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"CEDAW? I HEARD ABOUT IT"

**Joint Parallel Report on the State of Implementation
of the Convention before the Cameroonian
Courts on Women's Land and Property Rights**

*In Partnership with the Global Initiative for Economic, Social and
Cultural Rights*



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..the complete development of a country, the welfare of the world and the course for peace requires the maximum participation of women on equal terms with men in all spheres."

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ACRONYMS AND ABBREVIATIONS

CEDAW : Convention on the Elimination of all forms of Discriminations Against Women

CFI : Court of First Instance

HC : High Court

PG : POSITIVE-GENERATION

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We are finally grateful to the judges interviewed who were receptive to discuss with us on the status of applicability of CEDAW before the Courts.

To all, the research team is very grateful.

POSITIVE-GENERATION

Created in 1998 and legalized in 2003, POSITIVE-GENERATION (PG) is an association of human rights and health. It is composed of a multidisciplinary team composed mostly of community. It currently has over sixty members. Positive-Generation is ONE Award Laureate for Africa 2012. PG possesses observer status at the African Commission on Human and Peoples' Rights.

OUR EXPERIENCES

- **Psychosocial and legal support**

It exists in Positive -Generation legal clinic and a listening center and counseling of women and PLWHIV. These two bodies are animated by qualified personnel (psychologists, lawyers and jurists) to support through counseling the victims of violations of their rights or the person facing difficulties whatsoever with regard to family , work , educational, health , etc. . Since the beginning of 2013, about 120 people are accompanied on psychosocial and 80 people legally.

- **Capacity building**

Capacity building is at the heart of our activities to the extent that it is for us not only a desire to improve to meet the challenges we face, but also because it is one of the main financial incomes in our association. All things that made us develop training modules for communities in various fields and acquire proven in conducting training for the community experience.

- **Advocacy**

This axis is one of the major areas of our business, whether at the level of action where we had to make our evidence to the campaign for the rights of PLWHIV (free, out of care and treatment, involvement and participation in decision-making structure in the PEC) that training, we had to organize and facilitate several training workshop on advocacy at national and international level (COALTION 15%, CALSCE, MOCPAT etc. .). It is in this context that the training center for the practice of advocacy was created in Positive . Generation.

THE GLOBAL INITIATIVE FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS (GI-ESCR)

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ABSTRACT

The pilot study on the applicability of CEDAW before the Cameroonian Courts regarding the achievement of women's land and property rights stems from the observation that two decades after the ratification of CEDAW by Cameroon, the situation observed in fact shows that the Convention is not enough in use, applied or observed. From this observation, this study makes an inventory of the state of application of CEDAW provisions on women's land and property rights; Presents and analyzes the status of the non-application of the Convention; Evaluates knowledge of judges of first instance on the use of CEDAW in the context of litigation; and Offers recommendations for better implementation of the Convention.

Knowledge of CEDAW

Data analysis shows that in general, all judges interviewed have already at least once heard about CEDAW either through the media or in discussions with colleagues. However, very few (2 of 14 judges) master the content and meaning of this Convention. For them, this knowledge is directly linked to participation in capacity building seminars on the topic. Knowledge of the text is further complicated by the fact that it is unavailable and inaccessible for magistrates. International Conventions are indeed ratified by Cameroon, but regrettably no process is actually put in place once the text is published to build the capacity of judges to enforce the rights contained therein.

Invocation of CEDAW in Court decisions

At the end of the study we were able to collect 105 judgments concerning women's land and property rights. From the analysis of the data, it was found that only 1.9% of decisions (2/105) were pronounced with CEDAW as a legal basis. Overall, although the Convention is not expressly mentioned, the spirit is found in 73 judgments for a percentage of 69.52 %. However, the study was able to identify 30 judgments in flagrant violation of CEDAW with a significant percentage of 28.57%. We observed that all these contradictory judgments to CEDAW are made on the basis of old discriminatory provisions of the Civil Code of 1804 which must be explicitly and urgently repealed. After analysis, it was noted that the implementation of CEDAW in the Courts of the central and the Littoral Cameroon is low. Based on this analysis and for a rational implementation of the proposed strategies, recommendations are made on the salient aspects of interventions to implement.

Recommendation 1: Cameroon should be encouraged to study at the national scale the status of the domestic implementation of CEDAW within the Courts, with specific focus on women's land and property rights.

Recommendation 2: Cameroon should be urged to introduce extensive outreach and advocacy activities with NGOs and civil society organizations aimed at large-scale diffusion (rural and urban) of CEDAW.

Recommendation 3: Cameroon should be urged to make CEDAW available to judicial officials of the 10 Courts of appeal in Cameroon and encourage them to diffuse the information and the instrument to different jurisdictions at their area of command and make sure its application is obligatory for magistrates, particularly vis-à-vis cases involving women's land and property rights.

Recommendation 4: Cameroon should be urged to organize capacity building seminars for the judiciary (Lawyers, Judges, state councils, clerk, bailiff, notary ...) on the application of CEDAW and the enforcement of rights guaranteed therein, with specific focus on women's land and property rights.

Recommendation 5: Cameroon should be urged to expressly repeal of provisions of the Civil Code of 1804 which discriminate against women, and which continue to be invoked by judges for the settlement of property disputes (namely Articles: 108, 213, 215, 1421 and 1428).

Recommendation 6: Cameroon should be urged to pass the draft Code of the Person and the Family that has been under consideration for more than 10 years, ensuring gender equality in the law.

1. Introduction

1.1. Background and justification

Article 17 of the Universal Declaration of Human Rights states that: **"Everyone, either alone or in a community has the right to property. No one shall be arbitrarily deprived of his property.** Article 14 of the African Charter on Human and Peoples' Rights, states that: "The right to property is guaranteed. This right can only be perturbed by public necessity or for the general interest of the community and in accordance with appropriate laws.q The Cameroon Constitution that was revised on 18 January 1996 also states in its preamble that ***"ownership to use, enjoy and dispose of property is guaranteed to everyone by the law. No one can be deprived of land or property except for a public purpose and under the condition of compensation in accordance to conditions determined by law."***

Despite these pertinent, general and non-discriminatory provisions, women still encounter numerous limitations with regards to exercising their rights and enjoyment of land and property. Persistent violation of women's rights, rigid legal restrictions, arbitrary deprivation of fundamental freedoms, harmful traditional practices, constitutes real obstacles to secure land and property rights for women in Cameroon.

However, one notes that Cameroon, in ratifying international instruments for the protection and promotion of women's rights including CEDAW, took a solemn pledge before nations, to take legislative, administrative, judicial, institutional measures and to implement policies and programs to ensure the exercise and enjoyment of women's human rights and fundamental freedoms on equal basis with men.

Adopted on 18 December 1979 by the General Assembly of the United Nations, CEDAW was ratified by Cameroon on 23 August 1994. It is already two decades that this instrument is an integral part of the Cameroon legal system. Unfortunately, discriminatory national laws against women with regards to secure land and property rights continue to be applied in gross violation of the Convention. Why? This is the purpose for which this study intends to investigate if the state of Cameroon is satisfactorily fulfilling its commitment as spelt out in article 2 paragraph c of the Convention ~~to~~ to establish the legal protection of the rights of women on equal basis with men and to ensure the effective protection of women against all acts of discrimination, through competent national Courts and other public institutions."

1.2. Aim and objectives of the study

Aim of the study

The main objective of this study is to establish an inventory on the application of CEDAW's provisions relating to women's land and property rights in the Centre and Littoral regions of Cameroon.

Operational objectives

Specifically these include:

- Assessing the knowledge of judges of the Courts of first degree on the use of CEDAW in litigation;
- Collect cases that apply CEDAW in settling disputes;
- Identify factors impeding the application of the Convention;
- Propose recommendations for better enforcement.

1.3. Expected results

At the end of the study, Positive-Generation will come out with a report containing:

- Knowledge of the judges of Courts of first degree on the use of CEDAW in handling litigation;
- Factors limiting the application of the text;
- Proposals for a better enforcement of the Convention.

1.4. Methodology

This section describes how the activities were implemented in order to achieve the research objectives. The survey method for the data collection, as well as tools that were developed for data collection is clearly outlined in this section. Furthermore, the precise study site as well as the target populations and sampling techniques used to select individuals for the study are highlighted. The methodology also throws more light on data analysis and interpretation.

The study sites

According to the judicial organization of Cameroon, we can distinguish Courts of first degree, second degree and third degree. In the first stage, we have the Court of First Instance (CFI) which jurisdiction covers a district. There are 360 districts in Cameroon and in principle as many CFIs. Also at the first stage there is the High Court (HC), whose jurisdiction covers a department. There are 58 in Cameroon thus in principle as many HCs. In the second stage, we find the Court of Appeal installed at each region, of which there are 10 in Cameroon. Finally, at the third stage is the Supreme Court based in Yaoundé. This study was conducted in two regions of Cameroon: The Centre and Littoral. These two regions represent the political and the economic capitals of Cameroon, respectively. They are cosmopolitan areas with a concentration of about ¼ of the Courts in Cameroon. In these different regions, the study was carried out in the following sites: YAOUNDE, MFOU, NGOUMOU, BAFIA, DOUALA, EDEA and NKONGSAMBA.

The study targets

- **Direct targets**

The study targets are the Courts. A total of 7 High Courts were selected within the 7 project sites, meaning that 1 Court was selected per site. These Courts are: HC of MFOUNDI (Yaoundé, political capital, seat of the institutions), the HC of WOURI (Douala, the economic capital), the HC of SANAGA MARITIME (Edea city), the HC of MOUNGO (Nkongsamba city), the HC of MBAM and INOUBOU (Bafia city), the HC of MEFOU and AFAMBA (Mfou city) and the HC of MEFOU and AKONO (Ngoumou city).

- **The indirect target population of the study**

Indirect target population includes all those using CEDAW to pass judgment or to demand respect of women's land and property rights before the Courts. In this study, indirect targets consisted of women themselves, lawyers, and 14 judges practicing in the High Courts.

Type of study

The baseline study on the implementation of CEDAW was conducted using a qualitative approach. This method did not only help in identifying practices in terms of the volume of information but also ensured the quality of data collected. The main technique used in collecting the data was documentary analysis. It enabled the analysis of knowledge and decisions made with regards to on

CEDAW in the context of this research. Decisions of judges, meetings with resource persons form the basis of this analysis.

Sampling

Since the study sets out to make an inventory of the Convention with regards to its application by the Courts in Cameroon, the sample was primarily orientated by Courts.

- **Sample size**

The sample was based on a selection of seven Courts so as to give as exhaustive reading relating to interventions in different aspects in the application of CEDAW, in each of them. **In this perspective, the size of the sample is 7 High Courts.**

- **Quota and number of judgments selected**

The quota/number of judgments per Court was selected with respect to the time and financial means allocated for this study. Thus, to ensure objectivity and representativeness, the number of decisions to be collected per Court from January 2003 to December 2013 was 30. On this basis, the theoretical size of the sample is:

10 judgments relating to women's land rights	N1 = 10
10 judgments relating to equal rights of men and women to enjoy, manage, administer and dispose of household/matrimonial goods	N2 = 10
10 judgments relating to inheritance rights	N3 = 10

$$\mathbf{N = N1 + N2 + N3 = 30}$$

Moreover, judges involved in these Courts were interviewed with the aid of a semi-structured questionnaire with regards to the application of CEDAW in their judgments. A total of **14 judges** were interviewed.

- **The choice of Courts**

The study focused on the Courts of first degree because they constitute the first level of referral. They are the first level for the introduction of a legal claim. It is therefore before them preceding any other that issues requiring the implementation of CEDAW may arise. Among the Courts of first degree, the High Court was preferred to the Court of First Instance because according to the judicial organization in Cameroon, it is the competent jurisdiction of personal and marital status, marriage, estates, divorce issues, falling within the scope of CEDAW. The seven Courts in the study have been selected on the fact that they are the most representative of the socio-cultural and ethnic component of the regions targeted.

- **Data collection procedures**

After knowing the number of documents and judges to be interviewed per Court, data collection personnel proceeded to have a closer view of the physical milieu of such Courts; then, the selection of texts following technical instructions from the selected targets. This was done on daily basis until the required number of the texts per day was gotten and copies of selected decisions made.

Meanwhile, in each of the Courts visited, the person or personality eligible for interview was identified, and his/her consent was requested for interview. This interview was free and

unconstrained. In case of unavailability of the individual eligible for interview, the data collection agent took an appointment for another time.

Collection tools

The main data collection tool for this study was the individual Interview guide that was used to collect data on knowledge of CEDAW from judges.

Data analysis and production of the report

Data analysis was done manually. Data was analyzed using applied content analysis technique for individual interviews and results of documentary collection.

Data triangulation process to merge information from different tools and extract the essential elements to consolidate analyzes was subsequently adopted. Also, particular attention was accorded with regards to gender issues, addressed in a transversal perspective throughout the analysis. At the internal plan, the results will be used to guide strategic planning, plan for implementing field activities. At the external plan, the results will be used for advocacy towards stakeholders for the extension of this Convention.

Generalizability

This study was conducted in two regions of Cameroon out of ten in the country. And even in the two regions, not all the divisions and subdivisions were covered. The collection of Court rulings were limited to High Courts and sometimes Court of first instance, thus only seven were selected. The information collected may only partially reflect the applicability of CEDAW in Cameroon in relation to land and property rights of women. This does not meet up with the principle of representativeness. However, it does provide an indication of the ways in which Cameroonian Courts are addressing women's land and property rights issues and some of the barriers which persist.

2. KNOWLEDGE OF CEDAW

It is unquestionably a prerequisite to determine the level of knowledge of those charged with enforcement of the law. And with regards to CEDAW, the principle "ignorance of the law is no excuse" cannot fully find the scope of application with regards to accessibility to international treaties which have been rendered difficult in Cameroon. In the Cameroonian legal system, there is a plethora of international or regional Conventions ratified by Cameroon which are sometimes very old and unknown to many. What about CEDAW? Ratified by the State of Cameroon 20 years ago, it is important to take stock of its application by questioning its availability and accessibility on the one hand, and to find out if magistrates that are supposed to apply this text, master its contents and meaning on the other hand.

2.1. Contents and meaning of CEDAW

In the study methodology, interviews intended to understand how the judges use CEDAW to address issues of women's land and property rights in the exercise of their function were included. In each of the Courts targeted by the survey, at least two magistrates were interviewed. Of the 14 judges interviewed, 9 were women simply because they were more available than their male colleagues at the time the study was being carried out.

Generally, data analysis reveals that, all of them had at least once heard of CEDAW either through the media or during discussions with colleagues. However, very few (2 out of 14 judges) master the contents and meaning of this Convention. For these few, this knowledge is directly linked to their participation in capacity building seminars on CEDAW and its application. The interview with the magistrate and the examining magistrate of the MBAM and INOUBOU High Court, perfectly illustrates this point. In answer to whether she had ever heard about CEDAW, she said: *"Yes. I have once attended a seminar on such an issue. I know it is a Convention that fights against all forms of discrimination against women. But I do not master all the provisions established by CEDAW and I have no text in my keeping to better give a reading of the Convention. In our Courts, there may be 2 or 3 judges that have heard of CEDAW through their having participated in seminars. Some of my colleagues do not even know what it is all about."*

Availability and accessibility of CEDAW

One of the conclusions reached at the end of this survey is, the unavailability and inaccessibility of CEDAW for judges charged with its application presents a barrier to its enforcement and application. International Conventions are ratified by Cameroon but not disseminated. Once the texts have been published, no process is put in place to ensure its application. All is going on as if there has never been a positive change in law in the state of Cameroon and judges lack knowledge of its application.

3. INVOCATION OF CEDAW IN THE DECISIONS OF JUSTICE

The judges interviewed were unanimous: "CEDAW is a working tool for the judge" to be used each time the dispute requires. At the end of the study we were able to collect 105 judgments relating to women's land and property rights. In analyzing the data collected, it came out that only 1.9% of decisions (2/105) were taken based on CEDAW. Overall, although the Convention is not expressly mentioned, its spirit was noticed in 73 judgments for a percentage of 69.52 %. **However, the study was able to identify 30 judgments rendered in flagrant violation of CEDAW with a significant percentage of 28.57%. We observed that all these contradictory judgments to CEDAW are made on the basis of old discriminatory provisions of the Civil Code of 1804 which must be explicitly and urgently repealed.**

3.1. CEDAW, a tool for the judge

Two judgments illustrate the effort of the Cameroonian judge in applying the provisions of the Convention to protect women's land and property rights on equal terms with men. The first decision is a very recent judgment rendered by the Court of First Instance of Edea. The second is an order made by a conciliatory judge relating to divorce.

- **Judgment n° 992/cor passed at the Court of First Instance of Edea on the 1st of November 2013: The case between the state council and MATIP Jean versus NGO GWETH, widow MAHOP Anne**

In this case, widow Anne MAHOP was sued in Court by his brother-in-law, Jean MATIP for acts of destruction of property and disturbance. Presenting himself as the owner, customary administrator of the property left by his deceased brother Louis MAHOP about 15 years ago, Mr. MATIP accused the widow whom he considered to have become his wife to have removed the sheets of zinc from the roof of a house built by his late brother.

The legal issue raised by the case was that of property and prerogatives attached to it, including the right to use, enjoy one's goods and the absolute right to dispose of property. The brother felt that with the death of his brother and according to custom, he had the right to inherit MAHOP's spouses and estate. The widow, on her part had a contrary opinion.

To come up with a decision between the parties, the judge Mrs. Marie Paule DIDI AÏSSATOU who had participated in several seminars on CEDAW restored the land and property rights to MAHOP's widow through the following legal reasoning: *"It is established that the defendant removed sheets of zinc from the roof of a house, it is also true that this house was built by the late husband of the defendant who lived in this house with her spouse until his death; for MAHOP widow to remove sheets of zinc from a house in ruins belonging to her does not constitute acts of disturbance or destruction when it has been established that the victim has never occupied this house;*

Whereas Article 16 paragraph h of the Convention on the Elimination of all Forms of Discrimination against Women acknowledges that both spouses have the same rights with regards to ownership, acquisition, management, administration, enjoyment and disposition of property, be it free of charge or for a valuable consideration, it is established that the disputed house belonged to the MAHOP couple; thus, according to the provisions in force,

the wife of MAHOP has the same right to dispose of the same house as her husband and more so, after his death; it will be uncalled for to accuse her for having disposed of such property; therefore it is advisable to declare her not guilty and acquitted her for acts of perpetration of destruction and disturbance due to non-established facts."

- **Ruling of the conciliatory judge n° 74/ADD of the 21st of March 2013/Divorce: the case between Angeline BATELA and Mr. Longin NGANKOULA ETOGO (High Court of Mfoundi).**

In this case, on 24 January 2013, the woman Angeline BATELA filed a divorce motion before the High Court of MFOUNDI. During the hearing of attempted conciliation provided for by law, her husband Mr. NGANKOULA presented his objection with regards to the incompetence of the territorial jurisdiction of the Court because he was now residing in Douala where he had been on duty for more than 10 years. So for him, it was before the High Court of Wouri in Douala his domicile that the case should be brought. In responding to this, the wife argued that the matrimonial home, despite the transfer of her husband to Douala was in Yaounde, where the marriage was celebrated and children delivered.

In declaring the Court competent for this case, the conciliatory judge ruled out that in accordance with CEDAW, a woman has equal rights to have a home that is not necessarily the one imposed by the husband, in the following manner: *"Given that, the lady NGANKOULA has never been invited to join her husband in Douala where he claims to have a matrimonial home; that also for more than ten years after his assignment in the said city, all the couple's children have remained in Yaounde where they are schooling, assisted by their mother while staying at the matrimonial home that was chosen by the couple during their marriage; Further considering that Mr. NGANKOULA ETOGO Longin has never ordered his wife to join him at the matrimonial home in Douala since 10 years ago; that the abandoned wife had no other choice than to resort to her home Court to claim her necessary for her and her children to survive; Taking into consideration, the United Nations Convention on the Elimination of All forms of Discrimination against women which provides that they can have a home that is not necessarily the one chosen by the husband; it is important to declare that the Court has assume jurisdiction to entertain the divorce petition filed by lady NGANKOULA ETOGO born as BATELA Angeline Josiane."*

Here again, the judge who passed the ruling has a strong knowledge of the contents of CEDAW, thanks to her having participated in several seminars organized by donors, especially, the European Union Support Program for the Justice Sector.

In matters relating to women's land and property rights, we noticed that, despite the express invocation of CEDAW in judgments, its spirit and philosophy was largely reflected in the majority of decisions collected, whether in relation to accession to real estate property, inheritance or matrimonial issues.

3.2. Decisions contrary to the latter and to the spirit of CEDAW: women's land and property rights and the discriminatory provisions of the Cameroonian Civil Code.

The study conducted in the targeted Courts also revealed the existence of discriminatory provisions in the national law contrary to CEDAW. Whereas CEDAW, being an international treaty, ratified and published and in accordance with Article 45 of the Constitution which states that ~~the~~ ^{it}

approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement;+is in the hierarchy of legal norms, above the law and takes precedence over the latter.

With regards to discriminatory legislative provisions in violation of women's rights to land and property, **Article 213 of the Cameroonian Civil Code "designates the husband as the head of the family, and as such he has the moral, material and financial control and management of the family."**

Furthermore, in accordance with **Article 108 of the Civil Code: "A married woman has no other home than that of her husband"** Also, **Article 215 of the Civil Code "gives the husband the sole right to determine the matrimonial home and the wife is obliged to follow and live with him unless the residence chosen by the husband for the family presents some form of physical or moral danger to the family, then the woman can exceptionally be authorized by the judge to have another residence for her and her children."**

Article 1421 of the Civil Code also states that: "The husband alone administers the property of the family. He can sell, and mortgage without the consent of the woman"

This Article is at the base of several discriminatory judgments against women in Cameroon. Also, **Article 1428 of the Civil Code even goes so far as to state that: "The husband has the right in the administration of all personal property of the wife. He can single handedly decide on the personal belongings and possessions of the woman."**

Illustration of the application of these discriminatory provisions against women

- **Ruling n° 99/ADD/civ of the 27th of December 2012, the case NANGA Etienne, Mrs. NANGA born as EVINA AKONO Suzanne, VAL EXPORT versus AFRILAND FIRST BANK SA: seizure of landed property (Mfou/Mefou and Afamba High Court)**

In this case, Mr. NANGA undertook a joint surety commitment with VAL EXPORT Company to mortgage the family property with the land titles n°s. 5591 and 3385 without the consent of his wife, Seizure proceedings initiated by the creditor's prosecutor AFRILAND FIRST BANK, at the hearing of objections raised by Mrs. NANGA based on the provisions of articles 249, 250 of the OHADA Uniform Act n°. 6, 1399 and 1401 of the Civil Code opposed to the seizure initiated by the bank gained ground that mortgaged properties fell within the community and acts of prosecution would have had to be served to enable her assert her rights. Article 250 of the OHADA Uniform Act relating to simplified recovery procedure and enforcement provides that forced sales of joint buildings are carried out against the two couples."

The judge that was called to give a ruling on the dispute rejected the opposition of the woman, NANGA in these terms: ***"Under the terms of Article 1421 of the Civil Code, the husband alone administers the property of the family. He can sell, give out and mortgage without the consent of the woman; Whereas it appears from the documents, especially the marriage certificate that the NANGA spouses are married under the system of the community's property; Therefore the husband can act on behalf of the community; the wife can therefore not oppose the proceedings on the said property; this opposition is rejected as unfounded."***

By ratifying CEDAW, Cameroon undertakes as it is enshrined in Article 2(f) of the Convention, to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discriminatory practices against women.+

In analyzing this judgment, it is clear that for two decades after approving CEDAW, Cameroon has not taken appropriate steps to repeal discriminatory provisions of the Civil Code that are continuously being invoked by the Courts to prevent women from enjoying their rights in terms of equality with men.

In this perspective, **Positive-Generation** is preoccupied with this state of affairs and is asking the Committee to emphasize this issue when Cameroon will be presenting its report on measures it has taken to make sure that the provisions of the Convention are implemented.

- **Other examples of discriminatory judgments: Judgment n° 37/civ/TGI/03-04 of the 15th of September 2004, Case between Mr. YANA YANA Lucien versus Mrs. YANA YANA born as EWANJE NDOUMBAY Therese, request for divorce and liquidation of joint property , SANAGA MARITIME high Court**

After ruling in favour of divorce for the couple YANA YANA, the judge ordered the liquidation and sharing of the joint property that existed between the spouses in the ratio of 2/3 for the husband and 1/3 for the woman. During this survey we came across at least 15 of such discriminatory judgments by the Courts targeted by the study.

Thus, Positive-Generation strongly condemns this judicial practice and suggests that the State of Cameroon, through the Ministry of Justice should take necessary measures to prohibit it.

CONCLUSION AND RECOMMENDATIONS

CEDAW is a leading international treaty for the promotion and protection of women's rights in equality with men. It highlights several basic rights for the empowerment of women as full human beings such as guarantees their equal and secure rights to land and property. This pilot study was designed as a means of verifying the applicability of CEDAW with regards to the implementation of the principle of equality between men and women relating to the enjoyment and exercise of the aforementioned rights. Following this analysis, several facts have emerged with the major ones summarized below as follows:

Despite the fact that CEDAW is 35 years old it remains unknown to women, litigants and practitioners (lawyers, judges and other Court officials). Weakness in its implementation in Courts is largely result of the ignorance of its existence and domestic legal applicability. Despite the ratification of the Convention, existing discriminatory provisions against women in the 1804 Civil Code are continuously invoked by the judges in settlement of property disputes.

Based on the facts and analysis presented in this report, we respectfully urge the CEDAW Committee to make the following reservation to the State of Cameroon:

Recommendation 1: Cameroon should be encouraged to study at the national scale the status of the domestic implementation of CEDAW within the Courts, with specific focus on women's land and property rights.

Recommendation 2: Cameroon should be urged to introduce extensive outreach and advocacy activities with NGOs and civil society organizations aimed at large-scale diffusion (rural and urban) of CEDAW.

Recommendation 3: Cameroon should be urged to make CEDAW available to judicial officials of the 10 Courts of appeal in Cameroon and encourage them to diffuse the information and the instrument to different jurisdictions at their area of command and make sure its application is obligatory for magistrates, particularly vis-à-vis cases involving women's land and property rights.

Recommendation 4: Cameroon should be urged to organize capacity building seminars for the judiciary (Lawyers, Judges, state councils, clerk, bailiff, notary ...) on the application of CEDAW and the enforcement of rights guaranteed therein, with specific focus on women's land and property rights.

Recommendation 5: Cameroon should be urged to expressly repeal of provisions of the Civil Code of 1804 which discriminate against women, and which continue to be invoked by judges for the settlement of property disputes (namely Articles: 108, 213, 215, 1421 and 1428).

Recommendation 6: Cameroon should be urged to pass the draft Code of the Person and the Family that has been under consideration for more than 10 years, ensuring gender equality in the law.