

Cameroon_Legal Explainer

The Republic of Cameroon (henceforth, “Cameroon”) is a country in Central Africa where the President is elected and creates policy, administers government agencies, commands armed forces, negotiates and ratifies treaties, and appoints government officials at all levels, from the Prime Minister(considered the official head of government), to the provincial governors and divisional officers.

Cameroon faces high levels of gender-based violence, be it sexual violence, domestic violence, and violence against women by authorities. While the Constitution of Cameroon prevents these acts of violence in general, there are other individual, issue-specific laws for their protection as well.

On the international front, Cameroon has also ratified the Convention on the Elimination of all Forms of Discrimination against Women, 1975 (CEDAW), the Universal Declaration of Human Rights, 1948, and the MAPUTO Protocol.

Constitution of Cameroon

The Constitution of Cameroon, has in its Preamble the resolve to protect women *viz.* ‘...the Nation shall protect and promote the family which is the natural foundation of human society. It shall protect women, the young, the elderly and the disabled.’

Article 18 of the Constitution, found in Part I which describes the fundamental rights and duties of citizens, provides that the State shall ensure the elimination of every discrimination against women and also ensure the protection of the right of the women and the child as stipulated in international declaration and conventions.

Cameroon Penal Code

Article 277 ensures that anyone who “permanently deprives another person of the use of all or part of a limb, an organ or a sense” will be punished “with a term of 10 to 20 years’ imprisonment.

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. It also 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.

Section 297 specifically stops prosecution for rape when the parties “freely consent” to be married (and are so married), as long as the female victim was above the age of puberty at the time of the sexual assault.

The Penal Code addresses murder (Articles 275 and 276), grievous harm (Article 277), assault causing death (Article 278), assault causing grievous harm (Article 279), simple harm (Article

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

Chapter V, Part III of Book I of the Penal Code is devoted to punishable offences against the child and the family such as prostitution (Section 343), homosexuality (Section 347 bis), assault on ascendant (Section 351), forced marriage (Section 356), abuse in respect of bride-price (Section 357), desertion (Section 358), bigamy (Section 359), incest (Section 360) and adultery (Section 361).

Article 361 of the Penal Code defines the crime of adultery in terms more favorable to men than women. While a man may be convicted of adultery if the sexual acts take place in his home, a female may be convicted without respect to venue.

The 2011 Law Relating to the Fight Against Trafficking in Persons and Slavery

Cameroon is a source, transit, and destination country for children subjected to forced labor and sex trafficking and a country of origin for women subjected to forced labor and forced prostitution. The 2011 Law Relating to the Fight Against Trafficking in Persons and Slavery has been enacted in order to curb the incidence of human trafficking in the country.

Section 2(b) of the said law defines trafficking in persons as the fact of promoting or ensuring the movement of a person inside or outside Cameroon in order to obtain, directly or indirectly, a financial or other material benefit of whatever nature.

Section 2(c) of the said law defines slavery in persons as the recruitment, transfer, accommodation or reception of persons for exploitation, through threat, the use of force or other forms of coercion, kidnapping, fraud, deception, abuse of authority or taking advantage of a state of vulnerability or through offer or acceptance of benefits to obtain the consent of a person having authority over the victim.

Section 2(d) of the said law defines exploitation of persons to include at least, the exploitation or promotion of prostitution of persons, or any other forms of sexual exploitation, exploitation of labour, or forced labour, slavery or practices similar to slavery, serfdom or the removal of organs.

Section 5 of the said law, provides that whoever engages in trafficking in persons and slavery shall be punished with imprisonment for from 15 (fifteen) to 20 (twenty) years and with fine of from 100 000 (one hundred thousand) to 10 000 000 (ten million) CFA francs.