

Review

International declarations and laws to mitigate gender base violence for women and men with highlights on Cameroon situation

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Laws and legislation significantly influence actions in societies to control rates of gender-based violence (GBV). Most domestic laws are developed from international declarations and conventions. This paper reviews declarations, policies, and laws enacted at international levels and ratified at national levels to mitigate GBV from a neutral perspective. Most countries ratify declarations and conventions to control GBV at domestic levels. However, the majority of these laws are directed towards women as compared to men. There is also a need to follow up ratification actions at domestic levels to ensure full application of these laws in the society as well as in conflict-stricken communities. In Cameroon, for example, there is still a need to enforce the reality of ratified laws against GBV. Establishing an oversight committee to conduct periodic monitoring and evaluation on the level of ratification of international laws could improve operational rates at domestic levels.

Keywords: Gender, violence, laws, declarations, legislations.

INTRODUCTION

The international community recognizes the need for actions leading to the elimination of gender-based violence (GBV). Therefore, state laws and legislation play a symbolic and important role in reducing the incidence of GBV, most of which are directed towards controlling violence against women. Likewise, the Sustainable Development Goals name specific tasks to eliminate all forms of violence against women and girls in private and public settings. These laws set standards of behavior that are considered appropriate by many states and nations, thereby affecting domestic policy-making. In addition, civil society movements and societal norms interact with and

sometimes influence international and national laws to create conducive environments with reduced violence. The Vienna Declaration of 1993 and Program of Action by the United Nations World Conference on Human Rights, for example, resulted from societal movements and campaigns leading to the acceptance of women's rights as human rights (Charlotte, 1995). According to a multi-country analysis by García-Moreno et al. (2015), women who live in nations with laws on domestic violence have lower chances of experiencing violence compared to other nations with no such laws. However, some countries have laws on paper, yet enforcement is

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weak. In some cases, this could be due to strong cultural and social norms in these countries (Srilatha, 2013).

Additionally, it appears that legislation to control violence against the male gender is being neglected. This paper aims to review declarations, policies, and laws that have been enacted at the international level and ratified at the national level, in order to mitigate gender-based violence against both female and male genders.

INTERNATIONAL DECLARATIONS ON GENDER BASE VIOLENCE

Although international declarations and resolutions do not have as strong binding forces as conventions, they nevertheless influence the development of international norms and jurisprudence at the country level. The 1948 Universal Declaration of Human Rights forms the most basic international foundation for combating violence. It lays out principles of equality, security, liberty, integrity, and dignity for all people, including women. In 1993, the United Nations (UN) World Conference on Human Rights in Vienna paved the way for the integration of women's rights in both public and private spheres. At first, the human rights scope considered only the public sphere, but this changed in Vienna, and intimate partner violence (IPV) was then regarded as a human rights violation.

Also in 1993, another UN Declaration on the Elimination of Violence Against Women (DEVAW) was adopted by the General Assembly, calling on states to "exercise due diligence to prevent, investigate, and punish violence against women, whether those acts are perpetrated by the state or by private persons. In this declaration, the member states did not have to invoke custom, tradition, or religion to avoid obligations to eliminate such violence (UN Women, 2012). After DEVAW, marital rape was identified as a form of violence against women. Other international declarations that have recognized violence against women (VAW) as a human rights problem are the 1994 Program of Action of the International Conference on Population and Development, the 1995 Beijing Declaration and Platform for Action adopted at the 4th World Conference on Women, the Southern African Development Community Declaration on Gender and Development of 1997 and its Addendum on the Eradication of All Forms of Violence Against Women and Children (SADC, 2019). More recent dispositions consist of the United Nations 2030 Sustainable Development Goals, where 'all forms of discrimination against women and girls have to be eliminated.

INTERNATIONAL CONVENTIONS GUIDING LAWS ON GENDER BASE VIOLENCE

Relevant international laws on GBV have evolved over the last three decades, influencing laws and legislation at

the country level, with most countries having ratified these international laws. In 1976, the International Covenant on Civil and Political Rights came into force, prohibiting discrimination on the basis of sex in this domain. This was interpreted as violence against women in this sector of work (Qureshi, 2013). A major step in establishing rights for women was the 1979 Convention on the Elimination of All Forms of Violence Against Women (CEDAW), ratified by 188 nations. The CEDAW Convention makes it mandatory for all states to take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women (CEDAW, 1981). This discrimination against women includes all forms of GBV. In 1992, subsequent recommendations of the CEDAW Committee emphasized that states are responsible for enacting acts to prevent GBV and discrimination. All ratifying states are expected to produce and submit reports after a given period to the Committee on the Elimination of Discrimination Against Women (CEDAW) oversight committee at the United Nations headquarters in New York. This is a four-year reporting cycle where governments report on the operational measures put in place with respect to the convention (Klugman, 2017). Since CEDAW faced several critics for being limited vis-à-vis gender-based violence (GBV), because its recommendations are not legally binding, there has been a lookout for a new international convention on violence.

Following CEDAW, there have been major conventions focused on GBV. The Latin American Convention of 'Belem do Pará, 1994' was the first convention solely directed at eliminating violence against women. It states that "women have the right to be free from violence in both the public and private spheres and holds the state accountable to prevent, punish, and eradicate VAW while incorporating a due diligence standard" (Vivienne and Yvon, 2001). Based on this convention, judgements have been issued to cases involving VAW. Another instrument of human rights is the Maputo Protocol of the African Charter on Human and People's Rights and the Rights of Women in Africa. The protocol prohibits GBV as part of women's rights to life, integrity, security of person, and dignity. Thirty-six out of the fifty-four-member countries of the African Union have ratified the Protocol to the African Charter, with fifteen having signed but not ratified and three countries (Botswana, Egypt, and Tunisia) not signing at all (Protocol to the African Charter, Articles 2). In 2011, a committee of ministers organized a regional convention to prevent and fight against violence against women, also known as the Istanbul Convention, where state parties are required to exercise diligence to prevent, investigate, and punish perpetrators, as well as provide access to services such as psychological support, legal and financial assistance, sexual trauma services, and hotlines. According to the European Council, there have been ten ratifications of this convention (Klugman, 2017).

Most of the international key events that encompass

GBV against women positively influence collective actions to create national laws; although, to some extent, societal norms in many countries condone violent behaviors. For example, in some societies it is acceptable to be beaten by one's husband, and it is a socially accepted fact (Klugman, 2017). Additionally, according to a study in Uganda, there are societies that view the beating of a woman by her partner as a form of discipline. In such a situation, no one is allowed to intervene as men have control over their female partners, especially if they have paid the bride price (Nnyombi et al., 2022). As such, laws do not make a difference in such societies. The legislation adopted by many countries includes laws on physical violence, emotional violence, sexual violence, and economic violence.

LAWS ON SEXUAL VIOLENCE IN SITUATION OF CONFLICT

In the last two decades, addressing sexual violence during wars has drawn the interest of the international community. Mass sexual violence during wars has been condemned and specific UN Security Council resolutions on peace, security, and women, addressing women's role in peacebuilding and sexual violence against women in conflict, have been put in place (Protocol to the African Charter; UN Women, 2015). The International Criminal Court (ICC), established after the Rome Conference, is the first instrument in international law to expatiate sexual and gender-based violence crimes as war crimes relating to armed conflict. An important strand of jurisprudence is the development of the "due diligence principle." According to this principle, the government is responsible for protecting, preventing, and punishing violence against women. If a government fails to do so, it will be considered an accomplice to human rights abuse. This principle is a yardstick to measure government actions in favor of women's human rights (Klugman, 2017).

The reality of sexual violence within the context of war or conflict also affects the male gender. The Democratic Republic of Congo (DRC) for example has suffered political instability with wars from the mid-1990s to the mid-2000s. Fighting continues in the Eastern part of Congo, where the United Nations is struggling to keep peace. A study by Mervyn et al. (2011) showed that men were equally victims of sexual violence during conflict. The international law on sexual and gender-based violence crimes in situations of armed conflict established by the ICC of the Rome Conference integrates protection for violence against men (Chris, 2014).

LAWS ON VIOLENCE AGAINST MEN

The laws on violence against men are mostly based generally on how all human beings should be treated

according to the 1948 Universal Declaration of Human Rights, rooted in the principles of equality, security, liberty, integrity, and dignity for all people. As evidenced by many research studies, men are also victims of physical, emotional, psychological, and sexual violence (Tsoaledi et al., 2018). However, as affirmed by many analytical writers on the subject, such as Deshpande (2019), most of the laws in societies favor women as victims of violence, while men rarely get justice when they are victims. This could be because men occupy more privileged positions and have more resources, especially in developing countries. For the last three decades, since the surge in laws of GBV, the rights of men have somehow been neglected, and some international and/or national legislation have normalized violence against men and boys. Findings in a study carried out in the United Kingdom to understand the profile and needs of abused men showed an overwhelming number of men calling a helpline seeking help from their abusive female partners. Meanwhile, voluminous research literature attributes men as perpetrators of GBV based on patriarchal norms (Hine, 2019; Hine et al., 2022). The male victims have been overlooked, hence bearing the name of the "hidden" victim population. If precautions are not taken, this could evolve into another gender crisis in the future. In recent years, attention has been drawn to sexual violence committed against men in situations of armed conflict.

According to the findings of Chris (2014), a survey on penal codes revealed that 189 countries lacked protection for men who experience sexual abuse, and 90% of male victims in conflict countries had no protection law. Seventy states even criminalize men who report abuse, by probable accusation of being the perpetrator of violence. While others, such as Nigeria, Myanmar, and Pakistan, recognize only female rape victims. The Rome Statute of the International Criminal Court led the way to establish an international response against sexual violence on men in 1998. The Statute recognizes sexual violence in conflict as a crime against humanity. Secondly, it also recognizes the definition of rape as gender-neutral. Similarly, according to Deshpande (2019), there is a need for more gender-neutral laws in India instead of laws specifically put in place to protect only women. In Deshpande's article, he emphasizes that domestic violence, for example, should be considered spousal violence and should not be gender-differentiated. Human rights and gender equality programmes should include both men and women, thereby suggesting amendments addressing violence against men in India. Additionally, Chris (2014) recommends that the International Criminal Court's gender-neutral definition of sexual violence should shape humanitarian and developmental programming to better respond to the multiple directions of gender-based violence. Another recommendation was that existing efforts to prevent, control, and end GBV should also advocate and

collaborate to fight against sexual violence against both men and boys, not neglecting women and girls.

HIGHLIGHTS OF LAWS ON GENDER BASE VIOLENCE IN CAMEROON

Similar to many other countries, Cameroon has adhered to many major international treaties that fight against gender-based violence (GBV). This includes the African Charter for the Rights and Welfare of the Child, the United Nations Convention on the Rights of the Child, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Inhuman Treatment, and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict adopted in December 1974, which outlaws all forms of repression, cruel and inhuman treatment of women and children, including imprisonment, torture, shootings, mass arrests, and collective punishments. In addition, the 1957 Convention on Nationality of Married Women grants the latter the power to take her husband's nationality without losing her own.

Furthermore, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted on 18 December 1979 and its Additional Protocol of 6 October 1999 obliges member states such as Cameroon to promote women in all domains: political, legal, economic, social, and cultural development. As well as the famous 1995 Beijing Declaration and Platform for Action adopted at the 4th World Conference on Women. Yet, Cameroon has not faithfully abided to the terms of all these conventions, as there is some legislation in Cameroon that still keeps women in a vulnerable position to GBV. Although some progress has been made in developing protective legislation, as of June 1981, Cameroon enacted legislation that promotes the rights of women and their individuality. In this legislation, Article 52 (4) gives women the right to consent to marriage even if the dowry has not been paid. Article 74 (1) and 75 (1) give women the right to pursue their own path in life in a trade that is different from their husbands and with their own account. Article 76 (1) gives women the right to alimony and child support. Article 77 (2) give women the right to inherit their husband's property, in case they become widows. In the labor code, there are sections that promote equal remuneration as well as maternity leave with pay. Yet much work is still needed to enforce the reality of laws against GBV in Cameroon (Time, 2014). For example, according to the 2022 World Report on Human Rights Watch, the civil code (Article 213) in the Francophone regions defines men as the heads of households. Article 215 states that men have the right to choose the place of residence. In addition, as concerns immovable property and administrative authority over assets, men and women do not have equal rights

according to Articles 1428 and 1421.

Domestic violence is a real problem in Cameroon, yet there is no legislation that provides control measures to protect survivors, be they women or men (Human Rights Watch, 2022). Additionally, according to Time (2014), dowry is not a necessity to consider marriage as valid in Cameroon. Interestingly, the non-payment of dowry led the Court of Appeal in the South-West Region of Cameroon to award property of 30 years by a widower to the family of the deceased wife on the premise of non-payment of dowry by the man (Time, 2014). According to customary law, if the woman's bride price has been paid and she becomes a widow, if she does not refund the bride price, she still remains the dead husband's property (Time, 2014). Customary laws which promote polygamous marriages are applied in court marriages of English Cameroon, despite the woman's decision to choose monogamy contrary to the husband's choice (Time, 2014). Importance is given to local traditions, which do not give as much protection as modern equality laws. Patriarchy is considered in customs, traditions, and attitudes, which reinforce discrimination against women in all its forms, especially in rural areas (GeAD, 2010). As regards professions of a couple, the civil status ordinance grants liberty of choice for the woman yet gives legal right for the husband to object in the interest of the home and children (Time, 2014). The law prohibits sexual harassment, but there is no law against sexual harassment within marriage. The 2016 penal code prohibits genital mutilation, yet female genital mutilation/cutting was isolated in areas such as the Far North, East, and South-West Regions. To enforce this code, in 2018, the Ministry of Women's Empowerment and Family fully adopted a United Nations General Assembly resolution on the intensification of the global action aimed at eliminating female genital mutilation in these regions. According to reports from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 2019, sexual harassment was widespread yet no reports that anyone was fined for sexual harassment. Rape is criminalized but underreported. According to OCHA, there were 74 cases of rape on July 21, 2019, yet only 13 victims obtained health care (Bureau of Democracy, Human Rights and Labor, 2019).

Most laws against GBV in Cameroon are protective mostly towards the female gender. It is a good initiative for Cameroon to put in place these laws, as according to a study by Cepeda et al. (2022), in 102 countries, Cameroon is among the five countries with the highest rates of GBV. Although these laws do not necessarily guarantee effective enjoyment by women and girls of all their rights, there have been remarkable, albeit slow, strides in this matter. Women can now enjoy certain rights, such as holding high-level positions in politics and owning landed property. Indeed, as promised by the Head of State when addressing Maroua in October 1997,

he said,

"In the area of women's empowerment, I commit myself to ensuring the preparation and implementation of the special plan of action for women's empowerment (...). I will make sure that your work is recognized and valued everywhere; I will make sure that you are well represented in all governing bodies of the country. I commit myself to making equality between men and women a reality" (Cameroon Tribune, 2021).

To a significant extent, the current Penal Code and Gender Policy Document guide actions that favor gender equality and equity in all sectors of national development. In addition, an evaluation of the Beijing Platform for Action (BPFA), signed by Cameroon in 1995, has shown that the government and civil society have implemented actions in line with the BPFA's critical areas of concern. More than 15 years later, the government of Cameroon changed and reorganized the Ministry of Women's Affairs, renaming it the 'Ministry of Women's Empowerment and the Family' and increasing its annual budget since 2010 to better promote women and the family (GeAD, 2010). At the level of all ministries, focal points have been designated to monitor the inclusion of women and the mainstreaming of the gender approach in their actions. Programs that are particularly beneficial to women have been implemented in different regions of the country, such as the Grass field Participatory Decentralized Rural Development Project (GP-DERUDEP), South-West Development Association (SOWEDA), and North-West Development Authority (MIDENO) (GeAD, 2010). On the part of the civil society, institutions such as Non-Governmental Organizations (NGOs), Faith-Based Organizations (FBOs), and Civil Society Organizations (CSOs) have been actively working to sensitize communities with the aim of raising awareness on Gender-Based Violence (GBV) as well as strategies to combat violence in rural and urban communities (GeAD, 2010). However, more commitment in terms of action is needed.

CONCLUSION

Many countries have ratified international laws to fight against GBV. Studies have shown evidence that women are more vulnerable to GBV than men, so countries recognize the need to protect women more than men from GBV. As a result of the UN Declaration on the Elimination of Violence against Women and the 1993 United Nations World Conference on Human Rights in Vienna, laws on domestic violence are now being considered for ratification by most countries. In recent years, the devastating effects of war and conflict on GBV have been drawing more attention. The ICC in Rome has initiated measures to protect both men and women against GBV in situations of armed conflict. Cameroon is

a patriarchal country, as shown in the report of GeAD (2010). Nevertheless, it has made significant progress to promote gender equality and fight against GBV. However, the entrenchment of its traditional and customary laws in national gender policy is hindering the effective realization of the mission of the policy.

RECOMMENDATIONS

Follow-up committees should be put in place after developing declarations and conventions to ensure optimal ratification at the domestic level. In addition to domestic ratification of international laws on sexual violence in situations of conflict, countries should engage civil society organizations to sensitize and educate the armed forces on these laws. More laws should be developed to protect against different types of gender-based violence, considering the vulnerability of women and girls. Cameroon should develop laws to protect against domestic violence and sexual harassment within marriage. Customary and traditional laws that favor gender-based violence should be completely abolished in Cameroon.

LIMITATIONS

The review did not take a global perspective by reviewing the situation of laws against GBV in other regions such as Europe, the Americas, Asia and the Arab world, but focused only on the Cameroon context. Cameroon being a country with more than 200 ethnic groups implies much diversified cultures; however, the review did not expound on how the various cultural customs affect the operationalization of enacted laws against GBV. The review also did not elaborate deeply on how societal norms and civil society movements interact to influence the ratification of laws against GBV at domestic levels.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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