

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
INSTITUTE OF GENDER STUDIES**

**CHALLENGES TO THE IMPLEMENTATION
OF THE MAPUTO PROTOCOL:
THE CASE OF CAMEROON**

**A THESIS SUBMITTED TO THE INSTITUTE OF GENDER
STUDIES IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
MASTERS OF ARTS IN GENDER STUDIES**

BY

AYAMBA OJONGMBOH NJIKAM

**JUNE 2010
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TO GOD BE THE GLORY.

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LIST OF ACRONYMS

AAWORD	African Association of Women for Research and Development
ACHPR	African Charter on Human and Peoples' Rights
AU	African Union
AUC	African Union Commission
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CSOs	Civil Society Organization
DAWN	Development Alternatives with Women for a New Era
ECOSOC	Economic and Social Council
FC	Female Circumcision
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome
HLI	Human Life International Research Center
HTPs	Harmful Traditional Practices
IPPF	International Planned Parenthood Federation
NEPAD	New Partnership for Africa's Development
NGOs	Non Governmental Organizations
OAU	Organization of African Unity
SDGEA	Solemn Declaration of Gender Equality in Africa
STDs	Sexually Transmissible Diseases
STIs	Sexually Transmissible Infection
SIDA	Swedish Development Agency
WGDD	Women, Gender and Development Directorate
WP	Women's Protocol

ABSTRACT

This aim of this study is to explore the challenges faced by many African countries which have ratified the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa, popularly known as the Maputo Protocol (MP). Its main focus is on Cameroon, as this country is one of the last to have ratified the Protocol in May 2008, and also one that witnessed a massive and long lasting protest.

The main preoccupation throughout the research was to understand why Cameroonians are so radically opposed to the MP, in other words, the challenges faced by the government of Cameroon in its attempt to the implement this instrument. The challenges are identified as being centered around abortion and to a large extent the idea that the Protocol may be aimed at shattering the foundation of the Cameroonian society by weakening the family which constitutes its central pillar. Articles 5, 6, 7, 14, 17, 20 and 21 of this instrument are at the center of controversy and tend to justify the protests which took place in Cameroon.

To investigate these challenges, the researcher used both quantitative and qualitative methods. Appropriate instruments of data collection were designed and suitable sampling techniques for both methods were used in order to achieve the set objectives. The investigations conducted in Cameroon reveal the existence of a great divergence between the MP's approach to gender and the feelings and perceptions of Cameroonians on the same issue. Africa's culture in general and that of Cameroon in particular, is built on a clear separation and specialization of roles in the society for men and women. Africans in general still pay much attention to large families which represent one of the most visible signs of social success and achievement. This can be seen through the importance attached to marriage and parenthood, which are sacred and highly valued statuses as indicated by almost all female and male research participants.

The provisions of the MP listed above seem to constitute in this regard, a threat to these African values and explain the determination of Cameroonians to oppose it. Nevertheless, the study concludes that the MP should not be discarded, but should rather be amended or improved upon in the sense of adapting it to the African socio-historical context, (home-grown) as articulated by African theoreticians and intellectuals, so as to facilitate its acceptance and subsequent implementation by member States.

CHAPTER ONE

INTRODUCTION

1.1. Background of the Study

The African Union (AU) was launched in Maputo, Mozambique by the AU heads of State and Governments in July 2003, after a four year period of transformation from the Organization of African Unity (OAU). A new organization came into existence almost at the same time with the New Partnership for Africa's Development (NEPAD). The creation of the AU and the launching of NEPAD were part of a process through which Africa had declared its determination to fight against poverty, promote human rights, democracy, the rule of law and public participation. The context and spirit were favorable to revolutionary ideas for the fast development and integration of Africa. The following decisions were adopted to this effect;

- ❖ the implementation of the protocol on the creation of the Pan-African Parliament,
- ❖ the creation of the Peace and Security Council of the African Union,
- ❖ the protocol on the creation of the African Court of Justice on Human Rights,
- ❖ the protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa, known as the Maputo Protocol (MP).

The MP acknowledges the fact that despite widespread ratification by African States of ACHPR, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and of the instruments that constitute the International Bill of Rights (Universal Declaration on Human Rights, International Covenant on Economic, Social and Cultural Rights), gender issues barely appeared in political agendas across the continent (Protocol to ACHPR, 2010). The protocol to the Rights of Women in Africa was adopted in this general context with the view of recognizing the contribution of women in Africa's development, and the great potentials they represent for the construction of a "prosperous Africa" drawn by its children.

The MP primarily complements the ACHPR and other international human rights conventions by focusing on concrete actions and goals to grant women their rights, and further emphasizes on women's health and reproductive rights in its land-mark article 14.

The Protocol comprises **32 Articles** which can be grouped into 3 main sections. **Section one**, the preamble; deals with the rationale behind its elaboration, making reference to both regional and international commitments on women's human rights. **Section two** outlines the rights to be upheld by the Protocol, **and Section three** covers implementation by addressing the manner in which it is to be adopted and monitored as well as the process through which it may be implemented. The Protocol affirms four broad categories of rights for women, namely;

- a) **Civil and Political Rights,**
- b) **Economic, Social and Cultural Rights,**
- c) **The Right to Development and Peace,**
- d) **Health and Reproductive Rights.**

KEY POINTS OF THE MAPUTO PROTOCOL

- ❖ Assurance of basic internationally recognized Human Rights for women (Articles 2, 3, 4).
- ❖ Protection from Traditional Practices that are Harmful to Women's Health such as
- ❖ Known in Cameroon as female circumcision and popularly branded by the west as Female Genital Mutilation (FGM) (Article 5),
- ❖ Consideration of women in the enactment of legislation pertaining to Marriage, particularly regarding Polygamy, Forced and Early Marriage, Inheritance and Widows rights (Articles 6, 7, 20, 21),
- ❖ Equal treatment of women and men under the Law with Equal Legal Protection and equal access to Justice (Articles 2, 8)
- ❖ Guarantee and recognition of the Civil, Political, Economic and Cultural rights of women (Articles 8, 9, 10, 11, 12, 13, 19, 24).
- ❖ Guarantee of Social and Cultural rights (Articles 15, 16, 17, 18, 22, 23, 24) and
- ❖ **Guarantee of Health and Reproductive Rights (Article 14)**

The new organization also adopted the Solemn Declaration of Gender Equality in Africa (SDGEA) in 2004 which was immediately implemented in the recruitment of the members of the African Union Commission (AUC) on the basis of gender parity. The Protocol to women's rights was enthusiastically adopted by AU member States, probably

due to the euphoric and optimistic atmosphere of the meeting in Maputo, Mozambique. Since then, many African countries have moved from adoption to ratification of this women's human rights instrument.

Seven years after the adoption of the Protocol, of the 53 AU member States, 45 signed it, and as of May 2010, 28 countries had ratified it, 5 have neither signed nor ratified and many countries expressed reservations concerning its Articles 6, 7, 11 and 14 (AUC, 2010). Most of these States are not likely to implement it as they face persistent opposition to some of its provisions from various social groups. Solomon Mforgang (2009), Cameroon, Agang Rosine (2009), Cameroon, Cardinal Christian Tumi, (2009), Cameroon, Thaddeus Baklinski (2009), Mamane Abdou (May 2009), Niger, Chelsea Ricker, (July, 2009), United States, Rachel Scheier, (June, 2008), Uganda, Cardinal Polycap Pengo, (2009), Tanzania, (Paul Bakyenga, (2006), Uganda, Ugandan Catholic bishops, (January, 2006), Archbishop of Guinea Conakry), Most Rev Charles Palmer Buckle, Archbishop of the Archdiocese of Accra, Ghana, Chris Smith, United States, of America, (February, 2007), etc. Difficulties encountered by these states will probably not encourage the remaining ones to join the ratification process.

Cameroon is one of the last countries to have ratified this instrument in May 28 2008. This act seems not to have been noticed by the public. It was only in July 2009, during the celebration of the 6th anniversary of the adoption of the Protocol that, under the leadership of Archbishop Cardinal Christian Tumi of the Cameroon Catholic Church, and George Winkar of Human Life International (HLI), Cameroon, that a massive manifestation was launched against the ratification of this Protocol by Cameroon Government (George Winkar, 2009). Spontaneously, other religious organizations joined the protest. More than 20.000 people invaded the streets of Douala, Cameroon's economic capital, accusing the Government of having legalized abortion and homosexuality among other issues through the ratification of the MP. A petition drafted by the Catholic Church and signed by about 30.000 other civil society organizations (CSOs) and religious groups was forwarded to the Head of State requesting Cameroon's withdrawal or reservation from the MP, especially from its Article 14, dealing with Health and Reproductive rights of women. As a reaction to this, the government public television, Cameroon Radio and Television (CRTV), organized a series of debates in order to enlighten the public on the content of the Protocol. In spite these efforts, various

programs broadcasted on the same CRTV, and other private media in the country, continue to indicate that public opinion in Cameroon is still mobilized against the MP.

The above facts and observations induced the curiosity of the researcher to take up this challenge in order to inquire why a women's human rights instrument which is supposed to be positively hailed by Cameroonians especially women, is instead greeted by nation wide protest from both women and men from various social, cultural and religious groups

1.2. Statement of the Problem

The clash between Cameroonians and the Government on the ratification of the MP could have been unexpected, considering the great advancement achieved for the promotion of women's rights in the country. The scope of the impact of this disagreement on the future implementation of the Protocol is a matter of great concern. The situation in Cameroon is just a tip of the iceberg or an example of what is happening in other African countries where Governments are challenged on the ratification of what some critics allegedly call the "satanic protocol, a clear and present danger, and an example of wholesome social engineering imposed on Africa" (Mamane Abdou, 2009).

Similarly, in Nigeria, the conclusion of the Health Ministers meeting from the Economic Community of West African States (ECOWAS) calling for the passage of "safe abortion" laws in October 2009, met with serious opposition and outrage as almost all the countries in this region do not permit abortion (HLI Pro-life Research, 2009).

At this point, one can rightly wonder if the MP is really an African inspired legal instrument and be tempted to give credit to some allegations or rather information that it is a product of a London-based Non Governmental Organization (NGO), International Planned Parenthood Federation (IPPF), the largest abortion-promoting organization in the world, supported by many other NGOs sharing the same views, whose overall objective is to promote abortion through out the world. IPPF states in its VISION 2000 Strategic Plan that the objective of its affiliated organizations is to "Campaign for policy and legislative changes to remove restrictions against safe-abortion" (HLI, 2009). All these allegations have since not been contested or contradicted by the AU, thus allowing its acceptance as a true accusation.

The other question is, how and why could African heads of State and governments whose legislations stand against abortion and are mostly favorable to promoting and consolidating families, sign and ratify a document clearly opposed to their internal legal environment? It is important to note that in the African continent, abortion can be achieved on demand only in four (4) countries, it is exceptionally permitted in fourteen (14), and it is not authorized in more than thirty (30) countries (HLI, 2009).

It would appear most African States easily adopt or ratify human rights instruments either under pressure from the international community or out of their own will with the clear intention at times not to implement them. If this assumption is verified, it will then be clear that the MP will join other neglected instruments in the archives. An other question to be answered is, will the non-implementation of the MP likely impede the promotion and protection of women's rights in the continent if the provisions on health and reproductive rights and matrimonial related issues are withdrawn? What will be the relevance of the MP, if not a simple repetition of the stipulations of CEDAW and even many national legislations in Cameroon and other African countries?

As indicated above, Cameroon has ratified the MP and its people are protesting against it. Religious leaders and CSOs accused the Protocol of legalizing abortion. This highlights the fact that the major challenge that the government will have to face in its implementation will be Article 14 and to some extent, a few other articles dealing with matrimonial related issues. The opposition to the MP is motivated by religious principles, traditional beliefs and the cultures of many tribes in Cameroon. In the course of investigating the situation in Cameroon, it was realized that Cameroonians do not only oppose Article 14 on abortion, but also some of its provisions dealing with the social status of the woman and her rights in marriage. Many research participants including high ranking officers from the Judiciary, Ministries of Health, Foreign Affairs, Women Empowerment and the Family, some religious representatives and some women rights activists working for some NGOs were of the view that the MP is meant to discourage marriage and even destroy marriages which have already been celebrated, and subsequently lead to a break down of traditions, cultures and religions in Cameroon. In the same analysis, even though not directly dealing with the Protocol, renowned African feminists and theoreticians are of the view that African gender issues must neither be perceived through the point of view of western civilization, nor treated following their

values (Chikwenye, (1985), Oyewumi, (1997), Steady, (1987, 2002), Ogundipe, (1994), Amadiume,(1997) Mama, (1997), Acholonu, (1995)).

Following what precedes, the MP appears as an instrument whose main purpose would be to promote abortion in Africa and weaken the institution of marriage. We may have to ask the following questions; To what extent can such a perception be verified? Why are Cameroonians fundamentally opposed to the MP? Will the Cameroon government persist in implementing the Women's Protocol? Will the government be able to overcome all the obstacles and accusations raised by religions, cultures and traditions of Cameroonians? Is it advisable for the government to withdraw from the Protocol because it clashes with some pertinent Cameroonian values, or would it not be better for Cameroon government to suggest its amendment?

1.3. Objectives of the Study

1.3.1. General Objective

The main objective of this study is to identify the challenges that the government of Cameroon faced in its attempt to implement the Maputo Protocol.

1.3.2. Specific Objectives

The specific objectives of this study are;

- A. to identify the major articles of the Maputo Protocol which are focused on gender issues and are hindering its implementation in Cameroon.
- B. to explore the reasons why Cameroonians are opposed to the implementation of the Maputo Protocol focusing on;
 - i. marital, sexual and reproductive issues
 - ii. socio - cultural and religious matters
 - iii. civil and political concerns.

1.4. Research Questions

- A . What challenges did Cameroon government face in its attempt to implement the Maputo Protocol?
- B . What specific provisions of the Maputo Protocol present socio-cultural and religious challenges to its implementation?

C. What civil and political issues obstruct the implementation of the Maputo Protocol in Cameroon?

1.5. Rational of the Study

The researcher decided to take up the study on the MP because it is the first legal instrument dedicated to women's rights in Africa. Instead of being hailed by Africans in general and Cameroonians in particular, it was greeted by a wave of protest in many African countries which have ratified it, thus rendering its implementation difficult. The initial purpose of this work was to contribute from an intellectual stance indirectly to the on-going debates in Cameroon by carrying out a detail and critical analysis of the MP in order to clarify the position taken by public opinion leaders like Cardinal Christian Tumi and that of the government of Cameroon.

1.6. Significance of the Study

The significance of this study is to revive attention on the MP with the aim of questioning its contextual relevance and the problematic of its implementation. It is foreseen that the study will conclude by making recommendations to the African Union for the re-adjustment or re-formulation of the Protocol in terms of its appropriation and domestication within the African context, particularly in Cameroon. Allowing the MP to fail will definitely not be a good signal to send to some African countries or societies where women's rights are really violated. If need be, it will be much better to modify the existing document and make sure it becomes African, both in its spirit and its objectives.

The study also aims at shedding some light on the MP which remains, no matter the publicity on its rejection, a fairly unknown document to a large majority of Cameroonians.

1.7. Scope of the Study

The purpose of this study was to use the case of Cameroon to identify the challenges faced in the implementation of the MP by AU member states which have ratified it. Tremendous efforts have been made to maintain this purpose, but the stubbornness of recurrent facts indicating that the situation and challenges are almost just the same in other countries, has imposed a constant tendency to generalize the analysis at the continental level. The opposition to the MP is based on the same factor in almost all

African countries, so the scope of the study inevitably goes beyond the strict analysis of the situation in Cameroon.

The nature of the topic drags it into the field of legal analysis because implementing a legal instrument means transforming its provisions into behavioral guidelines, setting conditions for observance of the law and punishment in case of non-application or non-respect of the law. Implementation passes through processes known as internalization and domestication. The study thus embraces many fields of social sciences.

1.8. Limitations of the Study

This is one of the first studies currently dedicated entirely to the MP, so there is little or no previous literature to enrich it apart from protests information across the continent.

The study fails to include a multidisciplinary approach to address the problems raised in the Protocol. This is due to the intellectual background of the researcher who is neither an expert in law nor sociology, even though the study has reached some findings which throw much light on the MP, and especially challenges to its implementation. The study would have been more profound if there was enough mastery of legal and sociological knowledge on the part of the researcher.

The work also falls short because it does not include a multi-varied population for data collection, only educated women and men in Yaounde and Buea are involved in the study, but the researcher is consoled by the fact that essential human problems are the same for educated and uneducated people.

The study also does not dwell on the positive aspects of the Protocol, which are mentioned in the conclusion. This shortcoming is partly due to time constraints for data collection and analysis, and the limited number of pages the researcher is expected to write.

Furthermore, the distance between Ethiopia and Cameroon is quite considerable in terms of high transportation cost, so the researcher was able to effect only a single trip to Cameroon where she also had to spend very limited time for field work.

The researcher is conscious of all these limitations and others not mentioned, and will like to underline that they are entirely imputed to her responsibility because the supervisor made constant efforts to redress many of them.

Nevertheless, this work may represent a window through which more equipped researchers could use to further elaborate on such a topic.

1.9. Ethical Considerations

All research involving human participants should be conducted in accordance with basic ethical principles. The researcher took enough measures to ensure the confidentiality, anonymity, safety, autonomy, and made sure that justice was done to the research participants. She also respected the sources from which she got her information by regularly quoting the authors and giving references.

1.10. Operational Definitions of Key Terms Used

The Maputo Protocol: (MP) A complement to the African Charter on Human and People's Rights on the Rights of Women in Africa. It is an African Union women's human rights instrument adopted in Maputo, Mozambique, in 2003 and entered into force in 2005 after the deposit of the fifteenth instrument of ratification. This Protocol, due to some of its provisions dealing with abortion, marital and reproductive rights, some social, cultural and religious factors, is rejected by many African countries which have ratified it.

Abortion: A medical operation in which a developing baby or fetus is removed from a woman's womb, for whatever reason, so that it is not born alive

Contraceptive: A drug, method or object used by women or men to prevent a woman from becoming pregnant.

Culture: is defined as the whole complex of distinctive spiritual, material and intellectual features that characterize a society or group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs (Sagna, 1997).

Incest: Sexual activity between people who are closely related such as parent and child or brother and sister.

Socio – cultural issues relate to attitudes, behaviors and beliefs of written or unwritten norms in a given society.

Rape: The crime of forcing someone to have sex by using violence.

Religious factors are social behaviors or norms based on the precepts of a religion, for example, abortion is against the prescription of both the Bible and the Koran.

Reproductive right is the ability and capacity of a woman to procreate.

Violence Against Women: means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or war.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

As earlier underlined, this study is so far, the first of its kind to be conducted on the MP, as such, it has very little to borrow from any specialized work dedicated to the Protocol. In order to assess the so-call “non-Africanity ” of the spirit of the MP, it was necessary to revisit the opinions and theories of African intellectuals, and even intellectuals from other continents on gender issues. It is generally accepted that a “patient knows his or her pain and feels it more than the physician”. In this line, African women surely know their problems more than their sisters from the North. Their understanding of such problems must be taken into account in any attempt to address them. In this light, books, unpublished thesis, Journals and various official documents were visited to collect relevant information for the topic.

2.1. General Views on Gender Issues

Many African intellectuals and theorists are of the view that, “sexuality and gender issues in Africa have often been considered under various discourses, local and international, that do not adequately recognize the complexities and specifics of the reality of African societies” (Oyewumi, 1997). Mary kolawole (1998) is of the opinion that “gender in Africa needs to transcend the question of naming or self-definition”. Oyewumi (1998), also expresses the view that any;

serious scholarship in the place of gender in African realities, must necessarily question prevailing concepts and theoretical approaches, because the architecture and furnishings of gender research have by and large, been distilled from European and American experiences which have nothing to do with African realities and do not fit in the African context.

Ogundipe Leslie (1994) and Chikwenye Okonjo (1985) uphold “the need for deconstruction and reconceptualization of gender perspectives in Africa”. They advocate inclusive social transformation in their theories of “Stiwanism and Womanism” respectively. Steady (1987) also emphasizes the inclusive and complementary thrust of the African society as she states;

For women, the male is not the other but part of the human same. Each gender constitutes the critical half that makes the human whole. Neither sex is totally complete in itself to constitute a unit by itself. Each has and needs a complement, despite the possession of unique features of its own. Sexual differences and similarities, as well as sex roles, enhance sexual autonomy and cooperation between women and men, rather than promote polarization and fragmentation.

At the 1995 United Nations (UN) Fourth World Conference on Women, the Beijing Declaration committed participating governments to encourage men to participate fully in all actions towards gender equality. In Beijing +5, the UN General Assembly emphasized that men must involve themselves and take joint responsibility with women for the promotion of gender equality, a conceptual shift from Women in Development (WID) to Women and Development (WAD). A report of the UN Secretary General on the role of men and boys in achieving gender equality states that:

Where men are key decision-makers and holders of economic and organizational power and public resources, they can facilitate gender-responsive policy reform and support laws designed to protect the rights of women and children. Men and boys can play a crucial role in combating, HIV/AIDS and violence against women, in achieving gender equality in the work place and the labor market, and in promoting the sharing of family responsibilities including; domestic work and care of the children, disabled and sick family members (UN, 2003).

This inclusive approach to gender issues is also absent in the MP which seems to be more a petition against men than an instrument for a greater and more effective integration of women in society. Article 6 (f) of the MP stipulates that a “ married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband’s surname”, “Article 6 (j), gives a married woman the right to acquire her own property and to administer and manage it freely”. This is contrary to the marriage institution where the husband and wife try to build and consolidate their union by having joint or community property in marriage. Article 14 of the MP, addresses health and reproductive rights of women to the extreme. A woman can decide alone to have children or not, the right to choose any method of contraception, and the right to medical abortion whenever she wants. These principles do not seem to be

welcomed by many social categories in Cameroon and led to the protests in 2009 against the ratification of the MP.

2.1. 1. Third World Feminists Perspectives on Gender

Bakare -Yusuf (2004), notes that discourses on Africa, especially those concerning development, promote gender analysis as indispensable to the economic and political advancement of the African future. He also observes that policies and theories have been made in its name, despite this; there has been very little interrogation of these concepts in terms of their relevance and applicability to the African situation. The Maputo Protocol faces a lot of criticism from Africans as being western inspired and thus inadaptable to the African contexts. Some African scholars have begun questioning the power of gender to explain African societies (Amadiume 1997; Okome 2001; (Nzegwe, 2001). This challenge came out of the desire to produce concepts grounded in African thought and everyday lived realities. It is hoped that by focusing on an African background, scholars will avoid any dependency on European theoretical paradigms and therefore eschew what Babalola Olabiyi Yai (1999) has called “dubious universals” and “intransitive discourse”. In the same thrust, Oyeronke (1997) interrogates gender and allied concepts based on African cultural experiences and epistemologies focusing on the nuclear family system, a specifically European form that is also the original source of many of the concepts used universally in gender research. The goal is to discover how African research can be more informed by local concerns and interpretations so as to incorporate African experiences into general theory building. Steady (2002) proposes African centered approaches based on an understanding of African socio-cultural realities, feminist traditions and philosophies. The aim is to develop gender-focused frameworks of analysis that can bring out multiple and varied social locations of African women while maintaining their specific identifies and priorities with emphasis on cultural relevance which the MP has failed to consider.

The Association of African Women in Research and Development (AAWORD) has adopted a critical approach to research, challenging Eurocentric paradigm from a feminist and post colonial perspective. AWORD calls for the decolonization of research and establishment of a cultural research agenda (Fall 1999). The Development Alternatives

for Women in a New Era (DAWN) also challenges the destructive neo-liberal model of development and its impact on women of the South. A critical assessment and challenge of Eurocentric models in the study of women in Africa is certainly necessary. Given the diversity of Africa, theoretical applications have to be developed through dynamic, multi-dimensional and heterogeneous approaches that are adjusted for contextual validity. It is also important to link theory and practice, given the empirical reality of poverty, economic exploitation and marginality in most African societies.

Meena (1992), considers the power to have one's knowledge influence the mainstream knowledge as a part of human rights: as she says; "countries in this region cannot afford to waste some of its human resources by denying more than half of the population a right to provide an intellectual import in the efforts of conceptualizing alternative development models". African feminists argue that there is a pressing need for "home-grown" theory, particularly in view of the fact that the experiences of African women differ so much from those of Western women. It is necessary to re-operationalise or reconceptualize some of the basic concepts and theories used in women studies, so as to ground them in African women's experiences and local conditions (Mama 1996).

The applicability or not of Western theories and lines of thinking in the African milieu is also a central issue in the debates regarding "Womanism" or 'feminism'. Defenders of 'Womanism' such as Mary Kolawole, argue that the Western concept of feminism does not thoroughly accommodate African women's emphasis on the bonds of the family and the importance of being a mother (Arnfred 2002). Womanists also articulate different visions of gender equality and freedom. Kolawole (1997), notes that; "The African women's conceptualization of freedom is not based on the erosion of her feminine attributes and outlook, but in asserting her feminine qualities. The African woman cherishes her role as a home-marker as well as her status as a mother and a potential mother".

On the whole, African scholars highlight the need to decolonize gender studies in Africa for the sake of adaptation and to meet the numerous problems facing Africa including; disease, economic backwardness, ill-adapted policies, poor governance, poverty, irrelevant education systems, conflict and famine. A close look reveals the genesis of these problems to the installation and presence of western institutions and forms of knowledge in Africa. In order to move forward, Africans, especially its scholars

and power holders, need to recognize this reality and map new intellectual and development strategies critical of the western agenda in Africa. Therefore, every effort has to be made to institute programs and strategies that are both friendly and useful to the African man and woman, paying particular attention to the sociological and historical contexts. African problems cannot be effectively addressed from the standpoint of European perspectives. African scholars can offer a critical platform for confronting the deteriorating African condition. Through research, African elite may have a unique opportunity to build and espouse a new identity free of western control and domination (Mamsiko, 2004). The challenge of European and American analytical frameworks have to be marginalized as articulated by Mohanty (1988), to create models to work towards social transformation while avoiding absorption into western feminist discourses which have tended to subordinate and speak on behalf of Third World women.

2.1.2. The Place of Culture in African Development Policies

Sagna (1997) defines culture as the whole complex of distinctive spiritual, material and intellectual features that characterize a society or group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being's, value systems, traditions and beliefs.

Culture is a collective pattern of living conveying the norms and values handed down from generation to generation in any society. It is dynamic and resilient, and has positive, negative and neutral attributes. It has valuable and positive assets and provides effective models for gender research that can lead to the empowerment and advancement of African women. However, because culture represents routine behavior that carries norms and values of a society, it is often not easily changed. The study of African cultures have to include an inquiry into the contribution of gender discrimination and to determine where the cultural, historical, gendered and racial markers uphold, distort and undermine the real and the authentic (Okeke, 2000).

Okeke (2000) has argued against viewing gender discrimination inherent in cultural practices as acceptable because it is the tradition. She shows how patriarchal continuities even when they contain contradictions, can support claims of the rightness of tradition. For example, the contradictions between statutory and customary law, and the weaknesses in statutory law, which can lead to the strengthening of traditional

justifications that still privilege men in relation to property rights, inheritance laws, marriage and divorce laws etc. This can result in relations of power which keep in place an inequitable social structure that privileges the dominant gender.

Steady (2001), reiterates the fact that the 1981 definition of African feminism outlines the value of African women in the ideological, institutional and customary realms; where women's power bases are partly derived from cultural values that stress the policy of the female principle governing life and reproduction through motherhood and the centrality of children. Women can also control political and ritual aspects. Women's indigenous groups can provide important leveraging mechanisms for them and are instrumental in promoting sustainable development projects. So rather than dismiss African culture as archaic, there is need to conduct more studies using culture as the paradigmatic framework that has the potential of producing action-oriented results capable of transforming society and empowering women.

2.1.3. The Male - Factor and Women Empowerment

In many of its pronouncements on gender and development, the United Nations clearly recognizes the importance of the inclusion of men and boys in achieving gender equality. Oxaal and Baden (1997) also recognize the inclusive and social transformative approach to women empowerment theorized by a number of African, African American and other Third World feminists like Alice Walker (1983) and Chikwenye Okonjo (1985) in Womanism, Molaria Ogundipe-Leslie (1990) in Stiwanism, Catherine O. Acholonu (1995) in Motherism; all of which capture central concerns in many African cultures; including negotiation, complementarity, give-and-take, and collaboration (Steady, 1987) all of which the MP apparently has totally ignored.

Kaufman (2003) also highlights the importance of the "male factor" in women empowerment by suggesting that targeting men, especially those who have a powerful role within institutions may also unlock additional financial resources and improve the overall funding levels available to meet the needs of women and girls. Men may also help to create wider consensus and support on issues which have previously been marginalized as of interest to women only (in relation to family, violence, sexual and reproductive health etc). Engaging with men may encourage the development of effective partnerships between men's and women's organizations. Such efforts may also

help to determine the position of those men who are working to preserve men's power and privilege and deny rights to women, girls, and children.

Connell (1987) adds that men are as capable as women of being caring human beings and of living in ways that are not damaging to other men, women or children. Connell stresses that there is no fundamental or biological reason preventing men from living in this way. Indeed it is increasingly accepted that men have a positive role to play in efforts towards gender equality. He concludes that "our task is to consider men and boys not just as beneficiaries of women's work or holders of privileges (patriarchal dividend) or perpetrators of violence against women, but also explicitly as agents of change, participants in reform, and potential allies in search of gender justice". Oyewumi (1997) emphasizes that "unless men's practices, attitudes and relations change, efforts to promote gender equality will face an uphill struggle.

Oxaal and Baden (1997) also express the view that empowering women does not mean disempowering men. The need to empower women responds to the growing recognition that women in developing countries lack control over resources... the realization that women have an increasingly important role to play in social and economic development has become widely accepted. Unless women are empowered to participate alongside men in the development process, development efforts will only have a partial effect. Thus empowerment strategies must carefully be defined and integrated into mainstream programmes rather than attempted separately.

Sen and Grown (1995) have expressed the view that "if human survival is the world's most pressing problem, and if women are crucial to that survival, then their empowerment is essential for the emergence of new, creative and co-operative solutions. As part of the empowerment process they propose that feminism and collective action are fundamental, but feminism must not be monolithic in its issues, goals and strategies, since it constitutes the political expression of the concerns and interests of women from different regions, classes, nationalities and ethnic backgrounds. There must be a diversity of feminisms responsive to the different needs and concerns of different women and defined by women themselves involving men as partners.

2.2. Related Feminist Theories

It is alleged that the experts who drafted the MP, were apparently influenced by a London based NGO; “International Planned Parenthood Federation” (IPPF). (HLI, 2009). They seem not to have taken the African context into consideration in drafting the Protocol because some of its provisions seriously conflict with African traditions, cultures, religions and the very set up of the society, thus rendering its implementation difficult, if not impossible. This work strongly fetches its inspiration from the views of African feminists and intellectuals who see the need of reconceptualizing gender issues in Africa, grounded in the specificities and divergence of the African environment which is deeply rooted in socio-cultural, traditional and religions beliefs and which are difficult to change by ill-adapted laws. African scholars are of the view that any developmental strategy which is not in favor of these established norms and way of being, no matter the good intention may be doomed to failure. Mama (1996) argues that there is a pressing need for “home grown” theory, particularly in view of the fact that the experiences of African women differ so much from those of western women, thus the necessity to re-theorize some of the basic concepts used in women’s studies so as to ground them in the African experience and local conditions. She further states that;

The task we face as African intellectuals is that of developing our own applications of given theories and more radically, of taking our own realities as the starting point for articulating perspectives, or even entirely new theories that emanate originally from our particular conditions and concerns instead of importing whole-sale irrelevant and ill-adapted western concepts (Mama,1997).

The centrality of the African society, which is the family, marriage and motherhood, co-existence, partnership and collaboration between men and women, are highly shaken by some provisions of the MP and this has led to continent wide protests and rejection of this women’s human rights instrument. The following Afrocentric inclusive theories in line with the perspectives of African scholars and intellectuals on gender and development are relevant to this study; Womanism, Stiwanism and Motherism.

Also, the Natural Law Theory on abortion forbids abortion no matter the circumstance. Most Cameroonians who believe in God are pro-life and support this theory because abortion is against the precept of God.

2.2.1. African-American Womanism

The term Womanism was adopted by the Pulitzer Prize-winning author Alice Walker in 1983, in her book “In Search of Our Mother’s Garden”. Walker used the term to describe the perspective and experiences of women of color. Womanism, like Stiwanism and Motherism present an alternative for black women by framing their survival in the context of their community where the fate of women and men are inextricably linked. Patricia Hill notes that “many black women view feminism as a movement that at best is exclusively for women, and at worst dedicated to attacking or eliminating men. These theories seemingly supply a way for black women to address gender oppression without attacking black men. They make it clear that the needs of the black women differ from those of their white counterparts and by recognizing and accepting male participation in the struggle for emancipation. These theories are rooted in black culture and history which account for the centrality of family, community and motherhood in their discourse. As an ideology, the impact of these theories concerns many other Third World countries and theorists especially in Africa where many sub Saharan women scholars and literary critics like Ifi Amadiume, Amina Mama, Oyeronke Oyewumi, Catherine Acholonu, Filomina Steady, Chikwenye Okonjo and Mary Modupe Kolawole (to name but a few) have embraced as an analytical tool.

2.2.2. African Womanism

Resisting the maternalistic tendencies and imperialistic methods of western feminists, and interrogating the limitation of western feminism , African women scholars have sought to name and theorize the feminisms unfolding in their environment in ways that would capture their specificity and uniqueness as well as their diverse meanings and dimensions. The question of an indigenous African theory on gender involves a dialogic or accommodationist approach, a healthy appreciation and recognition of African heterogeneity and cultures, a realistic and wholesome strategy devoid of unnecessary aggressiveness and the centralizing of family, marriage and motherhood as positive experiences for African women. This is based on the idea that feminist theory can be diversified to meet the specific needs of African females wherein gender discourse will be saved from becoming irrelevant, static, rigid and dogmatic, and thus hopefully help in solving the numerous problems of African women in Africa (Mobolanle 2009).

Womanism as seen above is not as exclusionary in terms of articulation and gender participation as western feminism appears to be. In its articulation, African Womanism is suffused with the language of compromise, collaboration, and negotiation, in practice; it invites men as partners in social change. Womanism derives its impetus and meaning from its cultural and historical context. “Womanism is black centered; it is accommodationist, it believes in the freedom and independence of women, it wants meaningful union between black women, black men and black children and will see to it that men begin to change from their sexist stand (Chidi Maduka, 2005). Womanism opposes the stipulations in the MP which call for antagonism and division between men and women.

2.2.3. Stiwanism

This theory denotes Ogundipe worldview in which women are given the opportunity to play an active part in its transformation. Ogundipe introduced this new terminology in 1994, Stiwanism from “STIWA”, is an acronym for “Social Transformation Including Women in Africa”, that is designed to discuss African women’s needs and agendas in the context of strategies fashioned in the environment created by indigenous cultures as she says; “we want social transformation, which is not about warring with men, the reversal of role, or doing to men whatever women think men have been doing for centuries, but it is trying to build a harmonious society which is the responsibility of both men and women.”

Stiwanism is fundamentally African. According to Molara, it describes an agenda for women in Africa without having to answer charges of imitativeness or having to constantly define the agenda on the continent in relation to other feminisms. She adds that Stiwanism is about the inclusion of African women in the contemporary social and political transformation of Africa. Kolawole invites women not to remain on the fringes of the system, but to penetrate the centre and be active participants of the socio-political and economic trends that can transform the society. As a phenomenon, it proposes that women get mobilized and involved in social transformation processes. It instills the consciousness among women of their relevance in the society.

Attempts by African scholars and writers to name, contextualize, and theorize African feminism is captured by the need to ensure its grounding in African cultural imperatives.

Gender inclusion, not alienation, takes center stage in this theoretical framework that creates the possibilities for women and men to become African Womanists and Stiwanists. African women's affirmation of the feminist's ideals of gender equity, social justice and their interrogation of different aspects of feminist theory and practice may contribute significantly to the development of the African continent. By developing indigenous concepts and gender theories for Africa, it is imperative for policy-makers to consider the sociological context and the perspectives of African intellectuals and writers who see the need to reconceptualize, frame, name and own these policies grounded in the African experience or legality instead of importing global concepts and theories which are of no relevance in the African environment.

2.2.4. The Natural Law Theory

Abortion is the bone of contention or the main provision, among other issues, that has led to general protest, apparent rejection and the non-implementation of the MP in Cameroon and in other African countries. Abortion, whether inflicted on the mother or upon the child (direct abortion) is against the precept of God and the Law of Nature (Alexandra, 1974). This view is shared by many religions, cultures and traditions in Cameroon, so the legalization of abortion by the MP is against the Natural Law Theory which many Cameroonians endorse.

The rhetoric on abortion continues to embattle and confuse "pro-choice" and "pro-life", "liberals" and "conservatives" alike in almost all African countries following the ratification of what some critics have termed "the Satanic Protocol" because of its Article 14, 2 (c) legalizing abortion. Many "liberals" say it is irrational and brutal to expect a woman to die so that her unborn child may live. Many "conservatives" argue that abortion can never be rationalized or permitted, as it is fundamentally immoral to kill an unborn child who is an innocent human being, no matter the circumstance or the law, regardless of the woman's health, life, incest, rape or sexual assault (Diane Irving, 2000).

The Natural Law Theory holds that *one should never directly intend to kill an innocent human being*, under no circumstances and conditions is it morally permissible: (1) for a woman to undergo an abortion procedure; or, (2) for a physician to help one of these innocents to live, by means of other and different morally legitimate medical actions, and yet permit or allow the other, unfortunately, to die (Pope Pius XI, 1930).

The "Declaration on Procured Abortion" states that "it is not the task of the law to choose between points of view or to impose one rather than another, **but** that the life of the child takes precedence over all opinions, so one cannot invoke freedom of thought **to** destroy this life"(Alexandria, (1974).

The principle of double effect is based on the fact that evil must never be directly and voluntarily willed for its own sake, and must never be willed either as an end or as a means to an end. Nor may evil ever be directly willed as a foreseen but unwanted consequence (Diane Irving 2000). This principle highlights the fact that it is morally allowable to perform an action that has a bad effect only under the following conditions:

1. The action to be performed must be good in itself, or at least indifferent. If the act is evil in its very nature, nothing can make it good or indifferent. If the action is fundamentally and inherently morally illicit, then it cannot be morally permitted regardless of any good intentions or goals, or under any good circumstances. Thus, the act of abortion in its very nature is inherently evil, because it is the intentional and direct killing of an innocent human being. This would apply to all abortions, including those in the case of rape, incest or sexual assault (and to those involving human fetal and human embryonic research, and human cloning). Therefore it is never morally permissible to undergo an abortion procedure. The principle of double effect as applied to the case of abortion renders abortion procedures morally illicit, since the action by its very nature is evil (Pope Pius XII, 1951).

2. The evil effect must not be directly intended for itself but only permitted to happen as an accidental by-product of the act performed. In the case of abortion procedures, the death of the unborn child is directly intended, and therefore is morally illicit (Ibid).

3. The good intended must not be obtained by means of the evil effects. The evil must not be an actual factor in the accomplishment of the good (Ibid). In the case of abortion procedures, the death of the unborn child may not be used as a means of limiting family size, preventing birth defects, enhancing a career, etc. Alexandria (1974). On the other hand, the curing the potentially deadly disease of cancer could be obtained by means of the morally acceptable actions of the administration of chemotherapy or the performance of a hysterectomy. The death of the unborn child is not the means used to cure the cancer.

4. There must be a serious reason for permitting the evil effect. If the good is slight and the evil great, the evil can hardly be called incidental. If there is any other way of

getting the good effect without the bad effect, this other way must be chosen (Diane Irving, 2000). In the case of abortion procedures, if the reasons are; to maintain a slim figure, to have a child of a certain sex, to prevent the birth of a child with defects, or to evade social embarrassment, these would not be reasonably grave reasons for permitting the unintended and unavoidable death of the unborn child. On the other hand, to give chemotherapy or to perform a hysterectomy in order to remove a cancerous uterus, etc., to preserve the life of the mother would be a reasonably important reason for permitting or allowing the unintended and unavoidable death of the unborn child. If there is any other reasonable medical treatment available to save the life of the mother which would not entail doing harm or death to the unborn child, then that must be chosen instead (Pope Pius XII, 1951).

It should be noted that, these examples of "other medical actions" are not morally licit unless all four conditions of the principle of double effect are fulfilled. However, the directly intended death of an unborn child by means of procured abortion remains morally indefensible, even to save the life of the mother, or for the best of intentions, or under very difficult situations, even in the case of incest, rape or assault.

A majority of Cameroonians who are pro-life and deeply-rooted in the various African cultural, traditional and religious beliefs are of the opinion that, abortion no matter the circumstance should not be legalized or even practiced. Whether inflicted upon the mother or the child, [direct abortion] it is against the precept of God and the law of nature: 'Thou shalt not kill'. The life of each is equally sacred, and no one has the power, not even the public authority, to destroy it. Those who hold the reins of government should not forget that it is the duty of public authority by appropriate laws and sanctions to defend the lives of the innocent, since those whose lives are endangered and assailed cannot defend themselves (Pope Pius XI, 1930)

2.3. The MP and the Legal Framework of Cameroon

The articles of the MP referred to here are only those treated in the study, the comprehensive text is found in appendix 1.

Table 1: The MP and Legal Framework of Cameroon

Provisions of the Maputo Protocol	The legal framework of Cameroon
<p>Article 2: Elimination of Discrimination against Women</p> <p>1. Combat all forms of discrimination through appropriate legislative, institutional and other measures ;</p> <p>a) include the principle of equality between men and women and ensure its effective application</p> <p>b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly harmful practices which endanger the health and general well-being of women</p> <p>c) integrate a gender perspective in their policy decisions, legislation, development plans, programs and activities and in all other spheres of life</p> <p>d) take corrective and positive action in those areas where discrimination against women in law continues to exist</p> <p>e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.</p>	<p>1. Recognized and effective</p> <p>a) Equality of rights for men and women is enshrined in the Constitution since 1972</p> <p>b) All these aspects are well taken care of in most policy formulations and regulations.</p> <p>c) Cameroon is party to CEDAW and is actively implementing its term in relation to discrimination.</p> <p>See comments below</p>

<p>2. Commitment to the modification of social and cultural patterns of conduct of men and women through public education, information and communication strategies, with a view of achieving the elimination of harmful cultural and traditional practices and ideas based on the inferiority or superiority of either of the sexes, or on stereotyped roles for men and women</p>	
<p>Articles 5: Elimination of HTPS</p> <p>a) Awareness raising regarding HTPS</p> <p>b) Sanction practitioners of FGM and other HTPS</p> <p>c) Support of victims of HTPS</p> <p>d) Protection of women at risk of exposure to HTPs and other forms of abuse</p>	<p>No legal provisions</p> <p>a) A great deal of educational activities and sensitization by the government and authorized NGOs.</p> <p>b) The notion of FGM is not used by Cameroon and most African legislators; what it refers to is female circumcision which is not a crime.</p> <p>c) No provisions</p> <p>d) No provisions</p>
<p>Article 6: Marriage</p> <p>a) Free and full consent of a man and woman</p> <p>b) Minimum age for marriage is 18</p> <p>c) Monogamy is encouraged and preferred and women's rights in marriage and the family</p>	<p>Marriage is governed by Civil Code Ordinance 81/02 of June 29 1981 on Civil Status. The state protects and promotes the family, the natural basis of human society</p> <p>a) A marriage contracted without free consent of both spouses is deemed null and void (Civil Code art. 65 Civil status ordinances 81/02/81)Article 54 of Ordinance no 81/02 principle of free consent to marriage</p> <p>b) Article 52 of Ordinance 81/02 stipulates minimum marriage age at 15 for girls and 18 for boys.</p> <p>c) Matrimonial regime is selected before a marriage registry official, either monogamy</p>

<p>including polygamous marital relationships are promoted</p> <p>d) Registration or legalization of marriages in accordance with national laws</p> <p>e) Choice of residence by couples.</p> <p>f) Right to keep maiden name, use it as she pleases, jointly or separately with her husband surname</p> <p>g) Equal right pertaining to the children's nationality and hers</p> <p>h) In marriage, the right to acquisition and management of property.</p>	<p>or polygamy, communal or joint and separate property</p> <p>d) All marriages are registered by a civil status registrar and the wife automatically bears the husband's surname and the husband is the head of the family</p> <p>e) The residence of the husband is that of the wife. Abandoning the matrimonial home is punishable by the law.</p> <p>f) In marriage, the wife automatically bears the husband's surname.</p> <p>g) The nationality code does not differentiate between husbands and wives as far as children are concerned</p> <p>h) Civil Code spousal obligation Ordinance No 81/02/81 allows married women to acquire and manage property</p>
<p>Article 7: Separation, Divorce and Annulment of Marriage</p> <p>Enact appropriate legislation to ensure men and women enjoy equal rights in case of separation, divorce or annulment of marriage</p> <p>a) separation. Divorce and annulment of marriage shall be effected by judicial order,</p> <p>b) women and men shall have equal rights to seek separation, divorce or annulment of marriage</p> <p>c) in case of the above, women and men shall have reciprocal rights and responsibilities towards their children</p> <p>d) right to equitable sharing of joint property deriving from the marriage</p>	<p>Divorce is regulated by the Civil Code Article 229-232 Civil Code stipulates equal rights for men and women in divorce cases</p> <p>a) Recognized and effective</p> <p>b) Equal rights for both husband and wife to seek divorce, separation etc...</p> <p>Civil Code Article 301-303</p> <p>c) Both spouses retain their rights to supervise the upbringing of their children</p> <p>d) The Civil Code guarantees complete equality or rights and responsibilities with respect to marriage and its dissolution</p>

<p>Article 9: Right to Participation in the Political and Decision-Making Processes</p> <p>1) Participative governance and equal participation in the political life of the country through affirmative action.</p> <p>a) participation in elections without discrimination</p> <p>b) equal representation in all electoral processes</p> <p>c) equal partners at all levels of development and implementation of policies</p> <p>2. Effective representation and participation of women at all levels decision making</p>	<p>1) Civil Code Article 25. Women have the right to vote and stand for elections like men. Paul Biya, “the condition of women is one of our constant concerns. Our action for women will consist in strengthening their integration into the political and economic life of the country” (1992). (affirmative action)</p> <p>a) The vote shall be equal and secret and every citizen aged 20 and more is entitled to vote</p> <p>b) Recognized and Effective</p> <p>c) Have equal access to public service and the right to be appointed in high positions in the government.</p>
<p>Article 14: Health and Reproductive Rights</p> <p>1) ensure the respect and promotion of sexual and reproductive health of women</p>	<p>Decree no 95/040/92 requires the Ministry of Health to study and implement the government’s Public Health Policy. Since 1992, Cameroon has adopted the goal of health for all by insisting on primary health care</p>
<p>a) the right to control their fertility or motherhood and family planning</p>	<p>a) Cameroon has a pro-natalist policy supported by measures that encourage births</p>
<p>b) the right to decide whether to have children, the number and spacing of children</p>	<p>b) (See comments below)</p>
<p>c) the right to choose any method of</p>	<p>c) Article 79 of Act No 80/10 of July</p>

<p>contraception</p> <p>d) the right to self protection and to be protected against STIs including HIV/AIDS</p> <p>e) the right to be informed on one’s health status and on the health status of one’s partner if infected with STIs or HIV/AIDS</p> <p>f) right to have family planning education</p> <p>2a) provide adequate, affordable and accessible health services, including information and communication to especially to rural women</p> <p>b) pre natal, delivery , post natal health and delivery services during pregnancy and while breast feeding</p> <p>c) Protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.</p>	<p>1980 stipulates that only pharmacists may sell contraceptives and Act No 90/035 of 1990 prohibits contraceptive propaganda.</p> <p>d) The Penal Code considers some illnesses dangerous, the Civil Code may be interpreted to prohibit willful transmission</p> <p>e) The 1992 Population Policy lays emphasis on sex education especially for girls concerning STDs and HIV/AIDS</p> <p>f. family planning and sexual education is available to all especially to girls.</p> <p>2a) Health centers, dispensaries and hospitals are available and accessible to all even in rural areas without discrimination.</p> <p>b) Pre and post natal health services are available</p> <p>c) Penal Code Law No. 80/10 of July 1980 (Penal Code Articles 339. 1,2.)prohibits incitement to abortion which is comparable to infanticide and punishes a woman who has an abortion as well as the person who assists her in accessing the procedure with a cash fine of from 5000frs to 1.000.000frs. or a prison sentence ranging from 2 weeks to life jail. The law permits abortion exceptionally to safe the life of the pregnant woman.</p>
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<p>Article 17: Right to a Positive Cultural Context</p> <p>a) Right to live in a positive cultural context and to participate in determining and formulating cultural policies</p>	<p>No provision</p>
<p>. Article 20: Widows Rights</p> <p>Ensure that widows enjoy all human rights by making;</p> <p>a) sure that they are not subjected to inhuman, humiliating or degrading treatment.</p> <p>b) A widow shall automatically become the guardian and custodian of her children after her husband's death unless otherwise.</p> <p>c) In case she remarries, she shall retain this right if the house belongs to her or if she inherits it.</p>	<p>The Civil Code as well as Ordinance No 81/02 of 06/29/81 relating to the organization of the civil registry authorizes the wife of a deceased the right over her share of her husband's property and to remarry after 180 days if she wishes. Judgment No 43 of January 1963 prohibits the closest male relative to automatic entitlement or guardianship of minor children, the widow has the right of custody of the children and Supreme court Judgment of June 1963 and May 1964 proclaimed sex equality. The widow is the rightful next of kin she has a right to an equitable share of property</p>
<p>Article 21: Right to inheritance</p> <p>a) Right to equitable inheritance of her husband's property</p> <p>b) The right to continue to live in the matrimonial house even if she remarries, if the house belongs to her or she inherited it</p> <p>2) Men and women shall have the right to inherit, in equitable shares, their parents' property</p>	<p>a) Equitable inheritance for men and women, as far as legislation is concerned,</p> <p>.</p> <p>b) Recognized and Effective (See comments below)</p> <p>2) Supreme Court Judgment of June 11, 1963 and May 19, 1964 authorizes girls to inherit from their parents like boys</p>

2.3.1. Comments

The legal framework in Cameroon consists of norms of national origin and international legal instruments which have been incorporated into Cameroonian domestic law. Cameroon is a party to numerous international instruments to promote respect for the dignity and integrity of the human person, both at the African level and at the global level. There is a wide range of institutions for the protection of human rights, including the Constitution and the Judiciary.

Cameroonian law gives these instruments, duly ratified and promulgated, greater authority than National Laws. The International Covenant on Civil and Political Rights and its optional protocol were ratified on June 27, 1984. Since that date, and in accordance with the relevant provisions of Cameroonian legislation, these two legal instruments, like all the other rules of international law that have been ratified and promulgated, entered into force in Cameroon and take precedence over domestic law in the hierarchy of norms (Human Rights Committee, 1993)

The 1972 Constitution of Cameroon revised in 1996 and 2009, refers in its preamble to the commitment of Cameroon to the general principles enunciated in the covenant on human rights, guarantees the exercise of individual and collective rights and freedoms for all Cameroonians throughout the national territory. Cameroon's constitution upholds the principle of gender equality. However, the country has a complex legal system comprising a blend of Napoleonic Code and Common Law, as well as Customary and Written Law. Local traditions also remain very strong and may militate negatively in the direction of women's human rights situation.

2.3.2. General Legal Considerations on Gender Issues in Cameroon

Equality of men and women under the law is guaranteed by the preamble to the 1972 Constitution, and this principle is given effect by a number of legal measures in the Civil, Political, Economic and Criminal fields. Cameroonian legislation no longer makes any distinction between men and women, who are equal in rights and duties. It nevertheless accords women certain specific rights whose exercise is governed by the Civil Code as well as by Ordinance No 81-02 of 29 June 1981 relating to the organization of the Civil Registry and various provisions concerning Personal Status. Under these

texts, a married woman may pursue a career independently of her husband, and is free to have her own bank account. If her husband dies, his heirs may not claim any right over the person or freedom of the widow or over her share of the property. After a 180-day period of widowhood, she is entitled to or can freely remarry a man of her choice.

The civil equality of men and women has been upheld in court decisions. In judgment No 43 of 16 January 1968, the Supreme Court of Cameroon ruled that the closest male relative of the deceased may no longer automatically be entitled to the guardianship of minor children, but that it was the widow's function to act as their guardian. Two further judgments of the Supreme Court rendered on 11 June 1963 and 19 May 1964 declared that, following the proclamation of gender equality by the constitution, there was no further impediment to girls inheriting from their father as male descendants.

Cameroonian women enjoy legal and civil capacity as men. Article 54 of Ordinance No 81/02 of 29 June 1981 established the principle of free consent to marriage for women as well as for men and sets the minimum marriage age at 15 for girls and 18 for boys. Since decree No 19/1245 of 24 October 1990, setting out conditions for the issuance of passports and the departure of nationals from the country, married women no longer need their husbands' permission to travel out of the country

Women in Cameroon have the right to vote and to stand for elections on the same footing as men. They have equal access to public service, and have the right to be appointed to high positions in government. Presently there are 9 female cabinet Ministers, more than 30 female parliamentarians (Human Rights Watch, 2009) and there are women Directors, Supreme Court Judges, Justices, Magistrates, Army Colonels, Captains, Police Commissioners, etc.

Women have access to all educational institutions on the same basis as men. The right to education is a fundamental right recognized by the Constitution, which affirms in its preamble that the nation shall ensure children their right to instruction. Primary education is compulsory and free. The government is charged with the organization and regulation of education at all levels. The national curriculum requirements contain no provisions that are discriminatory against women. One of the main objectives of the National Population Policy (NPP) is the promotion of basic education for all, especially for girls in order to discourage them from dropping out early and to raise their level of education and their age at first marriage to 18.

Women in Cameroon can inherit, own and manage property like men as far as legislation is concerned. There is no discrimination against them in any aspect of national life. They are represented in government, at ministerial level and in other high positions in the public and private sectors. They are actively involved in politics, economic, social, cultural and religious activities like men; the sky is the limit for ambitious and hard-working women.

2.4. Research Gap Identified

The overview of the above literature of Third World and African feminists, theoreticians and intellectuals, of the MP and the legal framework of Cameroon with regards to gender issues shows a gap in terms of contextual validity. African feminists and theoreticians insist that any attempt at addressing gender issues in the continent should not neglect the socio-cultural environment, an inclusive approach, where women and men have to work as partners and not as rivals for the well-being of all. Their approach to gender issues indicates that many factors which influence the behaviors and attitudes of Africans are inspired by traditions, beliefs and culture which can not be overlooked in any attempt to modify set behaviors and attitudes. The greatest weakness of the MP is to postulate that the African “cultural context” is inappropriate for the fulfillment of women’s rights. It directly assumes that the African environment can only deprive women of their rights and that the only way to protect and promote these rights is to change the context.

African feminists and theoreticians are of the view that gender issues in Africa should be understood, analyzed and promoted within that very African context. They insist on the fact that no foreign theory to gender issues can appropriately provide solutions or change habits on the continent.

CHAPTER THREE

METHODOLOGY

3.1. Research Design

A research design is a strategic plan of action made by the researcher that serves to bridge the gap between the research questions and the execution of the research. It is a plan that guides the researcher in collecting and analyzing data in a manner that aims at combining relevance to the research purpose with economy in procedure (Blanche, 2006).

The aim of this study is to identify the challenges to the implementation of the MP in Cameroon. In order to efficiently carry out this investigation, the researcher employed both qualitative and quantitative methods. Since the topic involves human participants, and also very sensitive issues, the researcher had to carry out interviews and focus group discussions on a one to one basis in order to understand the views the public.

Table 2: Summary of Research Design

Research methods	Data sources	Tools used	Nature of sample	Method of analysis	Sample size		
					female	Male	Total
A) Qualitative	Primary	Focus group discussion guide	High level government officials from the Ministries of Women Empowerment and the family, Justice, Health and Education, (educated married men and women) in Yaounde	Content analysis	6	6	12
			Unmarried women working in the public and private sectors in Buea		12	0	12
		In-depth interview guide	A director from the Ministry of Foreign Affairs, a representative from the Ministry of Women Empowerment, a Supreme Court Justice, a Parliamentarian, and two religious representatives in Yaounde		3	3	6
			Human Rights Expert AU Addis Ababa		0	1	1
					21	10	31
B) Quantitative		Questionnaire	Opinion makers from : religious groups (Muslims and Christians)	Descriptive survey	60	48	108
					30	34	64
			the public service		22	16	38
			the private sector, NGOs, CVOs		112	98	210
	Secondary	Document review	The Maputo Protocol, The Legal framework of Cameroon Official documents from the AU and Cameroon Newspaper articles and books	Document analysis			

The design of this study is grounded in both quantitative and qualitative analyses in order to avoid complete dependence on one method.

In social science, triangulation is defined as the mixing of data or methods so that diverse standpoints cast light upon a topic. The mixing of data types, known as data triangulation, is often thought to help in validating the claims that might arise from an initial pilot study. The mixing of methodologies, for example, mixing survey data with interviews and focus group discussions, is a more profound form of triangulation (Wendy Olsen, 2004).

To represent the bilingual nature of the country, the researcher did the survey for quantitative data collection in one English-speaking Region (Buea), and one French-speaking (Region Yaounde), of Cameroon. Since the research deals with sensitive issues the researcher did the same for qualitative data collection in order to compare and generalize findings from both methods of the study.

3.2. Methods of the Study

Both qualitative and quantitative methods are used in the study. Since the research opinions as possible from a wide population either directly through focus group discussion and interview for qualitative data or indirectly through the administration of questionnaire for quantitative data collection.

The researcher used both methodological and data triangulation. Methodological triangulation refers to the use of multiple methods to study a single problem, or the convergence of data from multiple data collection sources, looking for convergent evidence from different sources such as interviewing, focus group discussions, surveying and a review of documentary sources, while data triangulation refers to the use of a variety of data sources (Blanche et al 1999).

3.2.1. Quantitative Methods

The researcher applied quantitative methods through the administration of questionnaire to gather quantitative data; information dealing with measurements, statistics, numbers and tables to present the results of this method. The use of quantitative methods present the research with the possibility of giving precise and testable expression to inquired themes.

3.2.2. Qualitative Methods

The commitment to understanding human phenomena in context as they are lived using context-derived terms and categories is at the heart of feminist research. Feminist researchers want to make sense of feelings, experiences, social situations as they occur in the real world and therefore want to study them in their natural setting (Martin Terre et al, 1999). According to (Kvale 2006), many feminist researchers apply qualitative research methodology because it helps the social scientists in understanding and knowing the different aspects of human life, and gives voice to the common and marginalized people.

Advocates of qualitative methods argue that quantitative methods tend to obscure the reality of the social phenomena under study because they underestimate or neglect the non-measurable factors which may be the most important. The researcher used qualitative methods; by organizing two in-depth interviews with six government officials in Cameroon, and a political analyst from the AU in Addis Ababa.



Denzin and Lincoln (1994) consolidate the importance of this research methodology because it is multi-method in focus, involving an interpretive naturalistic approach to its subject matter. It involves the studied use and collection of a variety of empirical materials including interview and focus group discussion.

3.3. Study Area and Field Organization

The Republic of Cameroon is a Central African nation on the Gulf of Guinea, bordered by Nigeria, Chad, Central African Republic, the Republic of Congo, Equatorial Guinea and Gabon. Cameroon became independent in 1960. After the 1972 plebiscite, a unitary republic was formed out of East and West Cameroon to replace the former federal republic. The population is 18.879.301; a growth rate of 2.2 %; birth rate 34.1 per 1000; infant mortality rate 63.3/1000; life expectancy: 53.7; density per sq km: 39. The political capital is Yaounde, the economic capital is Douala. It has two official languages; English and French with 10 regions and a multi-ethnic population. The main religions are Christianity; 41%, Islam; 20% and Indigenous African religions; 39%.

Figure 1: Map of Cameroon



Republic of Cameroon <i>République du Cameroun</i>	
	
Flag Emblem	
Motto: "Paix – Travail – Patrie" (French) "Peace – Work – Fatherland"	
Anthem: <i>Ô Cameroun, Berceau de nos Ancêtres</i> (French) <i>O Cameroon, Cradle of our Forefathers</i> ¹	

Source: WorldAtlas, GraphicMaps.com

The study sites were Yaoundé, the political capital of Cameroon, and Buea, the Regional headquarter of the South West Region, respectively. Addis Ababa, the seat of the AU in Ethiopia was also part of the study area. The researcher employed the services of two research assistance who were acquainted with the study area and some participants to facilitate the administration of questionnaire for quantitative data in Buea and Yaounde respectively. The researcher conducted the FGD and in-depth interviews herself.

3.4. Sample Size

The population of this study is made up of educated, married and unmarried men and women purposively selected to answer the research question. For quantitative data collection, two hundred ten (210), respondents were involved, and for qualitative data, there were two focus groups discussions comprising twelve (12) discussants in each group, making a total of twenty four (24), in Buea and Yaounde, and an in-depth interview with six (6), interviewees (government officials) in Yaounde, Cameroon. The study participants in Cameroon were members of government, from the Ministries of Women Empowerment and the Family, Health, Foreign Affairs and Justice, Parliamentarians, workers from the public and private sectors, representatives from various religious affiliations and members of CSOs. In Addis Ababa, Ethiopia, there was an interviewee purposely selected from the AU, Political Affairs Department.

3.5. Sampling Techniques

3.5.1. Sampling Technique for Quantitative Approach

Simple Random Sampling technique was used in the selection of respondents because every case in the population had an equal chance of being involved in the study and could be representative of the population and generalizations are possible. Knowledgeable respondents capable of providing answers to the questions raised against in the Maputo Protocol were randomly selected from the public and private sectors and from various religious groups in Yaounde and Buea. .

3.5.2. Qualitative Sampling Technique

The of focus group discussants were selected based on purposive sampling and on their relevance in providing answers to the research questions. This was based on a careful

selection of discussants and interviewees who were well informed about the research topic. The researcher selected twenty (24) discussants and six (6) interviewees, from different Government Ministries namely; Women Empowerment and the Family, Justice, Health, Education, Foreign Affairs, Parliamentarians, religious representatives, civil servants and employees from the private sector. In Addis Ababa, one (1) male interviewee was purposively selected from the Political Affairs Department of the AU.

These discussants and interviewees were drawn from different backgrounds ranging from the private and public sectors, including the clergy in Cameroon. These sampling techniques were used in order to get the views of people from different social, cultural, traditional, educational, ideological, religious and political backgrounds concerning the problems raised in the study.

3.6. Instruments Used for Data Collection

3.6.1. Instruments Used for Quantitative Data Collection

The researcher designed appropriate open and close ended questionnaire in English, dealing with the various issues raised against the MP, targeting different social groups able to answer all the research questions. The questionnaire were divided into three categories dealing with ; marriage, sexual and reproductive issues, civil and political concerns, and social, cultural and religious issues, carefully framed to answer the research question. They were filled by two hundred (210) survey participants, mostly educated, married and unmarried men and women, who were randomly selected based on their backgrounds and relevance, and in accordance with the research topic. Advocates of this method argue that only by using it can the social sciences become truly scientific.

3.6.2. Instruments Used for Qualitative Data Collection

Focus Group Discussions

The researcher conducted two FGDs and two in-depth interview with the discussants and interviewees of the study who were purposively selected from The Ministries of Women Empowerment and the Family, Justice, Health, Foreign Affairs, Parliamentarians, representatives from religious groups and NGOs working on the promotion of women's

rights, empowerment and gender equality. These discussants had different educational backgrounds, opinions and experiences in life. The FGD discussants were educated, married and unmarried, men and women. The discussions took place in Yaounde and Buea, on February 7 and 9, between 10 a.m. and 1 p.m. respectively.

3.6.3. Validity and Reliability of Tools Used

Validity and reliability are crucial to the effectiveness of any data collection process. An instrument is generally valid if it measures what it seeks to measure. The survey questionnaire was prepared in English and its content validity was assessed by an expert in this field of study.

In order to verify the reliability of the questionnaire, a preliminary survey was done in Addis Ababa to test the clarity, reliability and relevance of this instrument. The researcher also did a preliminary study in order to identify possible problems by using a small sample of respondents before conducting the main study. The preliminary study was done through the administration of short structured and semi-structured questionnaire, and short in-depth interviews. The participants of the pilot study were some WGDD and other AU staff, some Cameroon embassy staff and other compatriots working at the Economic Commission for Africa and other organizations in Addis Ababa. The central issues dealt with were the challenges to the implementation of the MP by the Cameroon government. This centered around the following; legalization of abortion, inheritance and property ownership rights, marital issues and relationships between men and women in general. The findings did not indicate any possible difficulty.

3.7. Secondary Data Sources

The very nature of the topic necessitated the exploitation of extensive secondary or document review for a wholesome presentation of the findings. These included the Maputo Protocol, official documents from the AU and Cameroon, newspaper articles and other related literature to enrich the primary data.

3.8. Data Collection Procedure

In order to get valid and reliable data, the researcher prepared appropriate structured and semi structured questionnaire in English for study respondents. In order to collect up to date

data the researcher and the research assistants decided to distribute a maximum of 50 questionnaire a day to those who were selected for the study after obtaining their informed consent to participate in the study and assuring their confidentiality and anonymity. The researcher took time to explain the purpose of the research to the chosen interviewees and discussants, after obtaining their approval to participate, she then scheduled interviews and FGDs with them.

The main study was conducted in Yaounde, the political capital and Buea, the regional headquarter of the South West respectively in Cameroon, in February 2010. Before starting the field work, the researcher hired two female research assistance, who were university graduates in Buea and Yaounde correspondingly, and trained them on how to approach and obtain reliable data from the respondents. The various questionnaire were administered to two hundred ten (210) respondents who were mostly educated, married and unmarried men and women working in the public service, the private sector and to religious representatives.

3.9. Method of Data Analysis

The data collected from questionnaire is analyzed quantitatively and that from FGDs and in-depth interviews is analyzed qualitatively. The researcher analyzed quantitative data using tables and percentages for a vivid presentation of the results with explanations or commentaries where necessary. For qualitative findings, data collection and analysis are often not seen as two distinct phases, but occur simultaneously. The researcher recorded interviewees' and discussants' responses during the interviews and FGDs. After a thorough reading and understanding of the responses, she then proceeded in writing the research report.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND FINDINGS

The researcher has identified the articles focused on gender issues of the MP that constitute major obstacles to its implementation in Cameroon and contrasted them with the legal framework of Cameroon on gender issues in order to identify the similarities and the gaps between the two in table 1 (see page 24). Though there may be many challenges to the implementation of the MP like; lack of political will, lack of resources, lack of awareness and knowledge of the MP, and many others, the main challenges focused upon in this study are those related to provisions of the MP aimed at destabilizing the foundation of the Cameroonian society. They are identified as the following;

- ❖ Elimination of Harmful Practices (MP, Articles 5)
- ❖ Marriage Principles and Equality between Husbands and Wives (MP, Article 6)
- ❖ Marriage, Separation, Divorce and Annulment of Marriage (MP Article 7)
- ❖ Right to Participation in the Political and Decision-Making Process (MP Article 9)
- ❖ Health, Sexual and Reproductive Rights of Women (MP, Article 14).
- ❖ Right to a Positive Cultural Context (MP Article 17)
- ❖ Widows and Inheritance Rights (MP Articles 20, 21)

Quantitative and qualitative data collection, analyses and findings are limited only to these identified provisions considered challenging as far as implementation is concerned. These provisions have to do fundamentally with marriage, health and reproductive issues, socio-cultural, religious, civil and political issues. The data analysis of this study is descriptive in nature and in relation with the set objectives of the research. The presentation is in 3 parts according to themes that have been developed in the study specifically;

- A) Marital, Sexual and Reproductive Issues
- B) Social, Cultural and Religious Issues
- C) Civil and Political Issues

Table 3: Demographic Profile of Survey Respondents

Demographic characteristics	Female (112)		Male (98)		Total (210)	
	frequency	percent	frequency	percent	Frequency	percent
A. Age						
26-40	75	67	42	43	117	56
41-50	25	22	39	40	64	30
51-60	12	11	17	17	29	14
Total	112	100	98	100	210	100
B. Religion						
Christianity	76	68	72	73	148	70
Islam	36	32	26	27	62	30
Total	112	100	98	100	210	100
C. Marital status						
married	73	65	80	82	153	73
Single	24	21.5	12	12	36	17
Other	15	13.5	06	06	21	10
Total	112	100	98	100	210	100
D. Educational level						
High school	12	11	11	11	23	11
Technical/vocational	26	23	22	22.5	48	23
University	66	59	59	60.5	125	59.5
Other	08	07	06	06	14	06.5
Total	112	100	98	100	210	100
E. Employment						
Public sector	55	40	60	61.5	115	55
Private sector	18	16	16	16	34	16
Self employed	30	27	16	16	46	22
Others	09	08	06	06.	15	07
Total	112	100	98	100	210	100

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

The survey was conducted in Buea and Yaounde, Cameroon. The choice of these two towns was guided by the fact that the researcher is Anglophone, thus making Buea a suitable place for communication. Yaounde is the capital city where important decisions are taken. It is the seat of government, where all State institutions and services are found.

Table 3 above shows that there was a total of 210 survey respondents, among whom were 112 (53%) females aged between 26 and 60. Of the 112 females, 76 (36%) were Christians, 36 (17%) Muslims, 73 (65%) were married, 24 (21%) single and 15 (13%) were either divorced or widowed. 12 (11%) female respondents had high school education, 26 (23%) had technical or vocational education, 66 (59%) had university education, and 08 (07%) had other certificates or diplomas. From the female survey population, 55 (49%) worked in the public sector, 18 (16%) in the private sector, 30 (27%) were self employed and 09 (08%) did not specify their employment situation.

For the 98 male respondents, 42 (43%) were aged between 26 and 40, 39 (40%) between 41 and 50, and 17 (17%) between 51 and 60. There were 72 (73%) Christians and 26 (27%) Muslims. 80 (82%) male respondents were married, 12 (12%) were single and 06 (06%) were either divorced or widowed. 59 (60%) had university education, 22 (22%) had technical or vocational education and 11 (11%) had high school level. Most of the male respondents, 60 (62%) worked for the government, 16 (16%) worked in the private sector, 16 (16%) were self employed, and 06 (06%) made no mention of their employment status.

Thus, the survey respondents were mostly educated married women and men, Christians and Muslims, either working for the government, the private sector or self employed.

Table 4: Demographic Profile of Interviewees
(7 Government officials in Yaounde, married women and men)

Name (pseudonym)	Sex	Age	Religion	Marital Status	Educational Level	Employment Situation
Mama	Male	47	Muslim	Married	University+3	Director
Ondoua	Male	51	Christian	Married	University+5	Parliamentarian
Usain	Male	53	Muslim	Married	University	Muslim cleric
Beyala	Female	50	Christian	Unmarried	University+5	Justice
Mbeng	Female	46	Christian	Married	University+2	Pastor (cleric)
Maimuna	Female	52	Muslim	Married	University+5	Director
Ibrahim	Male	43	Muslim	Married	University+3	Consultant

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

Information on Table 4 above shows that all the interviewees, 3 females and 4 males were holders of at least a university degree, all hold high and responsible duty posts in the administration, almost all are married, except Beyala, the Supreme Court Justice. There are religious representatives from the two prominent religions in Cameroon; Islam and Christianity. These interviewees were purposely selected based on their knowledge of the research topic, and their relevance in providing answers to the research questions.

**Table 5: Demographic Background of Focus Group Discussants
(6 married women and 6 married men in Yaounde)**

	Name (pseudonym)	Sex	Age	Religion	Marital status	Level of Educational	Professional situation
1	Amadou	Male	45	Muslim	Married	University+5	Medical doctor
2	Brenda	Female	46	Christian	Married	University+5	Medical doctor
3	Peter	Male	44	Christian	Married	University	Magistrate
4	Yussouf	Male	40	Muslim	Married	Univrsity+2	Lawyer
5	Daniel	Male	43	Christian	Married	University+5	Gender expert
6	Susan	Female	52	Christian	Married	University	Gender expert
7	Alima	Female	47	Muslim	Married	University	Educationist
8	Christy	Female	45	Christian	Married	University+3	Educationist
9	Bobby	Male	54	Christian	Married	University+2	Gender expert
10	Mouna	Female	40	Muslim	Married	University+2	Legal expert
11	Gourida	Female	48	Christian	Married	University+5	Educationist
12	Aliou	Male	54	Muslim	Married	University	International Relations

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

Table 5 gives information related to sex, age religion, marital status, level of education and the professional situation of the focus group discussants. Of these 12, 5 were from the Ministry of Women Empowerment and the Family, 3 from the Ministry of Justice (legal experts), 2 from the Ministry of Health (medical doctors) and 2 from the Ministry of National Education (educationists). There were 6 men and 6 women, 3 of the men were Christians, 3 were muslims.3 women were Christians and 3 were Muslims. These highly educated focus

group discussants were aware of their legal, civil and constitutional rights, they were also aware of some international instruments to which Cameroon is signatory like CEDAW and ACHPR and the recent Maputo Protocol, etc (to name but a few).

Most of the discussants' responses were parallel to those of the survey respondents and the interviewees of the study indicating that the opinions and mind-set concerning the issues raised against the MP dealing with marriage, health and reproductive rights, cultural, traditional and religious concerns are viewed in the same way by most Cameroonians, irrespective of the level of education, religious affiliation and cultural background.

**Table 6: Demographic Profile of Focus Group Discussants
(unmarried women in Buea)**

	Sex	Age	Religion	Level of education	Employment situation
1	Female	32	Christianity	University+5	Public service
2	Female	28	Christianity	University+2	Public service
3	Female	31	Islam	University+5	Public service
4	Female	26	Christianity	University+2	Public service
5	Female	29	Christianity	University+2	Public service
6	Female	29	Islam	University+2	Private Sector
7	Female	34	Christianity	University+5	Private Sector
8	Female	27	Christianity	University+2	Private Sector
9	Female	36	Christianity	University	NGO
10	Female	40	Islam	University	NGO
11	Female	30	Christianity	University+5	NGO
12	Female	41	Christianity	University+2	NGO

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

Table 6 above presents vivid information about the focus group discussants who were 12 young unmarried educated (minimum qualification, Bachelors degree) women aged between 26 and 41 years. 5 of them work in the Cameroon Public Service, and the other 7 in the private sector and different NGOs dealing with women's rights and empowerment. There were 9 Christians and 3 Muslims. This discussion took place on February 7, between 10a.m and 1 pm in the Delegation of Women Empowerment and the Family in Buea, Cameroon. Of the 12 discussants, 6 had an in-depth knowledge of the MP and its provisions while the remaining 6 had just general knowledge about the MP following the July 2009 protest marches in Cameroon.

Table 7: Respondents' Views on Marriage and Related Issues

4.1 Information on Marriage and Related Issues

Issues	Female (112)		Male (98)		Total (210)	
	Freque ncy (f)	Percent (%)	Freque ncy (f)	Percent (%)	Freque ncy (f)	Perce nt (%)
1. Marriage proposal						
a) a man	109	97	97	99	204	97
b) a woman	00	00	00	00	01	01
c) either a man or a woman	03	03	01	01	05	02
Total	112	100	98	100	210	100
2.Preference: to be married or not						
a) to be married	104	93	98	100	202	96
b) to be single	08	07	00	00	08	04
Total	112	100	98	100	210	100
3. Parenthood						
a) to have children	110	98	98	100	209	99.5
b) not to have children	02	02	00	00	01	00.5
Total	112	100	98	100	210	100
4. Family head						
a) the husband	102	91	96	98	198	93
b) the wife	04	04	00	00	04	02
c) both	06	05	02	02	08	04.5
Total	112	100	98	100	210	100
5. Spousal relationships						
a) friendship	38	34	38	39	76	36
b) recognition & appreciation	40	36	34	35	104	48
c) not equal but complementary	34	30	26	26.5	96	46
Total	112	100	98	100	210	100

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

4.2. Views on Challenges Related to Marital and Reproductive Issues

4.2.1. Views on who should propose marriage

Survey findings in Table 7 show that marriage, mother and fatherhood are held in very high esteem by both married and unmarried men and women. They are of the opinion that men are the ones supposed to propose marriage to women. From a total population of 112 female and 98 male respondents 109 (97%) and 97 (99%), female and male respondents respectively indicated that it is normal for men to propose marriage to women.

All the discussants and interviewees unanimously said a man is supposed to propose marriage to a woman. That is the normal order of things. A woman proposing marriage to a man is the;

world upside down, when this is done otherwise, it is either an old rich woman who has lost hope in having a husband of her age who decides to buy a hungry and needy young man, and most often, there is marital infidelity on the man's part and such marriages do not usually last. Our society has not yet reached that stage where women have to buy or propose to men, we pray that it does not get there.

4.2.2. Opinions on the Importance attached to Marriage

Marriage is treasured by both female and male survey respondents, as well as interviewees and group discussants as their responses indicate. 104 (93%) female and 98 (100%) male respondents shared this view. Views of the 12 group discussants and the 6 interviewees who are all married women and men need not be over emphasized. Also the opinions of the unmarried female discussants show that most of them are aspiring to get married when ever possible. This is typical of the customs and religions of all regions of Cameroon. This is very indicative of the importance accorded to marriage. All the 98, (100%) male respondents indicated they would like to be married and have children.

4.2.3. Views on the Importance of Parenthood

Views expressed by all female survey respondents in table 7 above indicates that they all aspire to have children one day, whether married or not, rich or poor, they said that is an "identification and the only thing that is linked to a human being when she/he is no more. "We also need children to take care of us when we grow old, said an other discussant. In our society, childless women are considered 'empty calabashes' and they usually look unhappy

especially in their old age”. For motherhood and fatherhood, 110 (98%) of the 112 female respondents indicated their appreciation of motherhood and would like to be mothers whether married or not, while all 98 (100%) male respondents chose fatherhood in wedlock. The discussants interested in marriage and parenthood emphasized the fact that in almost all their families both men and women of “marriage age” were either already married, engaged or are looking forward to doing so.

4.2.4. Importance of Marriage as a Religious and Cultural Norm

Most of the discussants said getting married is in the natural or biological order, and this has to do with both religion and culture. 9 of the unmarried discussants who were Christians said the church encourages people to get married and have children in wedlock.” Go ye into the world and procreate” (the Holy Bible, 1996). They also added that the church even prohibits pre-marital sex and encourages girls and women to keep their virginity till they get married. The Muslim participants agreed with the others. Some of the discussants said culturally, marriage is an institution that is highly respected and cherished, parents are proud when their children get married, this increases their respect in society because parents who succeed in marrying their children are considered very “lucky and successful”.

The Maputo Protocol insists that “the minimum age of marriage for women shall be 18 years.” In Africa, as elsewhere, many young women become pregnant before age 18, and this situation is unlikely to change any time soon. This provision would forbid them to marry the fathers of their children, which could deprive them of the protection, income, and social status that such marriages could bring. Though true child marriage is unacceptable, it could be that a minimum marriage age younger than 18 would be more reasonable.

Two discussants were indifferent about getting married. They said marriage is “imprisonment and one loses her freedom” These discussants insisted on having their freedom to be able to do whatever they liked without any restriction or control .Asked if they aspire to be mothers and why? Their response was a unanimous “Yes”, because mothers are respected in society, it is an aspect of social fulfillment or achievement and added that “they want somebody who will take care of them in their old age”

.Table 8: More Respondents' views on marriage and related issues

Issues	Female (112)		Male (98)		Total (210)	
	frequenc y	percent	frequenc y	percen t	frequency	percen t
1. Cooking and house-keeping						
a) a wife's responsibility	90	80	96	98	186	89
b) a husband's responsibility	00	00	00	00	00	00
c) both	22	20	02	02	24	11
Total	112	100	98	100	210	100
2. Married women to acquire and manage property freely from their husbands						
a) Yes	32	29	12	12	44	21
b) No	62	55	61	62	123	59
c) It depends on the marriage regime	18	16	25	26	43	20
Total	112	100	98	100	210	100
3. Wives to bear their husbands' names or husbands wishing their wives to bear their names						
a) Yes	112	100	98	100	210	100
b) No	00	00	00	00	00	00
Total	112	100	00	100	210	100
4. Choice of residence made by the wife, the husband or both						
a) Yes	98	88.5	04	04	102	54
b) No	04	03.5	82	84	76	31
c) It depends on the situation	20	18	12	12	32	15
Total	112	100	98	100	210	100

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

4.2.5. Views on married women to use their maiden names or their husbands' names, to live in their own houses or their husbands'

From table 8 above, we learn that all the female respondents out rightly said they would want to be addressed by their husband's names, 88 (79%) would like to live in their husband's residence even if they had more comfortable houses. They added they preferred bringing the man's residence up to acceptable standards. 4 (4%) said they would not live in their husband's residence if it was not as comfortable as theirs. 10 (9%) said it depended on certain conditions. They explained that the culture does not give consideration to a man who follows the wife to live in her home for one reason or the other. If other wise, it may be better for the couple to live in a neutral place.

All 98 (100%) male respondents said their wives are supposed to bear their names, 88 (90%) said they would not for any reason live in their wives residence even if it was better than theirs.

All the discussants, who are married said it is the norm; to happily bear the husband's name after marriage. From time it has been practiced this way, so they are not going to change the rule. They said being addressed Mrs. "X" by their husbands' names is a social "status raiser". This instantly puts a "protective barrier" around a married woman.

The group discussants and interviewees shared the same views as the survey respondents on the importance attached to marriage and motherhood. One discussant said "As an African woman in general, and a Cameroonian in particular, marriage and motherhood and highly cherished". The aspirations of most group discussants were to get married and have children, for them this brings personal and social accomplishment. They said marriage brings respect and security for women. "Married women are usually treated with respect and the risk of "jumping" from one man to the other and exposure to STIs and the deadly HIV/AIDS is avoided or reduced to its minimum, added an other".

4.2.6. Opinions on the man as the head of the family.

The discussants collectively said, "Naturally the man is the head of the family" because in their respective homes, their fathers were or are family heads except in cases of female-headed families. One of the group discussants said, that is not an issue for her because

marriage is not in her agenda. 102 (91%) female and 96 (98%) male respondents respectively, recognize the man as the family head.

Responses from most female and male survey respondents in table 7 above shows that they do not attach much importance to equality with men. 70 (63%) female respondents out of 112 preferred to be recognized and appreciated by their partners to equality with them. 34 (30%) female respondents also indicated that men and women are not equal but complementary, while 8 (7%) out of 112 female participants said men and women are equal. Out of 112 female respondents, 94 (84%) and 90 (92%) female and male respondents respectively indicated that they attach more importance to recognition and appreciation of their efforts and that men and women are not equal but complementary respectively. Both female and male respondents 90 (80%) and 96 (98%) out of 112 and 98 respectively agreed that cooking and housekeeping are the duties of wives or women while 22 (20%) female and 2 (2%) male out of 112 and 98 (100%) correspondingly think cooking and housekeeping are duties and responsibilities of both women and men or wives and husbands.

Among the 12 group discussants of married women and men, the women affirmed that in spite of the high educational level and social status they enjoy in society, they still remain women and wives in their marital homes, performing their duties as wives without comparing with their husbands. Cameroon Civil Code and probably that of other African countries stipulate that the man or the husband is the undisputable head of the family, culture, tradition and religion also recognize this position.

4.2.7. Opinions on married women acquiring, managing and administering property separately from their husbands'

Findings from survey respondents on table 8 show that a majority of them, both female and male are not in support of married women acquiring, managing and administering property freely as stated in Article 6 (j) of the MP. The reasons advanced by respondents, discussants and interviewees were related to religion, culture and tradition. For religious reasons, they said the bible says a man and his wife are one, there is no need having separate property in marriage, especially in monogamous ones, this also helps to consolidate the ties of couples. Out of the 112 female respondents 62 (55%) and 61 (62%) of male were against this principle. 32 (29%) female and 12 (12%) male respondents accept that married women

should acquire, manage property freely, arguing that in polygamous marriages it is better for the wives because it prevents confusion between the wives and even the children. They further added that in case of divorce, wives would have their property intact whereas in common property regime wives usually lose almost everything in case of divorce.

It should be noted that marriage and its related issues addressed in Article 6 of the MP conflict with traditions, cultures and even religions of most Cameroonians. As indicated above, all women would like to be married and bear their husbands' names, (all husbands on their part, would like their wives to bear their names). All wives would like to live with their husbands and in their husbands' residences, many in monogamous marriages would not like to acquire, manage and administer property separately from their husbands, all women, married or single would like to have children, most women acknowledge the man or husband as the family head, they do not talk of equality between spouses, instead they hold that women and men are different but complementary.

There is much collaboration and friendship between wives or women and husbands or men. The negative cultural context that the MP describes in its Article 17, and which seems to militate against the emancipation of the African woman is an erroneous one for an outsider who does not know how the Cameroonian society functions. The impression that the African woman is completely dominated and subdued by the man or husband is a wrong appreciation from an outsider who does not understand the dynamics of power relations in the African society. It should be noted that in a typical African society, it is women who take important decisions behind the scenes in collaboration with their husbands, but the man has the public role of leadership in all respects as far as familial activities are concerned. The African or Cameroonian man is no tyrant or monster as represented by the west. They are human, educated and understanding as their western brothers. This opinion is expressed by the respondents above who are African women, wives and mothers, who appreciate their condition without any regrets. These divergent views of Cameroonians on essential issues which are considered as the foundation of the society may be difficult to compromise with the stipulations of the MP and make implementation very difficult.

4.3. Views on Abortion and Reproductive Issues

Table 9: Respondents' views on abortion and reproductive issues

Issues	Female (112)		Male (98)		Total (210)	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
1. Abortion						
a)Against due to religion and culture	70	62.5	68	69.3	138	65.7
(b) In favor of for health reasons only	30	26.5	21	21.4	51	24.3
c) Others reasons	12	11	9	09.1	21	10
Total	112	100	98	100	210	100
2. Use of contraceptives or family planning						
a) I can consider natural birth control	52	46.4	20	20.4	72	34.3
(b) I am against use of contraceptives	44	39.2	70	71.4	114	54.3
(c) I am in favor of birth control	16	14.2	08	08.1	24	11.4
Total	112	100	98	100	210	100
3. The decision to have children						
a) depends on the woman or wife	07	06	02	02	09	04.3
b) the man or husband decides	01	01	01	01	02	01
c) both husband and wife decide	104	93	95	96.9	199	94.8
Total	112	100	98	100	210	100
4. Preferred no. of children						
a) Between 2 and 4	53	47.3	42	43	95	45
b) 4 and above	46	39.3	50	51	96	46
c) Between 1 and 2	13	12	06	06	19	09
Total	112	100	98	100	210	100

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

4.3 1. Findings on the Legalization of Abortion

Table 9 shows that 70 (63%) out of 112 female respondents are against medical abortion due to their cultural and religious beliefs and 68 (69%) out of 98 male respondents are against medical abortion, also for the same reasons. From a total of 210 respondents, 138 (66%) are against medical abortion, 30 (27%) out of 112 female respondents are in favor of medical abortion for health reasons only while only 21(19%) male respondents are in favor of medical abortion for the same reasons. 12 (11%) female and 09 (9%) males advanced other unstated reasons. This shows that abortion as stipulated by the MP, is not welcomed by many Cameroonians, if at all, it is in exceptional cases that it is considered, as indicated from the responses given above.

Abortion remains a taboo subject in many milieus in Cameroon, at the penal level or at the level of the family, the society and the church, this practice is forbidden and punishable.

A majority of the discussants and interviewees said abortion is forbidden by the law and exceptionally authorized in case of rape or where the life of the pregnant woman or fetus is in danger. Some said abortion is not a good practice, because it has many health hazards on women like infertility, constant bleeding and pain etc. They said it is better for women to be careful as far as reproductive health issues are concerned, because that is the “centrality of an African Woman’s life”, added an other discussant. 10 out of 12 discussants were out rightly against any form of abortion while 2 discussants said it could be practiced if the woman does not want to keep the pregnancy for either one reason or the other. It is a woman’s right to do what ever pleases her with her body.

From all the responses above, it is indicative that almost all women and men in Cameroon want to have children whether in marriage or not. Abortion is far fetched in the vocabulary of most women, even single women, this explains why there are many single mothers in Cameroon.

Article 14, “Health and Reproductive Rights,” calls for the legalization of what would be in effect abortion-on-demand in Africa. As typically interpreted by international jurists and Western courts, the language of the Maputo Protocol would legalize any abortion for any woman at any point in pregnancy, even in the ninth month. All effective restrictions on abortion would be abolished by the Protocol. It also demands that governments promote other policies that Catholics and others believe to

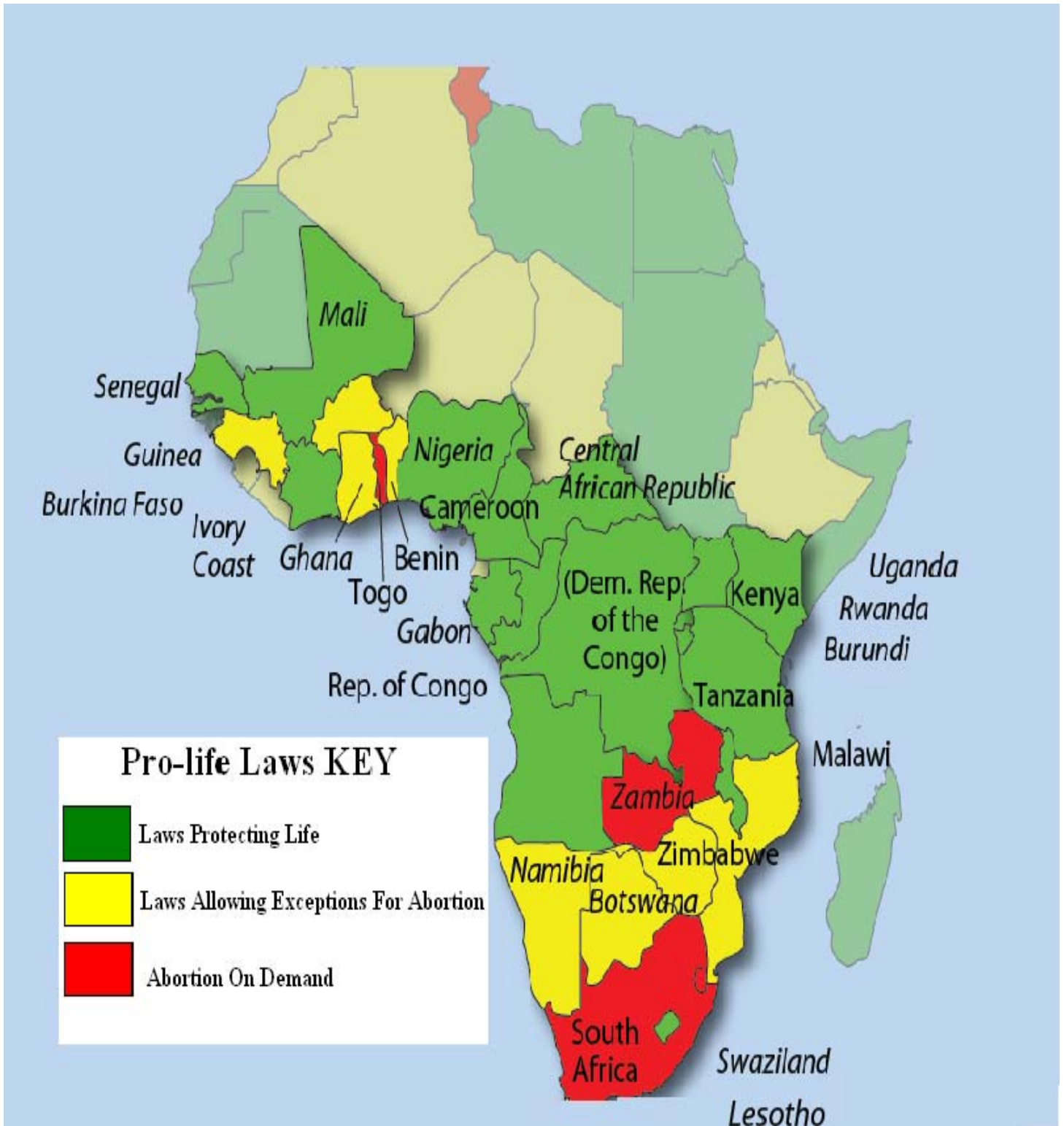
be immoral.

The Maputo Protocol, formulated with the help from the International Planned Parenthood Federation, explicitly calls for all methods of contraception, including abortifacient such as the Pill, to be provided by governments. It not only calls for allowing the killing of unborn children conceived through rape and incest, but also for the mental health of the mother. In the United States and elsewhere, this loophole has been used to justify any abortion at any time because an abortionist can claim that a woman would have been depressed or anxious if he had refused her an abortion. The Maputo Protocol means abortion on demand for an entire continent. This is the first time an entire continent will have enshrined a right to abortion.

The maps below (figures 2 and 3) give information pertaining to abortion laws in Africa and the world. The maps speak for themselves. Africa, has a huge pro-life policy. Most African countries are totally against abortion, no matter the circumstance. Out of 53 AU member States, only 4 practice abortion on demand, about 13 authorize abortion in exceptional cases and the rest are against abortion amongst which is Cameroon.

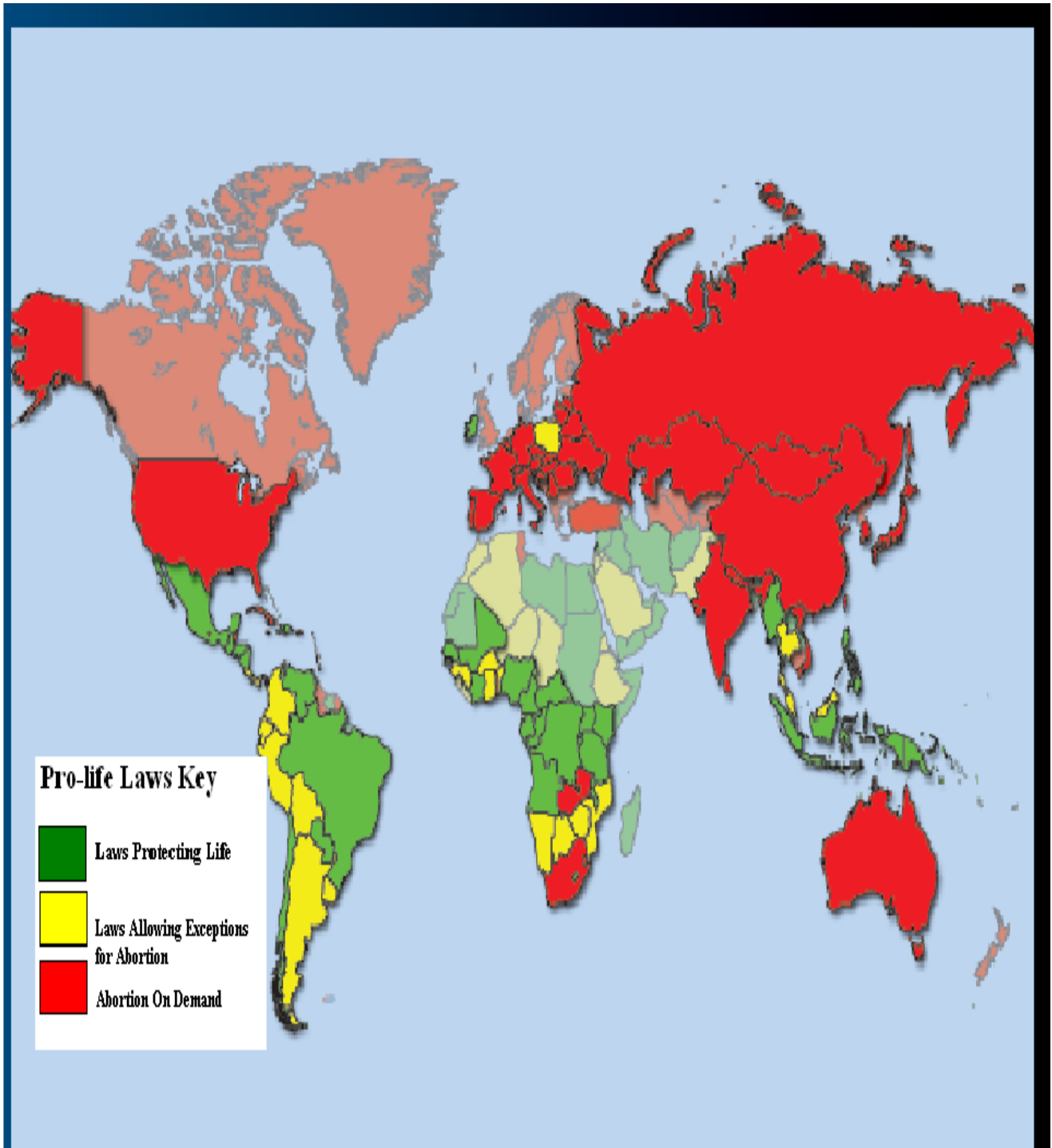
Central and South America and few Oceania countries are also in favor of the Natural Law Theory like African countries. The rest of the world is pro-abortion, for reasons best known to them.

Figure 2: Map of Abortion Laws in Africa 2



Source: ¹ HLI, 2009.

Figure 3: Map of Abortion Laws in the World



Source: ¹ HLI, 2009.

4.3.2. Opinions on the use of contraceptives or family planning

Despite awareness by women of contraceptive methods, the population in Cameroon is largely pro-natalist because of customs and attitudes that favor having large families (UNFPA/ILO Cameroon 1990).

Responses from most of the survey respondents on table 9 show that they are against the use of contraceptives, and instead preferred natural birth control. 52 (46%) female and 82 (84%) male respondents accordingly were of this opinion.

Concerning the issue of who decides to have children in a couple, the respondents on table 9, 104 (93%) female and 95 (97%) male respectively, unanimously said the decision to have children in a couple is made by both the husband and the wife and not just by the wife alone as stipulated in Article 14 1., (a), (b) and (c) of the MP. 7 female and 2 male respondents said it depended on the woman and 1 female and 1 male respondents said it depended on the man, a very insignificant number to be given any consideration.

The discussants said this issue is a very delicate one that touches the core of the Cameroonian woman and man nowadays because of the transmission of STDs and HIV/AIDS” according to Article 14 (d, e). Having sexual intercourse whether married or not at a certain age is an imperative or a “natural feeling”, but one has to protect one’s self from being contaminated and also to avoid unwanted pregnancies.

Another discussant said, from an individual point of view, one can use contraceptives for obvious reasons expressed by the first speaker, its not a problem at all, but from the religious and cultural points of view, the use of contraceptives is forbidden because religion and culture do not promote” indiscriminate and irresponsible sexual activities especially by unmarried men and women. Women and men should be able to control themselves naturally. They are supposed to have sex only when they get married.

Concerning the use of contraceptives or family planning 52 (46 %) out of 112 female respondents indicated that they preferred natural birth control to medical abortion, 44 (39%) were against the use of contraceptive and 10 (9%) were in favor of birth control or the use of contraceptives. For the male respondents, 82 (84%) out of 98 preferred natural birth control to medical abortion, while 70 (71%) were against the use of contraceptives. The findings show that an average of about 80% female and male respondents are against medical abortion and have almost the same results for the use of contraceptives.

4.3.3. Opinions on who decides to have children between couples:

Of the 112 female respondents in table 9, 104 (93 %) and 95 (97%) male out of 98 said the decision to have children in a couple has to be made by both the man or husband and the woman or wife. Thus of a total of 210 respondents 199 (95 %) were of the view that both men and women should decide whether to have children or not, the number of children, and the spacing of children. The MP gives the women the unilateral right to decide how she wants to handle her fertility without the man's opinion. This kind of unilateral arrangement can only work with single women who do not need the opinion of any body in decision taking processes in her life. Since most Cameroonian women value marriage and all it entails, they value partnership with men or their husbands, the provisions of the Protocol do not surely address their interests.

Most respondents want to have at least 4 children in the African style because of the place that is accorded to big families. 53 (47 %) female and 42 (43 %) male respondents said they would like to have between 2 and 4 children, while 46 (41%) and 50 (51%) female and male respectively expressed their desire to have 4 and above. Only 19 (9 %) Of the 210 respondents said they wanted 1 or 2 children as the modern European or western family. To encourage parents to have many children, the State gives monthly "family allowances" to parents.

The interviewees and discussants all agreed that the decision to have children concerns both husband and wife because it takes two to make a child, due to marriage the two have become one and therefore there should be consultation and harmony in a couple in everything.

The MP emphasizes that women are solely the ones to decide whether they want to have children or not, to decide to carry out a medical abortion whenever they want and alone, married or unmarried women can decide to do family planning or use contraceptives without consulting their husbands. The issues raised by the MP as regards women's reproductive and health rights are completely, contrary to views expressed by respondents, discussants and interviewees of the study.

4.4. Challenges Related to Traditional, Cultural and Religious Factors

Table 10: Respondents' opinions on traditional and cultural factors

Issues	Female (112)		Male (98)		Total (210)	
	frequency	percent	Frequency	Percent	Frequency	Percent
1. Religion						
a. Christianity	76	68	72	73	148	70
b. Islam	36	32	26	27	62	30
Total	112	100	98	100	210	100
2. Awareness and Practice of HTPS						
a. female circumcision	68	61	64	65	132	63
b. early marriage	89	79	72	73	151	72
c. forced marriage	43	38	62	63	105	50
d. wife inheritance	12	11	24	26	36	17
e. payment of bride-price	108	96	94	96	202	96
f. son preference	110	98	93	95	203	97

Survey conducted by researcher in February 2010, in Buea and Yaounde, Cameroon

4.4.1. Views on Traditional and Cultural Challenges

4.4.1.1. Opinions on Traditional Practices

The discussants said this question of traditional practices depends on individual parents, cultures and religions. They further added that, “due to cultural and religious practices of Cameroonians, the government does not interfere in these domains unless in exceptional cases. “Traditional practices like, female circumcision, early or forced marriages, payment of bride price, son preference, separation and divorce laws, inheritance and property ownership rights, widows rights etc”, still exist and are practiced in some parts of Cameroon.

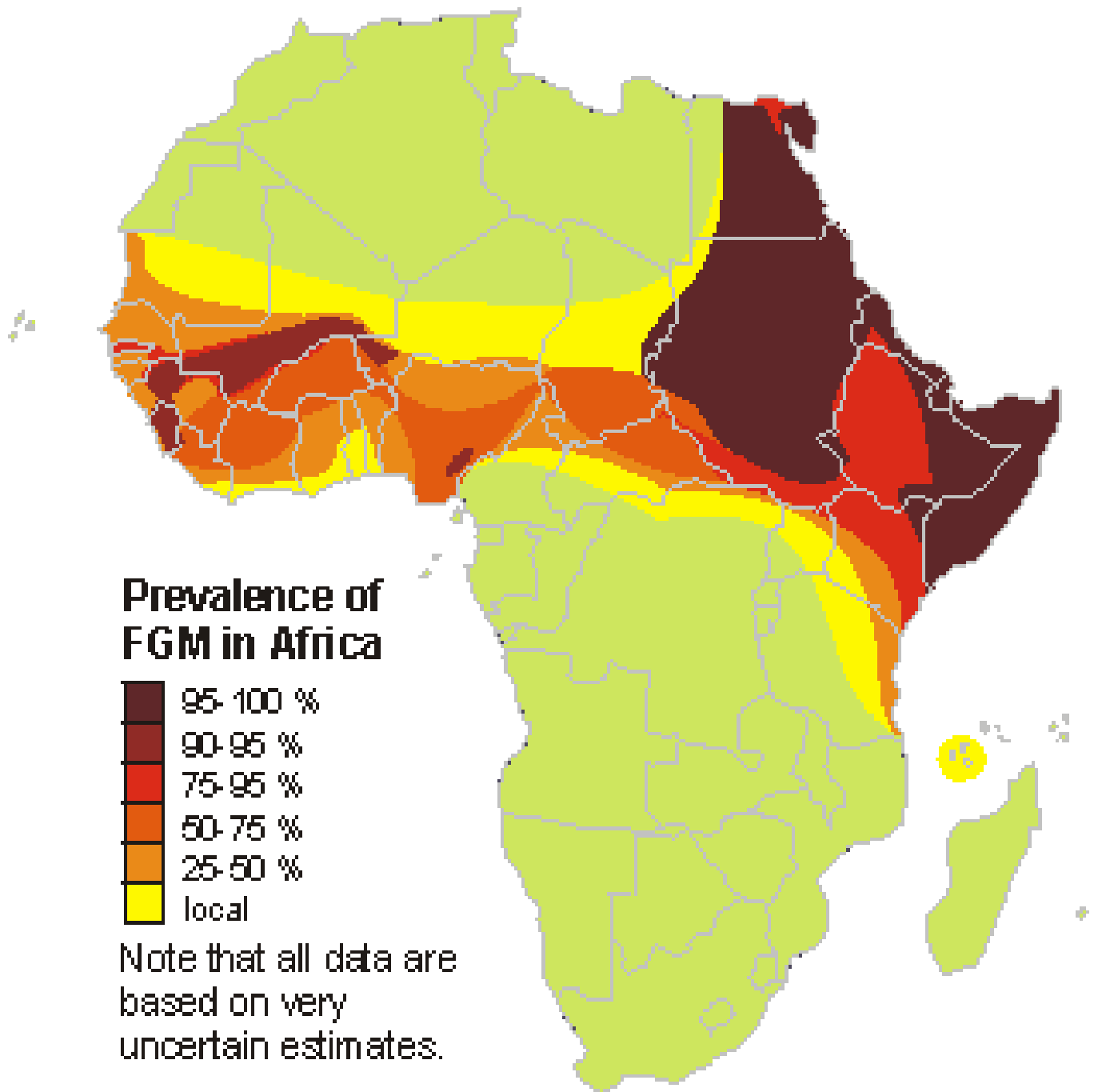
4.4.1.2. Views on Female circumcision

The findings in Table 10 above show that traditional practices are still carried out in Cameroon. Although most of the respondents are Christians, they indicated this has to do with culture and tradition. Female Circumcision (FC), savagely presented by the west as Female Genital Mutilation (FGM) is still done in the Muslim dominated region of Northern Cameroon and probably in most parts of Africa. This act is carried out by women themselves because they consider it normal for all young girls to pass through this rite into womanhood. 90 (80%) female and 70 (71%) male survey respondents are aware of its practice and existence though limited only in the northern Muslim region of the country. The MP is allegedly an instrument to fight FGM, but the entire text mentions FGM in only one sentence (The MP, 2003).

Female circumcision as it is popularly known in Cameroon is practiced mostly in the Muslim Northern region. They do it for religious, cultural and physical reasons as a strategy for controlling female sexuality, it is also believed by some Muslims to prevent promiscuity, early pregnancy and complications during child birth or labor. It is also a rite of passage to womanhood. These are possible reasons for sustaining it in society.

Another member of the group added that this practice is not only done in Cameroon, but in many other African, countries, and she thinks there is nothing wrong with it as long as those involved do not complain., for it is part and parcel of tradition and culture which cannot easily be changed, be it negative or positive, since it is handed down from one generation to another.

figure 4: Prevalence of FGM in Africa¹



Source: ¹ HLI, 2009.

4.4.1.3. Findings on Early and Forced Marriages:

Findings of the study in table 10 show that early and forced marriages are practiced nation-wide in Cameroon, No law, legal or human rights instrument is likely going to change this. Of a total population of 112 female respondents, 88 (79%) and 72 (73%) said they were aware of the practice of early or forced marriages respectively. Out of a total of 98 male respondents, 72 (73%) and 62 (63%) were aware of the practice of early and forced marriages respectively. This responses speak for themselves. The practices may be bad, but culture and tradition demands that they be practiced and no complains are reported what so ever.

4.4.1.4. Opinions on the Payment of Bride-Price

The findings in table 10 show that **the** payment of bride-price is another issue that may face tough resistance from all regions and social groups in Cameroon as it is practiced countrywide by the rich and poor, educated and uneducated, Christians and Muslims alike. This has to do with tradition and culture and has very symbolic implications for both families. Survey respondents indicated that it strengthens family ties between both the bride's and the groom's families. 110 (98%) female and 96 (98%) male respondents respectively know that bride price is a nation-wide practice and all the survey respondents, married men and women affirmed they paid or received dowry when they got married.

Concerning the payment of bride-price focus group discussants and interviewees stated that little can be done to change it because it is practiced almost nationwide, and it is symbolic, and reinforces family ties as quantitative findings indicated. They also emphasized that they paid or received dowry themselves when they got married and will do same when they will marry their own children.

4.4.1.5. Opinion Concerning Wife Inheritance

Wife inheritance is not a widespread occurrence in Cameroon nowadays as respondents indicate in table 10. It is practiced in very few regions of the country. Out of 112 female 12 (11%) and 24 (26%) male respondents are aware of the existence of the practice. Only 17% of the total survey respondents know is aware of the practice of wife inheritance in Cameroon.

4.4.1.6. Views on Son Preference

The findings on table 10 show that son preference is still on the agenda of most Cameroonians, educated and uneducated, Christians and Muslims for inheritance and the sake of family continuity. A man or woman who has only daughters is “not a happy one”. It was explained that sons assure continuity of a family in Cameroon. The data shows that the respondents who are mostly Christians and educated men and women would like to have at least a son who will continue their lineage because daughters are expected to get married and form their own families. Of the 112 female respondents, 108 (96%) expressed they would like to have at least a son, and almost all male respondents, 97 (99%) out of 98 also shared this opinion.

The interviewees and discussants all educated women and men expressed the need of having at least a son to succeed them when they pass away, they will be remembered through their son or sons. Women, especially promote this son preference because they said it gives them assurance in their marital homes. One interviewee cited the example of a couple “who had only girls and the husband blamed the wife for being unable to give him sons and ended up sending the wife away” as if the woman determines the sex of the child. There are many examples like this especially among the illiterate people.

4.4.1.7. HTPs as Causes for Girls not Staying in School as Long as Boys

The discussants’ responses indicated that this has to do with the socio economic background of the parents and girls themselves. Some girls prefer early marriage and motherhood to their education, notwithstanding their financial situations. They explained that there is time for female reproductive life while education can be achieved at all times. Some girls drop out of school because of financial constraints from their parents. Due to religion and culture some parents prefer educating their sons to educating their daughters. Most Muslim parents still believe in tradition and culture, where the woman is considered inferior to the man”. Educated Muslim parents do not discriminate between their sons and daughters, both enjoy the same rights. “As an educated person in the area, I am trying to raise awareness by educating the illiterate parents to change their perception of girls and women and invest in women as they do in boys”, said a Muslim discussant.

4.4.1.8. General Reasons Preventing Girls from Attaining Higher Education

The findings show that the discussants were not able to clearly explain the reasons why girls dropped out of school at the primary and secondary levels, but they guessed it was probably due to lack of financial support, pregnancy or early marriages. In the university, most of their classmates discontinued because they preferred marriage early in life and motherhood. Some of the discussants said some of their female classmates returned to university after they had gotten married and had children. In addition, they said they appreciated their married friends' decisions much later in life, but unfortunately, they could not "wind back the clock" to be like their friends whom they admire today. The cherished motherhood is at the heart and the need to secure a stable future is one of the reasons for girls dropping out of school early.

The Muslim respondents said in her region, especially in the rural areas most parents prefer sending their sons to school and not their daughters because girls are meant to grow up and get married as soon as possible. So educating a girl child is considered a "waste of resources".

Findings also show that some girls themselves are not very ambitious" They only want to have the minimum; most of them only look forward to getting married and having children (motherhood). You cannot blame the parents all the time, because you can "force a horse into the stream, but you cannot force it to drink water". Other discussants said they think boys are more intelligent than girls, especially in the sciences and boys are more determined and resistant than girls as far as education is concerned. The government encourages everybody to go to school, "it is left to individuals to decide their fate".

The general findings above show that Cameroonians, no matter the religious or educational backgrounds, still hold dearly to these practices which are part and parcel of the existence of the people from time immemorial. The MP is not in favor of the African practices which it considers as VAW.

4.4.2. Religious and Cultural Challenges

The Cameroonian society is still highly influenced by religions, the most dominant being Christianity (41%) and Islam (20%). In all the Christian denominations; Protestants, Catholics, Baptists etc, abortion is considered as infanticide. Following the Christian

perspective, abortion is regarded as murder, life is a gift of God, no matter through which condition it is given, thus, no human being has the right to temper with the will of God.

The Muslims share the same view and are even more radical in their conception of God's precepts. Muslims and Christians also share the same view on marriage. For both religions, the woman must be totally submissive to her husband. The Bible for instance has many passages where the obligations of the woman towards the man are clearly detailed (Ephesians 5 and Proverb 31). At the same time, the man must love his wife unconditionally as Christ loved the church. In the Christian terminology, Jesus is the husband and the church is the wife and the relationship is based on submission and full respect between the church and Christ is supposed to be the same between husband and wife.

Where Christianity parts with Islam is on conception and practice of divorce. For Muslims, a husband can repudiate his wife at any time and for any reason. A verbal declaration, repeated three times is enough to end a marriage. On the same divorce issue, the bible says that marriage is a sacrament, a Godly institution. A man and woman are bound by marriage to live together until death. The only case where divorce can be envisaged in the Christian practice is when the woman commits adultery. If adultery leads to simple divorce for Christians, the results for Muslims is stoning to death or the "Sharia law". The case of the Nigerian, Amina Lawal is very popular.

The aim of this development is not to compare Christianity and Islam, but to show how the 2 religions converge in giving the man a dominant position in his relationship with the woman. The notion of equality between man and woman is inconceivable for both religions. The idea of a woman living away from her husband is also an absurdity. Concerning the acquisition and management of property, the Bible accepts that a woman can be involved in economic activities, but as clearly stated in proverbs 31, the earnings from such activities are for the wellbeing of her family.

The African woman in general and the Cameroonian woman in particular, are still very close to this conception of reproduction. Almost no woman in Cameroon conceives of a marriage without children. Childlessness is both a curse and a shameful status. One of the primary aims of marriage is to provide offspring to the man, failure to do so even unwillingly can be a cause for divorce for Christians and repudiation or polygamy for Muslims.

On the issue of choice of partner, consent and the necessity of the girl being a virgin, both religions used to have the same attitude, progressively , and thanks to the evolution of a western-like legal system in Cameroon, attitudes towards this issue are changing mostly with Christians, while among the Muslims these conditions are still expected from young unmarried girls. This condition pushes the parents to marry their young daughters at times without their consent.

Due to all the religious principles developed above, the clergy in Cameroon, both Christians and Muslims and their followers, will remain for a long time, a strong opposition to the implementation of the MP. The Government of Cameroon has understood the issue and has opted to change behaviors through education and not through legal instruments. Nevertheless, it has been able to prescribe the official registration of all marriages by imposing on the clergy to celebrate marriages in the mosques or churches only after they have been officially registered. Of course this prescription works more in urban areas where parents, girls and boys are educated than in rural areas.

Religion more than all the other factors, will continue to constitute for a long time a radical opposition to the MP. The strength of this factor derives from the fact that it easily embraces Cameroonian tradition and culture, forming with them a sort of homogenous barrier to any attempt to shake its foundation. If education and socialization can succeed in changing behaviors and attitudes, they will not have the same effect on religious convictions.

The wave of condemnation of “Islamism” pushes Muslims to become more radical in their belief. The continuous clash between western civilization and Islam will not help to change social and cultural practices in the Muslim world. In Cameroon for instance, many new mosques and Koranic schools are being built as a result of young Cameroonian Muslims being trained in Arab countries and provided with the means to spread Islam in their country. The Muslims are thus on the defensive, by conquering more converts and by highlighting the values and virtues of this religion. In such an environment, the prospects for a radical change of behavior in a critical domain as that of women’s rights is very limited.

All said and done, it is foreseeable that Christianity, even if it remains unshakeable on the issue of abortion, it will progressively give way to changes, where as Islam will continue to present a huge front of resistance to innovations. The approach of the MP, based on the

condemnation of existing African practices without any attempt to seek compromise will not help to bring about the expected changes.

Table 11: Respondents' opinions on cultural and religious factors

Issue	Female (112)				Male (98)			
	Frequency Christians (76)		Frequency Muslims (36)		Frequency Christians (72)		Frequency Muslims (26)	
	Yes	No	Yes	No	Yes	No	Yes	No
1) Equal treatment of wives and husbands in case of divorce	33	43	03	33	28	44	04	22
Total		76		36		72		24
2. Equal property ownership and inheritance rights	26	50	2	34	21	51	02	24
Total		76		36		72		26
3) Treatment of widows in the country	34	42	00	36	12	60	00	26
Total		76		36		72		26

Source: Survey done by researcher in February 2010 in Yaoundé and Buea, Cameroon.

4.4.2.1. Views on the treatment of husband and wife in case of divorce

Table 11 shows that out of 112 female respondents, 76 (68%) were Christians while 36 (32 %) were Muslims, and out of 98 male respondents, 72 (73%) were Christians and 26(27%) were Muslims. Findings in table 11 indicate that neither Christians nor Muslims do treat husbands and wives the same in cases of divorce. Out of 76 female Christian respondents, 33 (43 %) said husbands and wives are treated the same in cases of divorce, and 43 (57%) said the treatment is never the same. For the Muslim female respondents, out of a total of 34, only an insignificant 3 (8%) said the treatment is the same while the rest, 33 (92%) said the treatment is not the same. Out of 72 Christian male respondents, 28 (39%)

said yes and 44 (61%) said no; husbands and wives are not treated equally in cases of divorce. Their responses indicated this has to do with the culture, religion, social status and educational level of those involved. The MP and even Cameroon legislation stipulate that men and women be treated equally in the case of divorce.

4.4.2.2. Opinions on property ownership and inheritance rights

As for property ownership and inheritance issues between men and women, opinions in table 11 above illustrate that 26 (34%) out of 76 female Christian respondents said these rights are the same for men and women, and 21 (28%) Christian male respondents said property ownership and inheritance rights are the same for men and women, while 50 (66%) female and 51 (71%) male respondents said the reverse. All the Muslim respondents 36 (100%) and 26 (100%) respectively said these rights are not the same for men and women due to culture and religion.

The discussants from the Ministry of Justice commented that; “concerning property ownership and inheritance rights, the law prescribes equal property ownership and inheritance rights for men and women in the country. What is practiced may possibly have to do with the traditions and cultures of Cameroonians”.

So it varies from one ethnic group or religion to another. The government can not interfere in that because it is private business The Muslims consider the woman or girl child inferior to the man or boy; this explains their male child preference and all discrimination against the girl child in education, inheritance and property ownership. Neither the government nor legal instruments are likely to easily change these habits which have existed from time immemorial. Some of the women said they consider some of the provisions of the Protocol as western cultural impositions on Africa which may end up destroying the Africans or Cameroonians if applied blindly by women in society.

4.4.2.3. Findings on the treatment of widows

Equally, both men and women, Christian and Muslims, acknowledged that widows are treated differently in different parts of the country because of religious and cultural beliefs. Table 11 above shows that of the 76 Christian female respondents, 34 (49%) said yes and 42 (58%) said no. Of the 72 Christian male respondents, 12 (17%) said yes and 60 (83%) said no. For female Muslims respondents, 33 (92%) out of 36 said the treatment is not the same, it

largely depends on the individuals concerned. The male respondents 22 (85%) were of the same view.

As earlier mentioned, Cameroon legislation guarantees equality between men and women and there are specifications in the Civil Code concerning divorce, inheritance and property ownership rights, but these issues are not really respected as stipulated by the law because they have to do with religions and cultural beliefs to which the State cannot interfere. It may not be possible for the Maputo Protocol to change these traditions, habits and religious beliefs of the people which have existed for a long time and which the national and other international human rights instruments have been unable to change.

4.5. Comments on Some Traditional African Practices

Like the traditional African value system, most traditional African practices are fundamentally male – oriented, biased against women and gender-insensitive. It is upheld as a traditional practice in many parts of Africa for girls as young as seven to be married to men old enough to be their fathers, and in some cases, grandfathers. Parents determine who marries their daughters before they are old enough to decide for themselves (early and forced marriages).

Previously, with the payment of bride-price, a girl was supposedly “bought” and automatically became the property of the man, who could use, mistreat, and dump her when he deems fit. Nowadays, that is changing. Bride-price today reinforces ties between families. Polygamy is another traditional custom that prevails in Africa. Men are licensed to marry as many wives as possible. In fact, in many communities, men measure their wealth and influence by the number of women (wives) they have and control. It is regarded as a taboo, however, for a woman to have more than one husband (polyandry). In the event of the husband's death, the woman is subjected to several gory and excruciating traditional funeral rites popularly known as widowhood. This is a period of mourning, which lasts one, two, or more years commencing with the death of a woman's spouse. During this period, a woman is made to walk barefoot, with a haggard and unkempt look, and wears rags or black clothes. She is not allowed to wear earrings or even smile and she has to cover her hair. As part of the tradition, the eldest man in the family inherits the woman. Otherwise, she is evicted from the husband's house with her children, and her property is confiscated.

It is estimated that Female Genital Mutilation (FGM) is practiced on approximately two million women a year worldwide (HLI, 2009). The practice of (FGM), otherwise known as female circumcision, prevails as a tradition in Cameroon in particular and in Africa in general. This process entails the partial or total cutting away of the external female genitalia. Traditional healers, birth attendants, or elderly women usually carry out the practice. The procedure is often carried out in a septic environment with crude instruments such as knives, razor blades, and broken glasses, without anesthetics, or, at best, herbal medication to check bleeding and lessen pain. This crude and hazardous procedure is grounded in and surrounded by various myths, misconceptions, and superstitious beliefs. For instance, the ritual is performed as a rite of passage, for preparing young girls for womanhood and marriage. Many also believe that it prevents a woman from having stillbirth.

4.5.1. Traditional African Value System on son preference.

Africa is an intensely patriarchal society. Men dominate the socio-economic and political machinery and organizations. Men are regarded as natural leaders, who are superior and born to rule over women. Women are considered the weaker sex; extensions of men and secondary human beings. The pride and dignity of women is derived from and dependent on men. Hence, African societies attach more value and importance to male children than to female children. No woman is regarded as complete or even real until she gives birth to a male child. Delivering a son gives her pride and a good place at her husband's home. It is said that “every married woman stands with one leg in her husband's house until she gives birth to a male child”.

4.6. Views on Civil and Political Issues

Table 12: Respondents' views on civil and political issues

		Female (112)				Male (98)			
	ISSUES	Yes Freque cy	%	No Freque ncy	%	Yes Freque ncy	%	No Freque ncy	%
1	Equal chances and opportunities between men and women	82	93	30	27	70	55	28	46
2	Equal representation of men and women in government	52	46	60	54	31	32	67	68
3	Equal representation of men and women in parliament, Judiciary, law enforcement , military etc.	40	36	72	64	28	29	70	71

Fieldwork conducted by researcher in February 2010 in Yaoundé and Buea, Cameroon.

Civil and political rights of women do not really constitute a challenge in Cameroon because women and men have equal chances and opportunities, even if, due to social and psychological reasons, men continue to have a lead in politics. The main obstacle to women's involvement in public sphere activities is linked to their socialization. A survey was conducted to inquire how Cameroonians, especially woman, feel about females' participation in politics and other civic duties and responsibilities.

4.6.1. Views on men and women having equal chances and opportunities

Respondents' opinions in Table 12 show that Cameroonians all enjoy equal chances and opportunities. 82 (73%) female and 70, (71%) male, respectively affirmed that women and men have equal chances and opportunities in the political arena as well as in other fields. Although men and women have equal chances and opportunities deriving from the

Constitution in all aspects of national life, there are more men than women in the public and private sectors, especially at the higher echelons. The explanation to this phenomenon is probably in relation with culture, traditions and religion.

As far as enjoyment of equal chances and opportunities by women and men are concerned, the legal experts and group discussants from the Ministry of Justice were of the view that “The Cameroonian woman is absolutely equal to the man as far as all legislation is concerned. Women and men have the same constitutional, civil and business rights. They have equal employment rights and opportunities in the public service, equal inheritance and property ownership rights. In brief, women are entitled to all the rights enjoyed by men”. For example, the Cameroonian woman working in the public service, and having the same grade with a man, earns the same salary. Since 1991, she is entitled to the same allowances; housing, family, and all other benefits which used to be men’s privileges. In the same vein, a husband can no more legally prevent his wife from traveling within or out of the country as was previously the case”.

The law in Cameroon does not recognize repudiation. This a measure to protect muslim women’s rights as most marriages in their communities are celebrated following customary and traditional practices. The judicial system is supported by traditional courts which testify the existence of such marriages in case of divorce, and oblige the man to fulfill his responsibilities.

In view of discouraging such practices, the government has undertaken to organize and celebrate “mass marriages” involving various social groups, mostly people from the rural areas and persons with limited financial resources. No legislation in Cameroon forbids women from engaging in business, own land, or any other property, or to participate in politics. Thanks to education, and the legal environment, the practice of dowry payment from its previously rigorous standards, where the groom had to pay huge sums of money “as if he was purchasing a marketable item”, has been reduced to a symbolic act. Religious leaders, both Christians and Muslims, can only celebrate a marriage after the couple has officially been married.

4.6.2. Opinions on whether there should be equal representation of men and women in government

Male and female respondents in table 12 above, 60 (54%) and 67 (68%) respectively, said there should not necessarily be equal representation of men and women just for the sake of it. The number of educated women is not up to that of men to enable such parity even if affirmative action is considered. They suggested that women are better advisers in the background than in the forefront as public figures. They also alleged that women do not have enough stamina to face tough political challenges, criticism and opposition”.

4.6.3. Should there be equal representation of men and women in parliament, the judiciary, law enforcement, the military, etc?

Table 12 above shows that 40 (36%) female respondents agreed that “what a man can do, a women can also do”, while 72 (64%) said no, these are not professions for women. God made man and women to be different but complementary. The male respondents also shared the same view, 28 (29%) said “yes”, while 70 (71%) said “no”, that they need qualified people to govern and not just representation of equal number of men and women. Women themselves think that women have their sphere of influence and men have theirs. These responses are indicative of the socialization process of women and men in Cameroon in particular, and Africa in general.

Table 13: More respondents' opinions on civil and political issues

	ISSUES	Female (112)				Male (98)			
		Yes Freque ncy	%	No Frequen cy	%	Yes Frequen cy	%	No Freque ncy	%
1	Women's free and equal participate in the public or political activities	20	18	92	82	12	12	86	88
2.	Men are better in politics than women	96	86	16	14	88	90	18	18
3	Better leadership skills between women and men	26	23	86	77	8	8	90	92
4	Better decision makers and leaders between women and men	96	86	16	14	78	80	20	20
5	Preference of leader in politics								
	a) a female.	89	79	23	21	80	82	16	16
	b) a male	14	13	98	88	16	16	82	84

Field data collected in Yaounde and Buea, Cameroon, in February 2010

4.6.4. Opinions on whether women participation freely in politics as men

The findings in table 13 above show that both women 92% and men 88% agree that men and women do not participate equally in politics, advancing reasons like division of labor and roles. They added that public sphere or politics is better for men than for women, only 20 (18%) female respondents and 12% male respondents said women do participate in politics equally as men. The male respondents argued that women have other preoccupations like reproductive activities, which require their presence in the home rather than spend their time elsewhere. They forwarded almost the same justifications as women themselves.

4.6.5. Opinions on whether women and men have equal leadership skills

Female and male survey respondents in table 13 affirmed that men are better leaders than women, forwarding reasons like “women are emotional and cannot take good decisions”, or “they do not resist political attacks from opponents as men do”. 86 (77%) of female respondents and 90 (92%) of male respondents said women and men do not have equal leadership skills. Politics is more a male domain than a female one. They even went as far as citing the few examples around the world concerning the few female heads of State and Government like Ellen Johnson S. of Sierra Leone, Gloria Aroya of the Philippines, and United States of America’s Secretary of State, Hilary Clinton.

4.6.6. Views on preference between male and female leadership

Both female and male respondents in table 13 above preferred male to female leadership. 82 (79%) female respondents and 80 (82%) male participants were of the opinion they would like to have a male leader while 23 (21%) female and 16 (16%) male respondents respectively would like to have a female leader. From the responses above, it is seen that women themselves are not comfortable under the leadership of their sisters, and may not likely to vote for female candidates in case of competition.

4.6.7. Opinions on whether women or men are better decision makers

The trend is the same for both male and female survey respondents as in the other issues discussed above in table 13 concerning politics. 96 (86%) female respondents said men are better leaders than women and 78 (80%) male respondents were also of the same opinion .

Looking at the data, one would expect women to support their “sisters” in certain issues, but the general tendency is that they support the male candidates. This is not a new trend in Cameroon. The socialization process, the mindset, tradition, culture and even religion, have much to do with the behavior of men and women in society.

The MP in its Article 9, insist on women’s right to participate in the political and decision-making processes. Total engagement in politics is not the concern of the Cameroonian woman. The MP seems not to have taken the African socio-logical environment into account in its formulation and spirit. The issues that the Cameroonian man or woman hold to dearly, like marriage, parenthood, religion and culture, are not given due consideration by the MP. My interviews, group discussions and responses from

questionnaire indicate that Cameroonians do not really need the MP to continue with the process of women empowerment. They affirm that most of the issues targeted in it have been taken care of by the Cameroon Government to a large extent. This can be clearly seen in table 1. They shared the view that the MP if implemented in Cameroon would instead lead to a break down of the society and its culture. The harmony that reigns between men and women will be shattered. They expressed fear that the exaggerated focus of the MP on women alone may push men to become hostile to the process of women's emancipation. They said they do not need the "western inspired, satanic Maputo Protocol".

Feminists claim that quotas that help women to get jobs and discriminate against men are good. Every wife and daughter of a man who is denied a job, promotion, or benefit suffers as well. Since many women and children depend on the father of the family for their primary income, they suffer all the more from sex preferences.

Homemaking mothers and their children suffer most from this. Therefore, sex preferences discriminate against intact traditional families in favor of single persons and non-traditional families. Not only is the Maputo Protocol full of phrases about "affirmative action" for women and "the promotion of women" that mean discriminating against father-headed families, but it calls for equal representation for women in certain career areas even though far more women than men prefer to stay at home. The Maputo Protocol demands "that women are represented equally in the judiciary and law enforcement organs."

4.7. Discussants' Reflections on the Maputo Protocol

4.7.1. Opinions on whether the MP can help in the promotion of women's rights

The group discussants through one of them said;

the Protocol will not positively impact women who are already enjoying equal rights and opportunities with men, equal constitutional rights, I can go on and The Maputo Protocol is not really different from CEDAW apart from its Article 14 which is meant to curb the demographic growth of Cameroon or Africa by authorizing and legalizing abortion under all circumstances. The Protocol also gives women exclusive reproductive rights which do not permit Complementarity with men, and worst of all, it discourage marriage which many women treasure.

The discussants pointed out that Article 14 dealing with sexual and reproductive rights is the main problem as far as they are concerned. Article 14, 2 (C) legalizes abortion.

Religion, be it Christianity or Islam are against abortion and that as mothers, we would not want our daughters to (bear in mind they can) be involved in abusive or indiscriminate sexual activities knowing that they can resort to medical abortion if they become pregnant. The Constitution is very unambiguous on that point abortion is illegal and punishable under the law, unless in exceptional cases of rape, or where the mother's health or that of the unborn child is at risk added the medical doctor. Although abortion is illegal we cannot say that women do not perform it. The Cameroonian women does not have much to gain from the Protocol because most of the issues or provisions in the document have already been taken care of by the Constitution, CEDAW and other international instruments that Cameroon has ratified.

The discussants said they were of the view that “the Protocol is not African inspired because it has not taken the diversity of the African continent into consideration, some of the provisions can not be domesticated, internalized and implemented in Cameroon because of the various traditions, cultures and religions”.

4.7.2. Views on the suitability and applicability of the MP in Cameroon

The discussants from NGOs said;

the MP as a complement of CEDAW is good in that it reinforces the rights of women and their process of empowerment, but the main problem is with Articles 6,7 and especially 14 which to our understanding led to protest marches and rejection in Cameroon and many other pro-life African countries which had ratified it. I believe Cameroon and other African states are still under populated, there is no reason to control population growth. Our resources can take care of us if we are allowed to manage them ourselves. Americans and Europeans want to erode all African values, this document may not be African inspired.

Another discussant added that;

Women are well integrated in the society in all aspects of national life. The MP

can easily lead men to oppose women's empowerment because it over focuses on women provoking rebellion in men, one has to critically analyze this "so called Protocol". The Maputo Protocol is against African cultures, traditions and religions which are pro-life and it targets only the educated few, how is it going to impact the rural and illiterate women who make up a majority of the female population? The government has to address many social groups before ever considering the implementation of this document, if at all.

4.7.3. Cameroon Government's reaction to the July 2009 protest against the ratification of the MP, its implications and the way forward

The government officials (interviewees) said this allegation and claims that the government by ratifying the MP had legalized abortion and homosexuality in Cameroon were unfounded because homosexuality is not even mentioned in the MP and it remains an illegal practice in the country which is punishable.

For abortion, the government's population policy is pro-natalist and the Penal Code clearly forbids abortion unless in exceptional circumstances. The Minister of the Ministry of Women Empowerment and the Family said that;

"In fact article 337 of the Penal Code, which deals with abortion severely sanctions this act, which can only be undertaken in the case of pregnancy resulting from rape, and this with the authorization of the court, as well as for medical reasons as stipulated by article 339 of the Penal Code. The government has not, and will never legalize abortion. The problem is this document is not yet well-known by many people and the government through State television, CRTV, is sensitizing the public and raising awareness on its content. The Penal Code is very clear on abortion and stipulates punishment to all women and those who assist them in carrying out a medical abortion without respecting the exception of this rule or those who go against the law. Officials from the Ministry of Women's Empowerment are trying to sensitize and raise public awareness about the MP, as for now, we can not talk of implementation, until when serious

domestication is done then will the government figure out what to do.

The Parliamentarian added that during discussions leading to its ratification, the National Assembly was divided on Articles 5, 6, 7, 14 and a number of others because many Parliamentarians raised concerns on its implications and subsequent repercussions on the public.

4.7.4. Views on the possibility for the government to ever implement the MP

The discussants said, the MP is just one of those documents ratified by the government, but which may likely not be implemented for “sociological reasons”. They said their knowledge of Cameroon’s ratification of international instruments and their non implementation leaves them indifferent, and that as far as they are concerned, the MP will not change their situation which they consider satisfactory in terms of their enjoyment of equal chances and opportunities and their total recognition of their contribution and integration in the process of national development. They instead expressed their fears concerning some provisions of the Protocol which they pointed out, if adopted blindly, may destabilize the harmony that reigns between men and women in Cameroon. They also stated that the MP focuses only on woman, as if women exist in a different world from men, or men’s conditions are better than women’s, indirectly frustrating the men and even pushing them to oppose the process of women empowerment which most men stand for. The government is aware of the importance and contribution of women in development. Women make up more than 50% of the population in Cameroon, so they are a force to reckon with.

From the responses above, we gather that the government is doing all it can to empower women. The interviewees corroborated the data on the legal system of Cameroon presented earlier in the study, which guarantees equality between men and women in all aspects of national life, women are not discriminated against, they are fully integrated in all activities. There are many State initiatives aimed at encouraging women’s participation in economic and social activities. Cameroon is party to many international human rights instruments dealing with women’s human rights. The interviewees also reiterated the position of the government concerning abortion which was presented in detail above.

By ratifying the MP, the government officials indicated that “abortion has not and will not be legalized”, as it remains a criminal act punishable by the Penal Code, but abortion is

exceptionally authorized only when the life of a pregnant woman is threatened and in case of rape. Concerning the implementation of the Protocol, we gather that it is not yet on the agenda of the government, so any interpretation can be forwarded; either as non implementation or it has been sent to the archives as many other documents. This leads us to ask if the government was aware that Article 14. 2 (c) of the MP legalizes abortion which seriously conflicts with the position of the Penal Code and that of cultural and religious beliefs on this essential issue in the lives of Cameroonians before ratifying the Protocol?

In an interview with a prominent figure of the Cameroon judiciary system, member of the Supreme Court, and the Supreme Council of Magistracy, it was clearly indicated “that the MP will die a natural death” because no responsible African Government will undertake to implement such a Protocol.

4.8. In - depth Interview with an AU Staff in Addis Ababa

Since this study deals with the MP, a legal instrument of the AU, it was necessary for the researcher to interact with the AUC. The researcher had an in - interview on March 16, 2010 at the AU premises from 10 am to 12 noon with an AU human rights expert.

4.8.1. On the practice of gender equality at the AUC since the adoption of the MP in 2003 and the SDGEA in 2004

The expert said the AUC has started implementing this principle by undertaking a 50 – 50 representation of men and women at the level of its Commissioners and the Court, and it is trying to take this example to other areas. He added that a simple glance at the various departments speaks for itself. Obviously, there are more men than women in almost all AU departments, except the WGDD where there is a single man in the whole department, and who is a mere clerk. The AU does not practice discrimination against women in its employment policy, but it is just that women are not qualified in all fields of studies as men, which is normal in Africa where women are more involved in reproductive activities in the home or community than in education and career preference. He added that there are more educated men than women in many professions, may be, this has to do with the culture and tradition that emphasizes male supremacy . . . African women have to work hard in order to fill the gender gaps that exist in society. The AU is encouraging women with the adoption of

policies aimed at granting, promoting and protecting their rights. The process has to be gradual, “Rome was not built in a day”, he added.

4.8.2. On the importance of the MP among other AU legal instruments

In his answer, the expert indicated that he is positively surprised by the choice of the topic, because it is the very first time that a study is being entirely dedicated to the MP. He revealed that whenever the Maputo Protocol was mentioned in any meeting, it raised many questions and concerns which have not been addressed so far. As an example, he talked about the last AU/EU college to college meeting in Brussels, Belgium in March 2010 and an AU meeting in Banjul, The Gambia, during the same period. On these two occasions, participants in the meeting asked questions as to why the MP which deals with the promotion of women’s rights is hardly mentioned during meetings or seminars on women’s rights in Africa. There were also questions on the reasons for its apparent negative response by African countries where this Protocol was ratified and so far no answers have been given.

4.8.3. On the interaction between member States and other concerned bodies on the implementation of AU legal instruments with special emphasis on the MP

The interviewee very much regretted the fact that there is very little interaction or collaboration between the WGDD, especially women human rights institutions and other organizations on the continent. He further indicated that apart from very few annual reports submitted by member states on women’s human rights situation, and which are not even circulated within the AU system, very little is done in terms of promotion of women’s rights in Africa.

4.8.4. The interviewee’s opinion on gender equality in Africa

The interviewee said though he is involved in human rights activities, he does not actually believe in gender equality. Apart from equality before the law, equality of chances and opportunities, equality in human rights protection, the search for equality between men and women at least at the present stage of Africa’s civilization remains a utopia and a vain or hopeless search or activity. He stressed the fact that African women attach much importance to marriage, even on polygamous basis is a sign that the struggle of the African woman is

focused more on the recognition and protection of her rights and her involvement in social activities than on becoming equal with or to the man.

Citing the examples of Arab countries, he indicated that the fast growing pace in the education of women has made them to be able to occupy many important posts in the public and private sectors. At the same time, their favorable social and economic position which is marriage and motherhood has become a burden for them and they are desperately looking for husbands. This situation, he explained, is due to the fact that in these countries where Islam is the dominant religion, motherhood is not separated from marriage. This example shows that women's social fulfillment in Africa is felt more through marriage and motherhood as all the answers related to Articles 6, 7 and 14 discussed above indicate than through education, employment or wealth acquisition.

At the end of the interviews and discussions with some AU staff, it is possible to insinuate that, they do not really seem to believe in equality between women and men which they are struggling to realize at the AU and probably are not expecting any results concerning (complete) implementation of the MP by member States.

From the discussion above, it can be concluded that women and men in Cameroon do not approve of the way the MP addresses women's rights, especially matters dealing with the social status of women, marital and reproductive issues. Cameroonians consider these issues the basis of the society. They consider Article 14, 2 (c) legalizing abortion as an example of "western social engineering imposed on Africa by IPPF in order to reduce its population. Women believe in equality of chances and opportunities and do not want to be like men, they believe that men and women are different but complementary and that both have to work together as partners for the advancement of the country.

CHAPTER 5

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Summary

The study was focused on the challenges faced by Cameroon Government in its attempt to implement the Maputo Protocol. The work outlines that opposition to the legalization of abortion is not the main issue, there are also some provisions relating mostly to marriage, motherhood and the social status of women, which constitute serious obstacles to the implementation of the “Women’s Protocol”.

The researcher used both quantitative and qualitative methods with appropriate sampling techniques to investigate the challenges faced in the implementation of the MP. To this end, the researcher formulated suitable questionnaire for 210 survey respondents, organized 2 focus group discussions with 24 group discussants in Buea and Yaounde, held 2 in-depth interviews, 1 with 6 government officials in Yaounde, Cameroon and the other with an AU official in Addis Ababa, Ethiopia.

The findings suggests that there is a great divergence between the approach to gender issues as stipulated in the MP and the conception and perception of women’s rights in Cameroon. The study further indicates that the provisions on marriage and motherhood seem to be purposely designed to weaken these two pillars of the Cameroonian society. The study also underscores the fact that many provisions of the MP clash with the cultures, traditions and religions which are the foundation of the society.

Postulating that marriage and motherhood are highly valued in Cameroon, the study argues that attempting to undermine this social institution and promoting abortion could be perceived as part of a global strategy aimed at reducing the size of the population of the country. It thus confirms the allegations that the MP was really inspired and influenced by IPPF, which champions or promotes abortion all over the world.

The emphasis on equality between men and women has proven not to be a major concern for Cameroonian women as evidenced in many interviews and FGDs. 89% of survey respondents agreed that cooking and household chores are the duty and responsibility of the woman or the wife, though the man or husband can assist whenever he wishes. Their

struggle is mostly for recognition of their contribution to development, integration and promotion in all sectors of activities and to have equality of chances and opportunities with men. Cameroon's gender approach is based on gender equity and empowerment. Through most of its provisions the MP links African traditions with harmful practices. This is a clear suggestion that African traditions do not recognize women's rights. The call for the promotion of a "positive cultural context" in article 17 of the MP is testimony of such a biased perception of African culture, values and practices.

Provisions emphasizing the unilateral rights of women to control their fertility, to do medical abortion for mental or psychological reasons, the rights vested upon them to choose to bear or not their husband's name, to live in a separate home, to acquire and manage property without their husbands' consent, were interpreted by research participants as a way of discouraging marriage and creating tension in couples.

The study has gathered enough information attesting that the family remains an irreplaceable pillar and a fundamental institution for Cameroonians. 66% of all the survey respondents indicated they are against medical abortion, 24% accept it for health reasons only, and 54% said they are against the use of contraceptives. 96% of the respondents affirmed the importance they attach to marriage and 100% of female respondents said they bear or would like to bear their husband's name. 100% male respondents would like their wives to bear their names. 99.5% of the respondents said they would like to have children whether married or not. About the same percentage 93% recognize the authority of the Bible and the Koran which grant the man a leading role in the lives of couples. Most of the study participants due to religion, culture and tradition hold dearly to some traditional practices like son preference, 97%, and the payment of bride-price, 96%. A majority of the study participants attest that although there are no barriers for women to participate in politics, they consider that domain better and appropriate for men than for women. The MP calls for equal representation between women and men in all decision-making processes, and even suggests affirmative action.

The research has also demonstrated that the MP is not in line with numerous provisions of the UN and African intellectuals and theoreticians calling for partnership between men and women for the promotion of a development oriented gender approach. It has also revealed that instead of deepening its roots in African culture and seeking inspiration from African

intellectuals on gender, the MP had fetched most of its inspiration from foreign influences notably that of IPPF and other NGOs sharing its views on abortion.

The study finally concludes that despite its negative orientation on marriage, motherhood, abortion, some important aspects of African cultures, traditions and religions, the MP contains some relevant provisions which can positively contribute in improving the situation of women in Cameroon in particular and Africa in general. The study recommends that the AU revises or amends some provisions of this instrument in order to facilitate its acceptance by Africans and its implementation by member States.

5.2. Conclusion

The purpose of this work was to identify the challenges to the implementation of the MP by the Government of Cameroon. After a thorough analysis, it has constantly appeared that the most recurrent obstacle to the implementation of the MP is its Article 14 dealing with health and reproductive rights. A careful scrutiny of the Protocol also reveals that the originality of the MP seems to solely rest on the challenge to African traditions, cultures and beliefs, and on abortion.

The researcher used both quantitative and qualitative methods to carry out the investigation in Buea and Yaounde, Cameroon. The researcher designed appropriate structured and semi-structured questionnaire in English and were randomly administered to 112 female and 98 male survey respondents respectively in order to collect quantitative data. For qualitative data collection, the researcher organized 2 FGDs and 2 in-depth interviews in Yaounde and Addis Ababa with group discussants and interviewees respectively. They were purposively selected based on their knowledge of the topic and relevance to the subject of the research.

Findings of the research point to the fact that Cameroonians highly cherish the institution of marriage (96%) and parenthood (99.5%) and 93% of all the respondents acknowledge that the man or the husband is the head of the family. They are not ready to let go important issues in the Cameroonian (African) society which are targeted by the MP, aimed at shattering its centrality. Furthermore, all married women would like to bear their husbands name, to live together no matter the conditions, more than 66% are against medical abortion and the use of contraceptives, 95% admitted that the Cameroonian woman should not unilaterally exercise her right to procreation as stipulated by the MP. Most study participants express the necessity for an inclusive approach to women empowerment, where there is partnership between women and men, as articulated by African feminists and even the United Nations, and not rivalry as the MP stipulates indirectly in many of its provisions

According to Steady (2002), the African women does not consider the male as the other but part of the human same and each gender constitutes the critical half that makes the human whole. Neither sex is totally complete in itself to constitute a unit by itself. Each has and needs a complement, despite the possession of unique features of its own. Sexual differences and similarities, as well as sex roles, enhance sexual autonomy and cooperation between

women and men, rather than promote polarization and fragmentation. The quest in the African society should be to establish and promote complementarity between men and women in the framework of a harmonized partnership where the rights, dignity, aptitudes and capacity of both sexes are put together for self accomplishment and socio-economic development.

Granting women and men the same citizens rights is a suitable way of promoting gender equality which does not mean or suggest equality between men and women. There is no equality even amongst men, not to talk of equality between men and women who are fundamentally different, both physically and psychologically as John Gray (1993) clearly states; “Men are from Mars, Women are from Venus”.

Despite all that precedes, it should be recognized that the MP addresses very pertinent issues such as the need to plan and create appropriate centers to welcome and give assistance to women in distress, disabled and elderly women. The positive and legal environment described in Cameroon must not also overshadow the existence of some practices which are current in various parts of the country, where for instance, son preference, payment of bride-price, female circumcision are still practiced up to date, where early and forced marriage is still common, where female children do not enjoy the same rights to education, feeding and even inheritance. Mentioning inheritance, it must also be noted that widows in most regions in Cameroon still face dramatic and tragic situations where they are subjected to all tyrannical and degrading treatment from their in-laws. This laudable goal of the MP should not distract attention from the other more central goals of the Protocol which offer no new ideas on how to combat practices like FGM.

It is the conviction of the researcher that Africa must seek from within its context and historical background, appropriate solutions to better empower women and mainstream gender in a changing world

The study concludes by recommending an amendment or reformulation of the MP by the AU for contextual validity. A home-grown document reflecting the context and realities of the continent in order to facilitate its acceptance by Cameroonians in particular and Africans in general. This will also ease its implementation by member States.

5.3. Recommendations

- ❖ Despite all the shortcomings revealed in the study, the MP should not be discarded because it raises some pertinent issues that can positively contribute to the promotion of women's rights in Cameroon in particular and Africa in general.. It must instead be improved upon, so as to integrate the values and the cultural aspects of the African societies which can not be changed overnight by a legal instrument. The AU should pay attention to the ongoing protests against this instrument and advice member States on the way forward.
- ❖ Abortion in Africa should remain an exception and not a rule. Cameroon in particular and Africa as a whole are still under-populated and have enough resources which if well managed, will be able to take care of a growing population. If preventing ratification of the MP is impossible, States should make formal reservations to the pro-abortion language in article 14 and anti-family provisions in other sections of the Protocol.
- ❖ The study recommends AU member States to revise their methods of adopting and ratifying international conventions. The Government of Cameroon and other African Governments should carry out opinion polls before ratifying any documents engaging their people in order to understand their position and feelings about issues raised in the MP and subsequent instruments.
- ❖ Human rights are definitely universal, but each society develops at its own pace and can not easily import and internalize ready-made models from other societies. In this light, one can easily affirm that western societies which are spreading their views on human rights in general, and women's rights in particular can not be perceived as successful models. The decline of the concept of the family, rampant individualism, the death of faith in God, and the total materialization of the society have led to what many observers consider as a stressful environment. Africa should not do away with its traditions, cultures and beliefs. Africa must remain itself and only borrow from the west aspects of western culture that can help improve upon its own culture and development.

- ❖ The study also recommends that, instead of blaming African traditions and where they fail to cope with human rights standards, it would be better to dwell on the consequences of such practices and educate the people on how to improve on them because it is no secret for anybody that “blames provoke resistance while positive advice generates understanding and progress”.
- ❖ African Union experts should develop home-grown policies and programs which reflect the realities of the African peoples instead of being led and influenced by foreign donors who dictate western conception of economic, political and social realities of development which are irrelevant and ill-adapted in the African environment, often aimed at eroding its culture and values. Traditional African concepts need to be reflected in the development discourse, that makes use of historical and cultural experiences which are critical for the sustainability of development efforts in Africa.

REFERENCES

- Acholonu, C.O (1995) *Motherism: An Afro-Centric Alternative to Feminism*.
Owerri: Afa Publications.
- Adeleke, J.A.(1996) *Feminism, Black Feminism and the Dialectics of Womanism*
in Aduke Adebayo, ed. *Feminism and Black Women's Creative Writing: Theory, Practice, Criticism* Ibadan: AMD Publishers.
- African Union Commission (2010) *State of Ratification of the MP by member States*.
Addis Ababa, Ethiopia
- African Union (2003) *ordinary session of the Head of State, Addis Ababa, Ethiopia..*
Feminisms online Encyclopedia.
- A. Mama, (1996) *Setting and Agenda for Gender and Women Studies in Nigeria*,
Zaria: Tamaza Publishing Company..
- Amadiume Ifi (1997) *Reinventing Africa: Matriarchy, Religion And Culture*,
London, Zed Books
- _____ (2000) *Daughters of the Goddess, Daughters of the Imperialism, African Women, Culture, Power and Democracy*, London And New York: Zed Books
- _____ (2003) *Bodies and Choices: African Matriarchs and Mammy Water* cited in
Feminism Futures: Re-imagining Women, Culture and Development,
ZED Books
- Alexandria, VA (1974) *Sacred Congregation for the Doctrine of the Faith, "Declaration on Procured Abortion*. St Paul books & Media.
- Armfred, S. (2002) *Interview with Mary E. Modupe Kolawole in News from the Nordic Institute no.2, May*
- Blanche, Martin Terre. et al (2006), *Research in Practice: Applied Methods for the Social Sciences (2nd ed)*. Cape Town: UCT Press.
- Bibi Bacare Yusuf (2004) *African Gender Scholarship, CODESRIA*
- Chidi T. Maduka, (2005) *Feminism Womanism and Motherism African Literary Discourse*, Port Harcourt Nigeria.
- Council of the Development of Social Research in Africa, 2004, *CODESRIA Gender Series 1, Dakar, Senegal*
- Connell, R.W.(1987) *Gender and Power : Society, The Person and Sexual Politics*,

- Palo Alto, CA University of California Press.
- Denzin and Norman K. (Ed), Lincoln, Yvonna S (Ed) (1994). Handbook of qualitative Research. Thousand Oaks, CA. US: Sage Publications.
- Diane N. Irving (2000) Correct Application of Natural Law Theory, The Catholic University of America. Linacre Quarterly
- Ephesians (5:22-26) The Holy Bible new international version
- Fall .et al (1999) Africa: Gender, Globalization and Resistance, Dakar, AAWORD.
- Human Life International Pro-Life Research (2009), Population Control ,4 Family Life Lane. Front Royal. VA22630.
- John Gray (1993), “Men are From Mars Women are fro Venus” A Practical Guide for Improving Communication and Getting What You Want in Relationships. HarperCollins Publishers, India.
- Kaufman, M. (2003) The Aim Framework: Addressing and involving Men and Boys to Promote Gender Equality and Gender Discrimination and violence. UNICEF.
- Kolawole, Mary E.M (1997), Womanism and African Consciousness. New Jersey: African World Press.
- Malhotra, Anju, et al. (2002) Measuring Women’s Empowerment as a Variable in International Development; World Bank, Gender and Development Group, Washington DC
- Maghadam, V.M. and Senftova, L. (2005) Measuring Women’s Empowerment: Participation and Rights in Civil, Political, Social, Economic, and Cultural Domains, International Social Science Journal, 572,
(24) <http://WWW.ingentaconnect.com>
- Meena R. (1992), Gender Research/Studies in Southern Africa: Overview in Meena R; Gender in Southern Africa, Conceptual and Theoretical Issues, Harare: SAFES books
- Molara Ogundipe Leslie(1994) Recreating Ourselves: African women and Critical Transformation.
- Moser, C. (1993) Gender Planning and Development Theory, Practice and Training. Routledge, London, UK

- _____ (1993) Gender Planning and development. Theory, Practice and Training, New York: Routledge as cited in Byrne and Koch Laiers, (1995).
- Nzegwe N. (2001) Gender Equality in a Dual Sex System: the case of Onitsha in Jenda .A Journal of Culture and African. Women Studies. www.jendajournal.com
- Okome 19.0 (2001) African Women and Power: Reflections on the Perils of Unwarranted Cosmopolitanism in Jenda: a Journal of Culture and African Women Studies www.jendajournal.com
- Ogundipe-Leslie, Molar (1994) Recreating Ourselves. Trenton: Africa World Press
- Opong, C. Ed. (1983) Female and Male in West Africa Allen and Unwin, London, UK.
- Oyeronke O. (1997), the Invention of Women: Making an African Sense of Western Gender Discourse, Minneapolis: University of Minnesota Press
- Oxaal, Z. and Baden, S. (1997) Gender and Empowerment: Definitions, Approaches and Patricia Hills (1991) Black Feminist Thought: knowledge Consciousness and the Politics of Empowerment, New York: Routledge.
- Pope John Paul II (1993) Encyclical Letter, Veritatis Splendor. Boston, MA; St Paul books & media.
- _____ (1993).
- Pope Pius XI, (1930) Encyclical Letter on Christian Marriage, The Human Body: Papal Teachings.
- Pope Pius XII, (1951) Pontifical Council for Pastoral Assistance, Charter for Health-care Workers. Boston, St Paul books & media.
- Sagnia (1997), In a keynote address delivered at the Sensitization Workshop on Culture Gender and Development in Eastern and Southern African English-speaking countries, Addis Ababa, Ethiopia.
- Sen.G; Grown, C (1987), Development Crises and Alternative Visions. Monthly Review Press, New York, NY, USA.
- SIDA (2001) Discussing Women's Empowerment: Theory and Practice <http://www.sida.se/shared/jsp/download.jsp?f=sida> Studies no.3. PDF 8a=2080
- Steady F. Ed (1981) the Black Woman Cross-Culturally, Cambridge: Schankman Publishing Company

_____ (1987), African Feminism: “A World Wide Perspective” in Rosalyn Terborg-Penn, Sharon Harley and Andrea Benton Rushing (eds), Women in Africa and The African Diaspora, Washington DC: Howard University Press.

_____ (2002) Black Women, Globalization and Economic Justice: Studies from Africa and the African Diaspora, Rochester: Schankman Books.

The Maputo Protocol (2003)

United Nations Economic and Social Council (2003), the Role of Men And Boys in Achieving Gender Equality, Report of the Secretary General, E/CN.6/2004/9,22 December 2003.

Walker Alice (1983), the Color Purple: San Diego: Harcourt Brace Janovich.

Yai Babalola Olabiyi (1999) “Tradition and the Yoruba Artist in Africa Arts Spring vol. 32:1

NEWSPAPER ARTICLES

Agang Rosine (2009), Association pour la lutte contres les violence faites aux femmes.

Baklinski Thaddeus (July 17, 2009), 20.0000 March against Abortion in Cameroon, Africa: Lifesite News.com, .

Cardinal Penga Polycap (2009), President of the Episcopal Conference of Africa and Madagascar (SECAM) and Archbishop of Dar-Es Salam and many other Cardinals of Africa.

Chelsea Ricker (July, 2009), Ratification of Important Women’s Rights Document Sparks Controversy in Cameroon: International Women’s Health Coalition: Access to Abortion, International Organizations, Women’s Rights Cameroon

Chris Smith, (February, 2007), Daily Champion of Lagos.

George Winkar (2009), HLI, Cameroon.

Human Life International Research (2009), Nigerien Muslim Women’s Group gather in Niamey in protest to what they called the “Satanic Protocol”, specifying limits to marriage of girls and

Abortion as objectionable, Roue de l’Histoire, No. 456, Niamey, Niger.

_____ (June 6, 2006) Niger MPs reject Protocol on Women’s Rights, Independence.

Mamane Abdou (14 May, 2009), Journee National de la Femme Nigerienne: Les Femmes Musulmanes s'opposent aux « textes satanic » relatif a la femmes. Niamey, Niger.

Mforgham Solomon Tembang (July 5, 2009), "Abortion, Homosexual Row Erupt in Cameroon" Africa News, Cameroon..

Most Rev. Charles Palmer-Buckle, Accra, Ghana.

Thaddeus Baklinski (2009), Life Site News, COM

Paul Bakyenga (2006), Observation Romano 320 Cathedral St Baltimore, MD, 21201.

_____ (2006), Archbishop of Mbarara, Uganda open letter to the Government and of Uganda from Catholic Bishops' Conference of Uganda Concerning the Ratification of the Maputo Protocol

Zeinab Kamil Ali (2008). 920040 Pambazuka News 162, Voice of America.

INTERNET SOURCES

Protest against legalization of Abortion by the Maputo Protocol

1. AFRICA/CAMEROON - Over 20,000 people join in a march against abortion promoted by Cardinal Tumi
<http://www.topix.com/forum/world/cameroon/TGU2DRBIITCOG02BM>
2. Female Empowerment and Family Minister says Cameroon has not legalized abortion and homosexuality
<http://www.leffortcamerounais.com/2009/10/female-empowerment-and-family-minister-says-cameroon-has-not-legalised-abortion-and-homosexuality.html>
3. Cameroon: Christians March Against Maputo Protocol
http://www.africanews.com/site/list_message/21273
4. Maputo Protocol On Abortion Is Anti- Constitutional - Chief A.S Ngwana
http://www.edennewspaper.com/index.php?option=com_content&view=article&id=10314:388&catid=53:interviews&Itemid=188
5. CAMEROON: 20,000 MARCH AGAINST ABORTION
<http://www.zenit.org/article-26466?l=english>
6. Cameroon: abortion, the Catholic hierarchy and the Maputo protocol.

<http://www.thefreelibrary.com/Cameroon:+abortion,+the+Catholic+hierarchy+and+the+Maputo+protocol.-a0215716405>

7. Abortion, homosexual row erupt in Cameroon

http://www.africanews.com/site/Abortion_homosexual_row_erupt_in_Cameroon/list_messages/25824

8. Rachel Scheier (June 2, 2008), Rights Treaty in Uganda Snags on African Values: Women's news.

<http://www.womensnews.org/story/080602/rights-treaty-in-uganda-snags-african-values>

<http://www.africa-union.org/root/au/Documents/Treaties/Protocol%20on%20Rights%20of%20Women.pdf>.

http://www.achpr.org/english-info/women_pro..htm24April2010at21.14pm

http://www.ifrl.org/ifrl/news/090720_5.htm

9. Cameroon Christians March Against the Maputo Protocol

www.africanews.com/site_list_message/21273?data%5B

10. Catholic and African leaders oppose the Maputo Protocol

http://www.maputo_protocol.org/catholic_africa_opposition.html (April 19 2007)

11. Cameroon, abortion, the catholic hierarchy and the Maputo Protocol

<http://deaconforlife.blogspot.com/2009/07/over-20000-people-join-in-march-against.html>

REFERENCES FROM CAMEROON CONSTITUTION AND THE LEGAL FRAMEWORK

Constitution of the Republic of Cameroon March 4, 1960, (1993), Cameroon Human Rights Committee, (CCPR/C163/Add.1. (State Party Report)).

World Wide Guide to Women in Leadership: Female Ministers of The Republic of Cameroon 2009.

The Centre of Reproductive Law and Policy (CRLP) 1999 120 Wall Street, New York, NY 10005, USA

The Periodic Report of the Government of Cameroon to the Committee on Economic, Social and Cultural Rights during its 21st session

Association of Women Jurists of Cameroon (ACAFEJ)

President Paul Biya (October 1992, 1997), The speech was made during a highly fought
Presidential campaign. Yaounde, Cameroon

A National Machinery for the Advancement of Women in the Central policy-
Coordinating Unit in Government, Beijing Platform for Action (1995)

Groupe de Recherches Femmes et Lois au Senegal (GREFELS)

Permanent Secretariat of Coordinating and Follow-up Committee of Sectoral Health
Programmes, Ministry of Public Health Policy (December 1992)

Statement of National Primary Health Care Reorientation Policy, Statement of
Cameroon's Sectoral Health Policy, Appendix I, (March 1992), at 2 and 3.

Ministry of Women and Social Affairs (MINASCOF), Issues of Family Planning
and Participation

Ministry of Social Affairs and the Position of Woman in the Society,
(1990) Education of the population on Responsible Parenthood.

Ministry of Plan and Territorial Administration. Declaration of National Population
Policy, Yaoundé (March, 1994).

Law No.90/035 of 10 August 1990 on the exercise of the profession of pharmacists.
Liberty Rights (Editions SOPECAM, December 1990).

Penal Code, Supra note 21, Article 339 (1, 2)

_____Article .337

Art.339 of the Penal code stipulates that “Articles 337 and 338 of The Penal Code are not applicable if the acts were carried out by the authorized reason and justified by the necessity to save the mother from a serious threat to her health. When there is a pregnancy caused by rape, therapeutic abortion does not constitute an offense if it is performed after Certification of the Public Ministry on the materiality of the facts”.

Penal Code, Supra note 21, Article 337(1)

_____ Article 337 (2)

_____ Article 337(3)

_____ Article 337 (4)

Order no.81-02 of June 29, 1981, Organizing Civil Status (JORUC) and No.14 of
August 1, 1981, Article 49

Code Civil, Code et Lois du Cameroun, Tome II, Recueil a jour au 1^{er} Mai 1956,

remis a jour au Journal Officiel du 15 Janvier 1967, TOCOR No.14 et 15 du
14 Septembre 1968, art.1401 et suivant (Herein after Civil Code)

_____ Article 302

_____ Article 303

_____ Article 301

Penal Code, Supra note, art 296

Melone S, General Criminal Law Court (1985)

Penal Code, Supra note 21, Article 360(1)

_____ Article 360(2)

_____ Article 281

_____ Article 300

_____ Article 351

_____ Article 338

_____ Article 340

_____ Article 282

_____ Article 279

_____ Article 278

The Civil Code and the Ordinance referred to above guarantee for engaged couples and the spouses complete equality of rights and responsibilities with respect to the marriage and at its dissolution.

_____ Article 275

_____ Article 276

IPPF (1990). Organization of African Charter on the Rights and Welfare of the Child,

Article 24(3)

_____(March 1997). Report on Eliminating the Legal Barriers to Sexual and

Reproductive Health in Francophone African Countries, Status of Cameroon

Act No.92/007 of August 14, 1992 on the Labor Code. Article 2.

_____ Article 61(2)

_____ Article 84(1)

_____ Article 84(2)

_____ Article 84(5)

_____ Article 85(1)

_____ Article 85(2)

ACAFEM Seminar (1992), Yaounde, Cameroon ,Manuel for the Dissemination for the Results of the Research On Beneficial and Dangerous Traditional Practices that Affects a Woman's Reproductive Health in Cameroon (2002)

AFROL Gender Profile (2000) Social data lug lights the following religious data:

Traditional African religious 39.69%, Christian 41.3% and Muslim 20%

D.M. UPCHURCH and McCarthy (1990), The Timing of the First Birth,
American Sociological Review.

Despite awareness by women of contraceptives methods, the population in Cameroon is largely pro-natalist because of customs and attitudes that favor having large families (UNFPA/ILO Cameroon 1990).

EDS Cameroon (1991), Direction Nationale du Deuxieme recensement Generale de la Population et de L'habitat et Marco International INC, Enquete Democratique et de Sante Cameroon (EDS/DHS, 1991)

Education of the Population on Responsible Parenthood.(1990), Vol 2, MINASCOF Education Program, UNFPA/ILO/Cameroon

APPENDIX 1: THE MAPUTO PROTOCOL

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

The State Parties to this Protocol.

Considering that Article 66 of the African Charter on Human and Peoples' Rights provides for special protocols or agreements, if necessary, to supplement the provisions of the African Charter, and that the Assembly of Heads of State and Government of the Organization of African Unity meeting in its Thirty-first Ordinary Session in Addis Ababa, Ethiopia, in June 1995, endorsed by resolution AHD/Res.240(XXXI) the recommendation of the African Commission on Human and Peoples' Rights to elaborate a Protocol on the Rights of Women in Africa;

Considering that Article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

Further Considering that Article 18 of the African Charter on Human and Peoples' Rights calls on all States Parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions.

Noting that Article 60 and 61 of the African Charter on Human and Peoples' Rights recognize regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

Recalling that women's rights have been recognized and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights, the Convention on the Elimination of All forms of Discrimination Against Women and its Optional Protocol, the African Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants

relating to the rights of women as being inalienable, interdependent and indivisible human rights;

Noting that women's rights and women's essential role in development have been reaffirmed in the United Nations Plans of Action on the Environment and development in 1992, on Human Rights in 1993, on Population and Development in 1994 and on Social Development in 1995;

Recalling also United Nations Security Council's Resolution 1325 (2000) on the role of Women in promoting peace and security.

Recalling the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa's Development, relevant Declarations, Resolutions and Decisions, which underline the commitment of the African States to ensure the full participation of African women as equal partners in Africa's development;

Further Noting that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all Member States of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender based violence against women.

Recognizing the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

Bearing in Mind related Resolutions, Declarations, Recommendations, Decisions, Conventions and other Regional and Sub-Regional instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

Concerned that despite the ratification of the African Charter on Human and Peoples' Rights and other international human rights instruments by the majority of States Parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;

Firmly Convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated.

Determined to ensure that the rights of women are promoted, realized and protected in order to enable them to enjoy fully all their human rights;

Have agreed as follows:

Article 1: Definitions

For the purpose of the present Protocol:

- a. “African Charter” means the African Charter on Human and Peoples’ Rights;
- b. “African Commission” means the African Commission on Human and Peoples’ Rights;
- c. “Assembly” means the Assembly of Heads of State and Government of the African Union;
- d. “AU” means the African Union;
- e. “Constitutive Act” means the Constitutive Act of the African Union;
- f. “Discrimination against women” means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
- g. “Harmful Practices” means all behavior, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
- h. “NEPAD” means the New Partnership for Africa’s Development established by the Assembly;
- i. “States Parties” means the States Parties to this Protocol;
- j. “Violence against women” means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the

threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;

k. “Women” means persons of female gender, including girls;

Article 2: Elimination of Discrimination against Women

1. States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:
 - a. Include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
 - b. Enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
 - c. Integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
 - d. Take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
 - e. Support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.
2. States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3: Right to Dignity

1. Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights;
2. Every woman shall have the right to respect as a person and to the free development of her personality;
3. States Parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women;
4. States Parties shall adopt and implement appropriate measures to ensure the protection of every women's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4: The Rights to Life, Integrity and Security of the Person

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.
2. States Parties shall take appropriate and effective measures to:
 - a. Enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
 - b. 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;
 - c. Identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence.
 - d. Actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women;

- e. Punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
- f. Establish mechanisms and accessible service for effective information, rehabilitation and reparation for victims of violence against women;
- g. Prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
- h. Prohibit all medical or scientific experiments on women without their informed consent;
- i. Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
- j. Ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women.
- k. Ensure that women and men enjoy equal rights in terms of access to refugee status, determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identify and other documents.

Article 5: Elimination of Harmful Practices

- a. Creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmers;
- b. 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;
- c. Provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counseling as well as vocational training to make them self-supporting.
- d. Protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6: Marriage

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- a. No marriage shall take place without the free and full consent of both parties;
- b. The minimum age of marriage for women shall be 18 years;
- c. Monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
- d. Every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognized;
- e. The husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
- f. A married women shall have the rights to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
- g. A women shall have the right to retain her nationality or to acquire the nationality of her husband;
- h. A women and a man shall have equal rights, with respect to the nationality of her husband;
- i. A women and a man shall jointly contribute to safeguarding the interests of the family. Protecting and educating their children;
- j. During her marriage, women shall have the right to acquire her own property and to administer and manage it freely.

Article 7: Separation, and Annulment of Marriage

State Parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:

- a. Separation, divorce or annulment of a marriage shall be effected by judicial order;
- b. Women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
- c. In case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;
- d. In case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

Article 8: Access to Justice and Equal Protection before the Law

Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States Parties shall take all appropriate measures to ensure:

- a. Effective access by women to judicial and legal services, including legal aid;
- b. Support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
- c. The establishment of adequate educational and other appropriate structures with particular attention to women and to sensitize everyone to the rights of women;
- d. That law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
- e. That women are represented equally in the judiciary and law enforcement organs;
- f. Reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9: Right to Participation in the Political and Decision-Making Process

1. States parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
 - a. Women participate without any discrimination in all elections;

- b. Women are represented equally at all levels with men in all electoral processes;
 - c. Women are equal partners with men at all levels of development and implementation of state policies and development programmers.
2. States Parties shall ensure increased and effective representation and effective representation and participation of women at all levels of decision-making.

Article 10: Right to Peace

1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States Parties shall take all appropriate measures to ensure the increased participation of women:
 - a. In programmes of education for peace and a culture of peace;
 - b. In the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
 - c. In the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
 - d. In all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displace persons, in particular, women;
 - e. In all aspects of planning, formulation and implementation of post conflict reconstruction and rehabilitation.
3. States Parties shall take the necessary measures to reduce military expenditure significantly in favor of spending on social development in general, and the promotion of women in particular.

Article 11: Protection of Women in Armed Conflicts

1. States Parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations which affect the population, particularly women.
2. State Parties shall, in accordance with the obligations incumbent upon them under the international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.
3. States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.
4. States Parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12: Right to Education and Training

1. States Parties shall take all appropriate measures to:
 - a. Eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
 - b. Eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
 - c. Protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
 - d. Provide access to counseling and rehabilitation services to women who suffer abuses and sexual harassment;
 - e. Integrate gender sensitization and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:
 - a. Promote literacy among women;
 - b. Promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;
 - c. Promote the enrolment and retention of girls in schools and other training institutions and the organization of programmes for women who leave school prematurely.

Article 13: Economic and Social Welfare Rights

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:

- a. Promote equality of access to employment;
- b. Promote the right to equal remuneration for jobs of equal value for women and men;
- c. Ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
- d. Guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognized and guaranteed by conventions, laws and regulations in force;
- e. Create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
- f. Establish a system of protection and social insurance for women working in the informal sector and sensitize them to adhere to it;
- g. Introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
- h. Take the necessary measures to recognize the economic value of the work of women in the home;

- i. Guarantee adequate and paid pre and post-natal maternity leave in both the private and public sectors;
- j. Ensure the equal application of taxation laws to women and men;
- k. Recognize and enforce the right of salaried women to the same allowances and entitlements as those guaranteed to salaried men for their spouses and children;
- l. Recognize that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the state and the private sector have secondary responsibility.
- m. Take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Article 14: Health and Reproductive

- 1. States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:
 - a. The right to control their fertility;
 - b. The right to decide whether to have children, the number of children and the spacing of children;
 - c. The right to choose any method of contraception;
 - d. The right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
 - e. The right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognized standards and best practices;
 - f. The right to have family planning education.
- 2. States Parties shall take all appropriate measures to:
 - a. Provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;

b. Establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;

c. Protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the fetus.

Article 15: Right to Food Security

States Parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to:

a. Provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;

b. Establish adequate systems of supply and storage to ensure food security.

Article 16: Right to Adequate Housing

Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, States Parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17: Right to Positive Cultural Context

1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.

2. States Parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18: Right to a Healthy and Sustainable Environment

1. Women shall have the right to live in a healthy and sustainable environment.

2. States Parties shall take all appropriate measures to:

- a. Ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
- b. Promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to and participation in their control;
- c. Protect and enable the development of women's indigenous knowledge systems;
- d. Regulate the management, processing, storage and disposal of domestic waste;
- e. Ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19: Right to Sustainable Development

Women shall have the right to fully enjoy their right to sustainable development. In this connection, the States Parties shall take all appropriate measures to:

- a. Introduce the gender perspective in the national development planning procedures;
- b. Ensure participation of women at all levels in the conceptualization, decision-making, implementation and evaluation of development policies and programmes;
- c. Promote women's access to and control over productive resources such as land and guarantee their right to property;
- d. Promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
- e. Take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and

- f. Ensure that the negative effects of globalization and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

Article 20: Widows' Rights

State Parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:

- a. That widows are not subjected to inhuman, humiliating or degrading treatment;
- b. A widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
- c. A widow shall have the right to remarry, and in that event, to marry the person of her choice.

Article 21: right to Inheritance

1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

Article 22: Special Protection of Elderly Women

The States Parties undertake to:

- a. Provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
- b. Ensure the right to elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Article 23: Special Protection of Women with Disabilities

The State Parties undertake to:

- a. Ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making.
- b. Ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Article 24: Special Protection of Women in Distress

The States Parties undertake to:

- a. Ensure the protection of poor women and women heads of families including women from marginalized population groups and provide an environment suitable to their condition and their special physical, economic and social needs;
- b. Ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Article 25: Remedies

States Parties shall undertake to:

- a. Provide for appropriate remedies to any woman whose rights or freedoms, as herein recognized, have been violated;
- b. Ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

Article 26: Implementation and Monitoring

1. States Parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with Article 62 of the African Charter,

indicate the legislative and other measures undertaken for the full realization of the rights herein recognized.

2. States Parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognized.

Article 27: Interpretation

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

Article 28: Signature, Ratification and Accession

1. This protocol shall be open for signature, ratification and accession by the state parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29: Entry into Force

1. This proposal shall enter into force thirty (30) days after the deposit of the fifteenth (15) instrument of ratification.
2. For each State Party that accedes to this protocol after its coming into force, the protocol shall come into force on the date of deposit of the instrument of accession.
3. The chairperson of the commission of the AU shall notify all Member States of the coming into force of this protocol.

Article 30: Amendment and Revision

1. Any State Party may submit proposals for the amendment or revision of this protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the chairperson of the commission of the AU who shall transmit the same to the States Parties within thirty (30) days of receipt thereof.

3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of States Parties, in accordance with the provisions of paragraph 2 of this article.

4. Amendments or revision shall be adopted by the Assembly by a simple majority.

5. The amendment shall come into force for each State Party, which has accepted it thirty (30) days after the chairperson of the Commission of the AU has received notice of the acceptance.

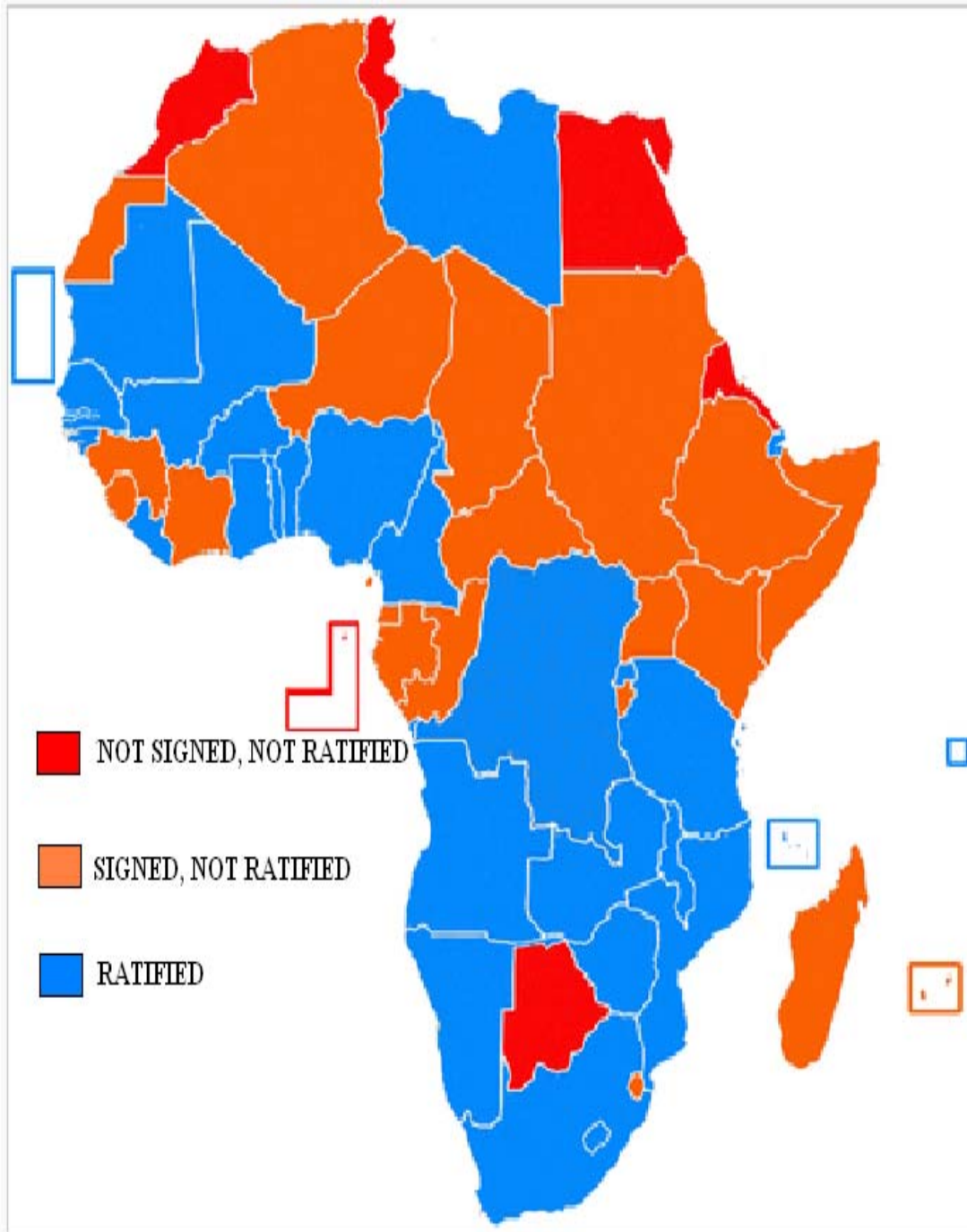
Article 31: Status of the Present Protocol

None of the provisions of the present Protocol shall affect more favorable provisions for the realization of the rights of women contained in the national legislation of states Parties or in any other regional, continental or international conventions, treaties or agreements applicable in these States Parties.

Article 32: Transitional Provisions

Pending the establishment of the African Court on Human and People's Rights, the African Commission on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application and implementation of this protocol.

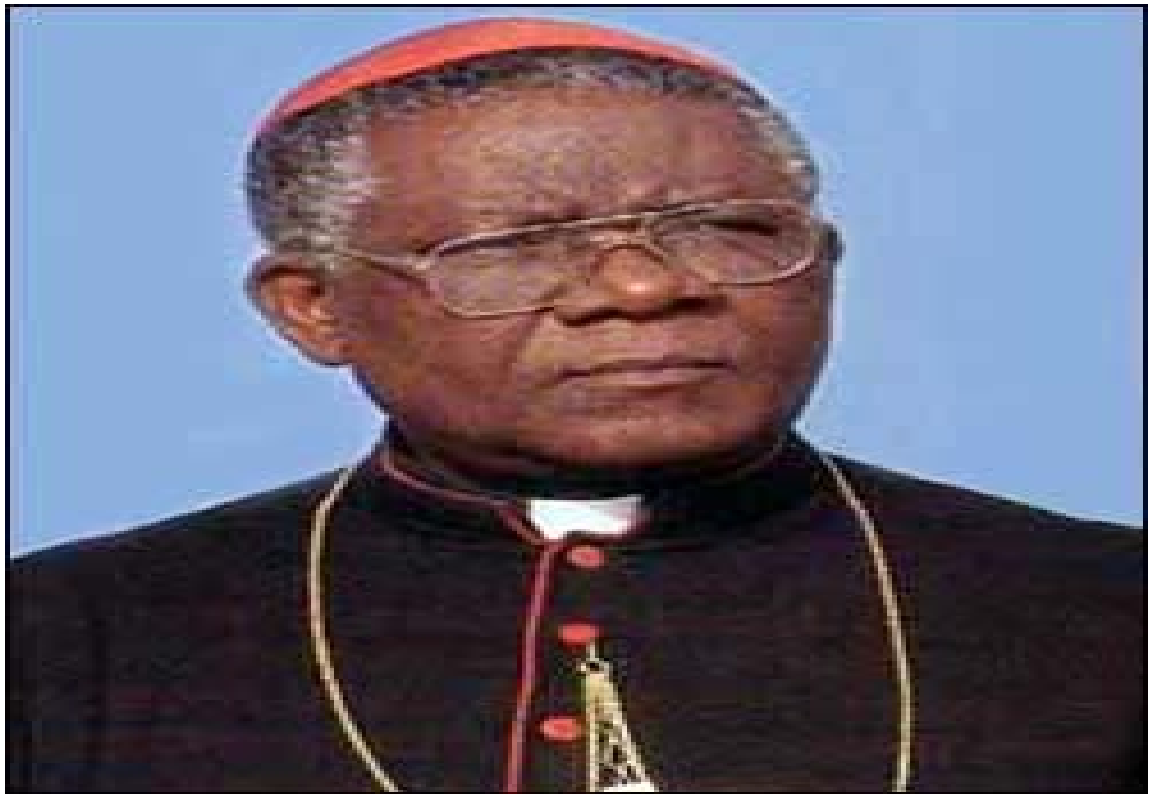
APPENDIX 11: STATUS OF THE RATIFICATION OF THE MP AS OF MAY 2010



Current map of the Maputo Protocol's ratification process.

Source: African Union 2010

**APPENDIX 111: CARDINAL CHRISTIAN TUMI LEADS CHRISTIANS AGAINST
THE MP, JULY 2009**



AFRICA/CAMEROON - Over 20,000

people join in a march against abortion promoted by Cardinal Tumi

source: <http://www.topix.com/forum/world/cameroon/TGU2DRBIITCOG02BM>

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
INSTITUTE OF GENDER STUDIES

APPENDIX IV: QUESTIONS AND QUESTIONNAIRE

This study is centered on: **CHALLENGES TO THE IMPLEMENTATION OF THE MAPUTO PROTOCOL BY THE GOVERNMENT OF CAMEROON.**

In order to complete information related to the topic, this questionnaire has been designed to get your opinion and advice on various gender issues mentioned therein. Please, read each question or statement, and then mark “X” in the box that expresses your opinion, and where necessary, kindly explain.

Absolute confidentiality is guaranteed and you will not be responsible for the shortcomings or findings of the research.

THANK YOU!

QUESTIONNAIRE

PART ONE: PERSONAL PROFILE

Direction: Please mark X and/or write down the correct answer in the space provided.

1. a) Sex i) F ii) M iii) Age
2. Religion i) Christianity ii) Islam iii) other-----
3. Marital status: a) Married b) Single c) Divorced d) Widow
4. Educational Qualification (Mark X where appropriate)
a) Junior secondary b) Senior secondary
c) Technical/Vocational education d) University education e) Other
- 4) Employment: Mark X where appropriate
a) Unemployed b) Self employed c) Government employed
d) Private sector d) Other specify

PART TWO: MARITAL, SEXUAL AND REPRODUCTIVE RIGHTS

1. i) Would you prefer to be married or single? a) Married b) Single

c) Give reasons:

ii) Would you like to bear your husband's name? a) Yes b) No

2. Is or would your husband's or wife's residence be your matrimonial home even if you had a more comfortable home? a) Yes b) No c) Explain.

3. What type of marriage regime do you prefer?

a) Monogamy b) Polygamy

4. What do you prefer, common or separate property in marriage?

a) common property b) separate property

Give reasons for your choice _____

5. Who should propose marriage?

a) a man b) a woman

6. Would you like to have children? Yes No

7. Do you think there should be equality between you and your husband or wife?

a) equality with my husband

b) equality with my wife

c) complementarity

8. What do you prefer; equality with your partner or appreciation and recognition?

a) Equality b) Appreciation and recognition

Please explain: _____

9. Due to my religion, culture and other beliefs

a) I am in favor of abortion b) I am against abortion

C) It depends on the particular situation

10. Due to my religion, culture and other reasons

a) I prefer birth control or use of contraceptives to abortion

b) I am against the use of contraceptives

c) I prefer natural birth control to the use of contraceptives

11. The decision to have children

a) depends on the man or husband alone

- b) depends on the woman or wife alone
- c) both husband and wife should decide

12. A married woman has the right to use contraceptives without her husband's consent?

Yes No

13. In your opinion:

- a) men and women are equal
- b) men and women are not equal but complementary

14. Who is the head of the family? a) the husband b) the wife c) both

15. Cooking and house-keeping are responsibilities of;

- a) a wife
- b) a husband
- c) both
- d) others specify: _____

PART THREE: GENERAL QUESTIONS ON TRADITIONAL CULTURAL AND RELIGIOUS ISSUES

1. Are you aware of the existence and practice of Harmful Traditional Practices (HTPs) like the ones mentioned below?

- | | | |
|---------------------------|----------------------------------|--------------------------------|
| a) Female circumcision | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |
| b) Forced marriage | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |
| c) Early marriage | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |
| d) Wife inheritance | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |
| e) Payment of bride-price | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |
| f) Son preference | (a) Yes <input type="checkbox"/> | b) No <input type="checkbox"/> |

1. Are husbands and wives treated the same in case of divorce?

- a) Yes
- b) No

2. In your opinion are men and women treated the same in the case of the death of the other partner? (widowhood) a) Yes b) No

c) Other: _____

3. Are men and women equal before the law as far as marital issues like infidelity is concerned? a) Yes b) No

c) Explain: _____

4. Do men and women enjoy equal opportunities in work and career advancement in the public sector? a) Yes b) No
5. Do women and girls have the right to own property? a) Yes b) No
c) Other specify: _____
7. Do women, girls and widows have the right to own and inherit property from their parents and/or husbands? a) Yes b) No
c) other: _____

PART FOUR: POLITICAL AND CIVIL ISSUES

The following questions and statements are designed to find out your opinion and/or attitude on a number of pertinent issues related to civil and political rights.

1. Do women and men participate equally in political issues?
a) Yes b) No
2. Is politics or the public sphere a more appropriate domain for men than women?
a) Yes b) No
Give reasons: _____
3. In your opinion do you think men and women have equal leadership qualities?
a) Yes b) No c) Explain your answer
4. In political issues, who do you prefer?
5. a) a male leader b) a female leader
c) Why? _____
6. Do you think the number of literate and educated women enables equal representation of men and women in all areas of national life?
a) Yes b) No c) Explain
7. In your opinion should there be equal representation of men and women in government? a) Yes b) No
8. In your opinion should there be equal representation of men and women in parliament? a) Yes b) No
9. In your opinion should there be equal representation of men and women in all levels of decision making, programmes and activities in both the private and public sectors?
a) Yes b) No

c) Others specify: _____

10. Men and women have equal chances or opportunities in all aspects of national life and activities? a) Yes b) No

FOCUS GROUP DISCUSSION: UNMARRIED WOMEN IN BUEA.

1. Would you like to get married and bear your husband's name?
2. Who is the rightful person to propose marriage?
3. Would you like to have children even if you do not get married, Why?
4. What is your opinion concerning family planning and medical abortion?
5. What in your opinion accounts for the low enrolment of girls in higher institutions of learning?
6. What is the relevance and suitability of the MP in the empowerment of women?

FOCUS GROUP DISCUSSION: MARRIED MEN AND WOMEN IN YAOUNDE

1. What is the situation of the Cameroonian woman with regards to their human rights?
2. How does the MP contribute in the promotion of women's rights in Cameroon?
3. In your opinion do you think the M P encourages marriage as a social institution?
4. Would you like to be called by your husband's name or by your maiden and live in his residence unconditionally, why?
5. Would you like to acquire and manage property separately from your husband's?
6. In your opinion, who is the head of the family and what do you think of the concept of equality between husbands and wives or men and women?
7. What is your opinion on the following issues dealing with marriage, health, sexual and reproductive rights?
 - a) Use of contraceptives
 - b) Abortion rights
 - c) to be married or not

IN-DEPTH INTERVIEW GUIDE
WITH GOVERNMENT OFFICIALS IN YAOUNDE

1. Do you think women and men have equal chances and opportunities in all aspects of national Life?.
2. How does the government react to the July 2009 protest marches against the ratification of the MP?
- 3..What is the position of the government concerning the accusations from the public of the MP legalizing abortion?
4. Before ratifying the MP did the government conduct a public opinion poll to get public views on its content?
5. What in your opinion are the likely challenges to the implementation of this Protocol and what solutions do you foresee?

IN-DEPTH INTERVIEW GUIDE
WITH AN AU HUMAN RIGHTS EXPERT IN ADDIS ABABA

1. What is the importance of the MP among other AU legal instruments?
2. What is the assessment mechanism of the MP?
3. AU interact with member states on the implementation of its legal instruments with particular emphasis on the MP?
4. What is your view of gender equality as an African and a human rights expert?

DECLARATION

I, the undersigned declare that this thesis is my original work, it has not been presented in any university and all the sources used and cited in it have been duly acknowledged.

NAME: AYAMBA OJONGMBOH NJIKAM

SIGNATURE: _____

DATE: JUNE 2010

**PLACE: INSTITUTE OF GENDER STUDIES
ADDIS ABABA UNIVERSITY**

This work has been submitted for examination with my approval as a university advisor.

NAME OF ADVISOR: Dr. VIJAYA SUBRAMANIYAM

SIGNATURE: _____

DATE: JUNE 2010

**JUNE 2010
ADDIS ABABA**