestic violence can be prosecuted; the criminal law is notoriously silent and victims are left to [rely] on the general law of assault. Thus, acts of domestic violence can be prosecuted using the Cameroon's penal code under the following articles:

- Article 275 which punishes murder
- Article 276 which punishes capital murder
- Article 277 which punishes grievous harm
- Article 278 which punishes assault occasioning death
- Article 279 which punishes assault occasioning grievous harm
- Article 280 which punishes simple harm
- Article 282 which punishes failure to assist ... women who have been abandoned by their spouses
- Article 338 which punishes assault on woman with child whose aim is to protect pregnant women from assault.

Two sources indicate that spousal rape is not criminalized (US 11 Mar. 2010, Sec. 6; IPS 4 Nov. 2009). According to the Executive Secretary of CAWOLED, who is cited in the CRI Project country fact sheet, spousal rape is "generally" not considered an offence under customary law; it is rather understood that a married woman "consents to sexual intercourse with her husband at any time" (Nov. 2008, 7). An Inter Press Service (IPS) article also notes the following:

Cameroon's penal code states that "[w]hoever by force or moral ascendancy compels any female, whether above or below the age of puberty, to have sexual intercourse with him shall be punished with imprisonment for from five to 10 years."

It further makes it illegal for a man to have sex with a woman under 16 years of age even if she consents to such intercourse.

Despite these laws, few perpetrators of rape are ever prosecuted in Cameroon

Section 297 of the penal code, for instance, prevents prosecution for rape when marriage has been freely consented to by the parties involved, as long as the woman assaulted is over the age of puberty at the time of the offence. (4 Nov. 2009)

Several sources note that spousal abuse is not a legal ground for divorce (US 11 Mar. 2010, Sec. 6; CRI Project Nov. 2008, 7; OECD n.d.).

Law enforcement

The CRI Project country fact sheet indicates that, according to the Executive Secretary of CAWOLED, although victims of domestic violence can lodge a complaint under the assault provision of the penal code, a man is traditionally considered to have "disciplinary rights over his wife" and that legislation related to "assault on women" is not effectively enforced by the authorities (Nov. 2008, 7). Two sources underline that domestic violence is perceived as a "private matter" (UN 4 Aug. 2010, 3; WIRA et al. 2007, 46). The shadow report submitted to CEDAW states that law enforcement officers do not consider domestic violence to be a serious issue and that victims are reluctant to report abuse (ibid., 45-46). The same report adds that law enforcement officers lack training on how to treat cases of domestic violence (ibid., 46). The President of the ALVF indicated that the police respond to allegations of domestic violence by conducting investigations into the allegations and, if valid, requiring the alleged perpetrators to appear in person to address the accusations; the alleged perpetrators will have to then "suffer the consequences" and make "resolutions" to cease the violence (ALVF 31 Mar. 2010). The ALVF President also explained that victims of domestic violence are not encouraged to report the violence to the authorities and that, when they do, it rarely results in charges against the alleged perpetrators as women often do not pursue their complaints (ibid.). "Few, if any" cases of domestic violence result in court proceedings (ibid.). The President added that proceedings never go as "far as convicting men" (ibid.). However, no corroborating information could be found among the sources consulted by the Research Directorate. Nevertheless, the UN Human Rights Committee (HRC) expressed concern that "only a small proportion of cases [of rapes] are reported and investigated" (4 Aug. 2010, 3). According to *Country Reports for 2009*, women's rights advocates contend that the penalties for domestic violence are inadequate (US 11 Mar. 2010, Sec. 6).

Protection and support services

The President of the ALVF stated that victims of domestic violence who go to police stations are offered counselling and advice within the police stations (ALVF 31 Mar. 2010). Counselling and advice are also available to victims throughout Cameroon at social service centres provided by the Ministry of Social Affairs; social welfare services are available from the Ministry of Women's Empowerment and the Family (Ministère de la Promotion de la Femme et de la Famille, MINPROFF) (ibid.). However, the President of the ALVF noted that victims of domestic violence are frequently encouraged during counselling to return home without any action being taken to prevent a reoccurrence of the violence (ibid.). A report submitted by the CEDAW, which was prepared with input from a committee of government and civil society representatives, indicates that victims of domestic violence who are referred to the Ministry of Women's Empowerment and the Family are offered "health, financial, psychosocial and legal assistance" (UN 10 Nov. 2008, 10). In contrast, in 31 March 2010 correspondence with the Research Directorate, the President of the ALVF stated that the government does not provide free legal aid to victims of violence. The CEDAW report also indicates that the MINPROFF maintains a hotline that "enables victims of violence or anyone with information on a case of violence to reach the Ministry's services at any time of the day or night" (UN 10 Nov. 2008, 11). The President of the ALVF indicated that the state operates hotlines but there are no shelters or safe houses "and that is why the word 'state protection' does not seem appropriate ... because we don't have any such protection" (ALVF 31 Mar. 2010). The UN Human Rights Committee (HRC) also states that the protection provided to women who are victims of domestic violence is "weak" (4 Aug. 2010, 3).

According to data available in the CEDAW report, between 2006 and October 2008, 3,680 cases of physical violence against women (including domestic violence) and 2,500 cases of psychological violence were recorded by the government's services (UN 10 Nov. 2008, 10). The report does not indicate how many of those cases resulted in prosecution or conviction. The report, however, acknowledges that "[s]ome forms of violence concern the victim's intimate life and are therefore not always reported, which makes it difficult to compile statistical information" (ibid.). A report produced by Human Rights Watch and other NGOs also states that according to interviews conducted with national NGOs, including the ALVF, the number of cases of violence against women "usually goes underreported" (Human Rights Watch et al. Nov. 2010, 44).

As indicated in the CEDAW report, a cooperation agreement between three NGOs (African Women's Association [AWA], Women's Promotion and Assistance Association [WOPA] and Association Enfants, Femmes et Avenir [ASSEJA]) and the government was established to "ensure that all acts of violence and discrimination against women are reported ... and that the police force receives support in caring for and assisting in the reintegration of women victims of violence into society and their families" (UN 10 Nov. 2008, 11-12).

The ALVF and other organizations provide medical, psychosocial and legal services to victims of violence (ALVF 31 Mar. 2010). In addition, the ALVF provides "free legal counselling and advice" (ibid.).

The Cameroon Association of Female Jurists (Association camerounaise des femmes juristes, ACAFEJ) is a non-profit NGO located in Yaounde (ACAFEJ n.d.a). One of its objectives is to [translation] "fight and denounce all discrimination against women and children" (ibid. n.d.b). The ACAFEJ offers free legal counselling at three assistance centers located in Bafoussam, Douala and Yaounde; it also provides services in urban and rural areas through mobile clinics (ibid. n.d.c).

Women in Action Against Gender Based Violence is an organization located in the northwest region of Cameroon that "[m]ediate[s], counsel[s] and legally address[es] violence against women and girls" (GBV Prevention Network n.d.).

The President of the ALVF noted that several NGOs operate hotlines for victims of domestic violence (ALVF 31 Mar. 2010). The CRI Project country fact sheet on Cameroon also indicates that there is a help-line program called "SOS Family" that is based in Douala (Nov. 2008, 11). The CRI Project country fact sheet also reports on an interview with an SOS Family representative, who indicated that SOS Family maintains a help desk that responds to "all kinds of problems affecting women or children with relation to any form of violence against them," 24 hours a day (CRI Project Nov. 2008, 11). Sessions with social workers are organized for those victims for whom no immediate solution is adequate (ibid.).

The President of the ALVF indicated that some women are hesitant to use the available social services or report domestic violence to the authorities due to family pressure, financial dependence on the perpetrator, a desire to keep family matters out of the public domain, a belief in the inadequacy of the services or recourses, previous experience with the services or recourses that proved unsatisfactory and threats from the perpetrator (ALVF 31 Mar. 2010). She added that the availability of support services to victims of domestic violence, although inadequate, nevertheless deters some men from acts of domestic violence, and

may encourage some women to initiate legal action to obtain a divorce or a separation (ALVF 31 Mar. 2010).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Association camerounaise des femmes juristes (ACAFEJ). N.d.a. "Qui sommes-nous?" <http://acafej.org/index.php?option=com_content&view=article&id=47&Itemid=53&lang=fr> [Accessed 18 Nov. 2010]

_____. N.d.b. "Mission et objectifs." <http://acafej.org/index.php?option=com_content&view=article&id=53&Itemid=54&lang=fr> [Accessed 18 Nov. 2010]

_____. N.d.c. "Nos réalisations." <http://acafej.org/index.php?option=com_content&view=article&id=49&Itemid=61&lang=fr> [Accessed 18 Nov. 2010]

Association de lutte contre les violences faites aux femmes (ALVF), Yaounde, Cameroon. 31 March 2010. Correspondence with the President.

Country of Return Information Project (CRI Project). November 2008. *Country Sheet: Cameroon*. <<http://www.cri-project.eu/cs/cs-cameroon-en.pdf>> [Accessed 15 Nov. 2010]

Gender-Based Violence Prevention Network (GBV Prevention Network). N.d. "Friend: Women in Action Against Gender Based Violence, Cameroon." <<http://www.preventgbvafrica.org/content/friend-women-action-against-gender-based-violence-cameroon>> [Accessed 15 Nov. 2010]

Human Rights Watch, Association pour la défense des droits des homosexuels (ADEFHO), Alternatives-Cameroun, and International Gay and Lesbian Human Rights Commission (IGLHRC). November 2010. *Criminalizing Identities: Rights Abuses in Cameroon Based on Sexual Orientation and Gender Identity*. <<http://www.unhcr.org/refworld/pdfid/4cd7d9c82.pdf>> [Accessed 16 Nov. 2010]

Institut national de la statistique du Cameroun (INS) and ORC Macro. June 2005. *Enquête démographique et de santé Cameroun 2004*. Calverton, Maryland: INS and ORC Macro. <<http://195.24.205.52/nada3/index.php/ddibrowser/46/download/314>> [Accessed 16 Nov. 2010]

Inter Press Service (IPS). 4 November 2009. Ngala Killian Chimtom. "The Reverend Raped Me." <<http://www.ipsnews.net/news.asp?idnews=49135>> [Accessed 19 Nov. 2010]

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.

<<http://iussp2009.princeton.edu/download.aspx?submissionId=90344>>

[Accessed 15 Nov. 2010]

Organisation for Economic Co-operation and Development (OECD). N.d. Social Institutions and Gender Index (SIGI). "Gender Equality and Social Institutions in Cameroon." <<http://genderindex.org/sites/default/files/pdfs/CMR.pdf>> [Accessed 15 Nov. 2010]

United Nations (UN). 4 August 2010. Human Rights Committee (HRC). *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant*. (CCPR/C/CMR/CO/4)

<<http://www.unhcr.org/refworld/pdfid/4c6a310c2.pdf>> [Accessed 16 Nov. 2010]

_____. 10 November 2008. Committee on the Elimination of Discrimination Against Women (CEDAW). *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Second and Third Periodic Reports: Cameroon*. (CEDAW/C/CMR/Q/3/Add.1)

<<http://www.unhcr.org/refworld/pdfid/4948d5832.pdf>> [Accessed 15 Nov. 2010]

United States (US). 11 March 2010. "Cameroon." *Country Reports on Human Rights Practices for 2009*.

<<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135942.htm>> [Accessed 19 Nov. 2010]

Women in Research and Action (WIRA), Network for Peace and Development (NEPED), International Federation of Women Lawyers — Cameroon (FIDA Cameroon), and Association camerounaise des femmes juristes (ACAFEJ). 2007. *Cameroon Non Governmental Organizations Shadow Report to CEDAW: The Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women*.

<http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/WRAAction_FIDA_ACAFEJ_NEPED_cameroon.pdf> [Accessed 16 Nov. 2010]

Additional Sources Consulted

Oral sources: Amnesty International (AI) in Toronto and L'Association camerounaise des femmes juristes (ACAFEJ) in Yaounde did not respond within the time constraints of this Response.

Internet sources, including: Academy for Educational Development (AED), AfricaFiles, Africa News Update, Afrik.com, Agenda, AllAfrica.com, Association for Women's Rights in Development, British Broadcasting Corporation (BBC), Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, Human Rights First, Human Rights Watch, International Crisis Group, Legalbrief Today, Open Society Justice Initiative, Office of the United Nations (UN) High Commissioner for Refugees (UNHCR), *PostOnline*, *Presse de la Nation* [Douala], Women's International League for Peace and Freedom, United Kingdom (UK) — Home Office, United Nations (UN) Integrated Regional Information Networks (IRIN), United Nations (UN) Secretary-General's Database on Violence Against Women, Women in Alternative Action (WAA Cameroun), WomenWatch.

The attached reproduction is a copy of an official work that is published by

the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.