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Early Child and Forced Marriage: A Cultural Scourge Affecting Women and the Girl Child in Cameroon

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ABSTRACT

This Digest focuses on Early and forced marriage which is a form of gender-based violence that takes place in many regions in Cameroon and particularly in the Northern part of the country. It is a harmful practice which has eaten deep into different cultural groupings in Cameroon. It is one of the most widespread and systematic violations of the universal human rights to personal integrity committed against girl children in Cameroon, abusing their physical, sexual and psychological integrity. Early and forced marriage is indeed a human rights issue because the girl children who are subjected to this obnoxious practice are denied a range of very important human rights, such as the right to education and subsequently, the right to gainful employment as well as the rights to decide when and whom to marry. The aim of this article is to assess and critically examine the practice of early and forced marriage and its implications on the rights and welfare of women and the girl child. The article introduces the practice of early and forced marriage as a human rights issue, and looks at its social context, prevalence, rationale and consequences. The article equally examines the steps taken by the government and the civil society to regulate this practice. However, despite Cameroon's obligations under international law, the practice continues to be widespread.

I. INTRODUCTION

The Gender-based violence is a problem that affects millions of girls and women, cutting across boundaries of culture, religion, socio economic class, education, age and other diversity. It has been recognized as a human rights issue that manifests itself in physical, psychological, social, and cultural forms. This form of violence has been regarded by many as one of the most pervasive of human rights violations, denying women and girls' equality, security, dignity, self-worth, and their right to enjoy fundamental freedoms. Such violence is highly prevalent

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within the family, and remains widely socially tolerated and is often a cycle of abuse that manifests itself in an endless variety of forms.³ Various forms of such violence have been recognized globally, to include but not limited to female genital mutilation, breast ironing, widow maltreatment and widow inheritance. However, there exists another form of gender-based violence which is so rampant in the different regions of Cameroon but most specifically in the Northern part of the country. We are referring to the harmful practice of early/child and forced marriage.

Marriage can be defined as the “state of being united to a person as spouse in a legal, consensual and contractual relationship recognized and sanctioned by and dissolvable only by law”.⁴ It remains a fact that, every person has the right to marry.⁵ But when someone marries before the authorized age, such a situation is then referred to as early/child marriage. The minimum age for marriage in Cameroon is 15 years for girls and 18 years for boys.⁶ Although, legal changes to the Penal Code, in 2016 raised the minimum age of marriage from 15 years to 18 years for both girls and boys.⁷

Forced marriage on its part, refers to a situation in which one or more of the parties is married without their consent or against their will.⁸ Forced marriage occurs when the consent of a party or both is neither sought nor considered by the families or communities that arrange such marriages. Meaning girl children who enter into early marital unions are usually either forced or tricked into it with little or no regard for their will. Also, it is common knowledge that most early marriages are forced because children hardly know what they are getting into. Whereas, marriage should be for adults because of their ability to understand the responsibilities and the privileges that come with the institution of marriage— adults are better placed to grasp the ramifications of marriage. The word “early marriage” as used in this article should be taken as making reference to persons who get married under the required age to marry. This therefore means that the word “early marriage” should be taken to also mean “child marriage”.

Early and forced marriage is practiced in many part of the world especially Africa. The UN⁹

³ Tchoukou Julie, “*Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon*”, Civil Legal Sciences, 2014, p.1

⁴ Merriam-Webster.com Legal Dictionary, 1847

⁵ Article 16 (1) of the UDHR of 1948, says that everyone; “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family...”

⁶ As per article 52 (1) of the Civil Status Registration Ordinance of 1981 as revised by Law No 2011/011 on 6th May 2011 to amend and supplement some provisions of the Ordinance No. 81/02 of 29th June 1981

⁷ Section 356 of the Penal Code

⁸ From Wikipedia, the free encyclopedia

⁹ UN stands for the United Nations Organization

estimates that fifteen million girls experience early/child marriage each year.¹⁰ Another UN report pointed out that in sub-Saharan Africa, about 40 % of girls marry before the age of eighteen, and African countries account for fifteen of the twenty countries with the highest rates of child marriage.¹¹ In Cameroon, a 2016 report revealed that 38% of girls married before their 18th birthday, and that Cameroon has one of the highest child marriage rates in the world.¹² Moreover, a 2019 report by Cameroon's National Institute of Statistics, citing the United Nations, said nearly one-third (1/3) of girls in Cameroon were married before their 18th birthday.¹³ More so, according to figures from the Ministry of Women's Empowerment and the Family, at least forty-one percent (41%) of Cameroonian teenage girls are forced into marriage, usually with much older men.¹⁴

As earlier mentioned, early/child and forced marriage is widespread in Cameroon and is prevalent in the Northern part of the country¹⁵ particularly among the Tupouri.¹⁶ In the predominantly Muslim part of the country, young girls are still sent into marriages with traditional rulers; lamidos, who may have ten or fifteen wives.¹⁷ Apart from the North, this harmful practice is also perpetrated in the South-West Regions and is common in areas such as Akwaya in Manyu Division, parts of Lebialem, and in places that still hold a lot of respect for traditional rulers.¹⁸ A representative of the Federation of Women Lawyers (FIDA) in Cameroon indicated that early and forced marriage is also prevalent in other parts of Cameroon most especially in the rural areas of the North-West, South-West¹⁹ and even the Western Regions.²⁰ In Cameroon, the legal minimum age for marriage is 18years for boys and 15years for girls²¹ although, legal changes to the Penal Code, in 2016 raised the minimum age of marriage from

¹⁰ Human Rights Watch Report, "Child and Forced Marriage in South Sudan", 2013, available at <https://www.hrw.org/news/2013/06/06/child-and-forced-marriage-south-sudan> accessed June 2021

¹¹ UNICEF Report, "Ending Child Marriage: Progress and Prospects", 2015, available at <http://data.unicef.org>, accessed April 2021

¹² Girls Not Brides, "Cameroon launches African Union campaign to end child marriage", 2016

¹³ Moki Edwin Kindzeka, "Cameroon Single Mothers Protest Forced, Early Marriages", vox news, 2020

¹⁴ Unicef : "Investing in teenage girls: Ngaoundere commemorates the 2016 World Population Day", 2016

¹⁵ Institut Supérieur du Sahel, supra note 1

¹⁶ Kingah Pascal and Kingah Stephen, "African Traditions and the Modern Human Right Mechanisms: The Case for Women in Cameroon and Africa", 2010

¹⁷ United States Bureau of Citizenship and Immigration Services, "Cameroon: Information on forced or arranged marriage", 2002, available at: <https://www.refworld.org/docid/3f51ec864.html> accessed 2020

¹⁸ Canada :Immigration and Refugee board of Canada, *Cameroon: Prevalence of forced marriage in Cameroon, particularly in Southwest Region, including state protection available; forced marriage as practiced by chiefs, and whether the girls or women that are forced to marry chiefs must be virgins and childless*, 2013, p.1. also available at <https://www.refworld.org> visited April 2020

¹⁹ Ibid

²⁰ Moki Edwin Kindzeka, supra note 13

²¹ As per article 52 (1) of the Civil Status Registration Ordinance of 1981 as revised by Law No 2011/011 on 6th May 2011 to amend and supplement some provisions of the Ordinance No. 81/02 of 29th June 1981

15 years to 18 years for both girls and boys.²² For the marriage to be valid, consent must be freely expressed by the parties²³ and such marriage must be recognized by an official certificate.²⁴ The meaning of the above words could be interpreted to mean that the practice of forcefully engaging a girl child below the required age into the act of marriage is in fact an illegal act/offence in Cameroon.²⁵ Early/Child and forced marriages are common in Cameroon but the practice is extreme in the northern part of the country where three fourths of the women aged 20-29 were married before they were 16 years old. Prevalence is highest in North (73%), Extreme North (72%), Adamawa (59%), East (59%), South (43%), Centre (34%), South West (28%), West (24%), North West (17%) and Littoral (13%). Most of the girls in the northern part of the country are given to much older suitors when they are 11 or 12 years old.²⁶ These results reflect a pattern similar to what was observed in the 2011 DHS²⁷ data.

It is important to note that the girls who are vulnerable to early/child and forced marriages include those who are the least educated, poor and live in rural areas. In a study conducted by UNFPA,²⁸ it was established that for women aged 20-24, 79% with no education and 45% of women with primary education were married before 18 years in comparison to 13% of women who had attained secondary education and almost none of those with higher education.²⁹ In addition, girls from 20% of the poorest families were 6.5 times more susceptible to marriage in comparison to girls from 20% of the richest families. The study also found that women aged 20-24, living in rural areas, were more likely to be married before 18 in comparison to women living in urban areas.³⁰ According to UNICEF,³¹ by the end of 2019 there were 855,000 children out of school in the North-West and South-West regions of Cameroon due to instability. This puts girl children at an increased risk of early/child and forced marriage and early pregnancy.³²

The vast majority of early and forced marriages are usually negotiated by men; usually the girl

²² Section 356 of the Penal Code

²³ Article 64-67 of the Civil Status Registration Ordinance of 1981 as revised by Law No 2011/011 on 6th May 2011 to amend and supplement some provisions of the Ordinance No. 81/02 of 29th June 1981

²⁴ Ibid, Article 69

²⁵ If an act is condemned by law, it therefore means the operation of such an act will mean illegality, such is the case with Early and Forced marriages which are acts condemned by Section 356 of the Cameroonian Penal Code revised in 2016; Sajeda Amin, “*When Girls’ Lives Matter: Ending Forced and Early Marriage in Cameroon*”, 2011, p.4

²⁶ Population Council Report 2011

²⁷ Demographic Health Survey

²⁸ United Nations Population Fund

²⁹ United Nations Population Fund Report 2012

³⁰ Ibid

³¹ United Nations International Children Emergency Fund

³² Cameroon Community Al Khor and Ras Laffan Qatar, child marriage, 2020 available at https://web.facebook.com/permalink.php?story_fbid accessed May 2020

child's father and her elder brothers while mothers are often left out of the picture entirely.³³ Mothers know that resistance might lead to their being thrown out of the house or put them in a state of conflict with their husbands. Indeed, the mother is often the first person to be blamed when a girl refuses to comply with a proposed marriage. However, this practice of forcing young girls into marriage in Cameroon is perpetrated for various reasons.

II. FACTORS THAT PROMOTE AND REINFORCE THE PRACTICE

In several societies in Cameroon early/child and forced marriage is held as a deeply entrenched social and economic institution, which is enshrined in religion or tradition and continues to flourish for many different reasons. The practice is similar in many ways to the social dynamics related to female genital mutilation (FGM) which is also reinforced by social norms. However a number of factors account for the perpetration of this harmful cultural practice;

(A) Gender Inequality

Gender inequality persists in most societies despite global statements of commitment to empower women and the girl child and to improve gender equality. Amid the many factors, the practice of early/child and forced marriage is kept in place by a single underlying reality: patriarchy and "male honor." Across Cameroon's Far North region, where early and forced marriage is a rampant practice, women are considered property, and men's honor is paramount. The notion that a woman or girl has a right to decide whom she marries is predicated on the notion that she has the same value as a man or boy, a radical idea for many.³⁴ In many societies worldwide power structures are still overwhelmingly male-dominated or patriarchal. Under such conditions, the marriage of girls is perceived as a necessary way of reinforcing existing norms. It ensures that girls and women accept their domestic roles and have a limited role within the wider society. This clearly results in women's total dependency on men. Therefore, any government making genuine efforts to eradicate gender inequality will find its path blocked unless it explicitly tackles entrenched social norms, attitudes and practices in relation to marriage, as an integral component of its gender equality strategy. Girls who grow up in the Northern part of Cameroon are told early and often that marriage is their primary destiny³⁵ as opposed to the boy child who may become whatever he desires; reasons why efforts are put towards his education than that of the girl child.

³³ Andrea Lynch, "*When Girls' Lives Matter: Ending Forced and Early Marriage in Cameroon*", 2011, p.7

³⁴ Ibid

³⁵ Andrea Lynch, *supra* note 33, p.6

(B) Poverty

Early/child and forced marriage is typically practiced in a context of poverty. Because of the prohibitive costs associated with schooling,³⁶ poor families often view educating their daughters who are just going to be married anyway as a dubious investment.³⁷ In most if not all cases, early and forced marriages is as a result of the encouragements given to young girls by their parents with the hopes that the marriage will benefit them (parents) both financially and socially or as compensation for a pledge that was made.³⁸ Indeed, it is not uncommon for a young adolescent school-girl who talks out of turn to be reprimanded by her teacher and asked, “What are you still doing in school? You should be married by now!”³⁹ Also, marrying off daughters is also an income-generation strategy. In exchange for the girl’s “hand” in marriage, a father receives payment usually in the form of livestock, cash, or goods; younger girls often fetch a higher price.⁴⁰ Most of the parents involved in this practice do so because they find themselves in financial difficulties hence they marry away their daughter (s) and use the bride-price obtained to settle their problems. Marrying off a daughter also means one fewer mouth to feed.⁴¹

(C) Control over sexuality and protecting family honour

Early/Child and forced marriage is traditionally recognized as necessary for controlling girls’ sexuality and reproduction. Some parents view marrying their daughters early off as a strategy to control their sexuality and protect them against a potential out-of-wedlock pregnancy. Such pregnancies even if they are as a result of rape are considered to bring shame on a girl’s family and to undermine her marriage prospects. Indeed, while it is socially acceptable for a 12-year-old girl to be impregnated by her 40-year-old husband, an 18-year-old who becomes pregnant after a rape or after having consensual sex with her boyfriend is a source of shame.⁴² Cultural and religious notions of a girl’s virginity and chastity in many societies are directly linked to the honour and status of a family or clan. This means that there is tremendous pressure on parents to marry off girl children early enough so as to preserve family honour and minimize the risk of improper sexual activity or conduct.⁴³ Indeed, girls are perceived as incapable of

³⁶ Even in the absence of tuition fees, parents must pay for clothes, transportation, and textbooks, as well as exam fees, activity fees, and contributions to local school boards.

³⁷ Andrea Lynch, *supra* note 33

³⁸ UNICEF Report on Child marriage, 2005

³⁹ *Ibid*

⁴⁰ *Ibid*

⁴¹ *Ibid*

⁴² *Ibid*

⁴³ Sagade Jaya, *Child Marriage in India: Socio-legal and Human Rights Dimension*, Oxford University Press, 2005

protecting themselves through their own agency. Girl children in rural communities may be withdrawn from school at first menstruation to restrict their movements in order to protect their sexuality.⁴⁴

(D) Insecurity

Situations of insecurity can prompt parents or guardians to resort to early and forced marriage of their girl child as a protective mechanism or survival strategy. This could be due to families' desires to secure the future of their daughters. Such practice persists, because it is seen by the perpetrators as a way to provide their daughters with male guardianship. Among some populations which have been disrupted by war, marrying a young daughter to a warlord or someone who can look after her may be a strategy for physical security or family support. The perpetrators of this practice will rather do as mentioned above because in the worst cases these girls are abducted or kidnapped by armed militia or rebels and forced into temporary marriages which amount to "a combination of child prostitution and pure slavery. For instance in some parts of Cameroon like in the North, the armed conflict between the government armed forces and the Islamic rebel forces (Boko Haram) has led to an increase in early/child and forced marriages. Parents, guardians in the Northern part of the country say marrying girl children away protects these girl children from the Islamist militants who may abduct or kidnap the girl children and turn them into sex-slaves but the Cameroonian authorities say Boko Haram no excuse for child marriage.⁴⁵

(E) Religious Misunderstanding

Another factor that accounts for the practice of early and forced marriage of the girl child in Cameroon is confusion in relation to religious law. For instance, the Koran calls for the consent of both parties in order for a marriage to be valid.^{46 47} In reality, early/child marriage is misrepresented as religious doctrine when in fact it is merely a local tradition. Very few people in the region of extreme perpetration, however, have enough literacy and training to read and interpret religious texts for themselves. Hence, many parents mistakenly think of child marriage as a religious value firmly rooted in the sacred texts of Islam (the dominant religion in this part of Cameroon).⁴⁸ However, the act of subjecting young girls to early and forced marriage comes with a variety of consequences.

⁴⁴ UNICEF, "Early Marriage: Child Spouses", 2001, Florence:UNICEF Innocenti Research Centre

⁴⁵ Anne Nzouankeu, "Cameroonian Girls on Nigeria Border Married Off to Escape Boko Haram", 2019, Voice of Africa News

⁴⁶ Wikipedia, "Marriage in Islam", 2021, paragraph 1,

⁴⁷ Andrea Lynch, supra note 33

⁴⁸ Ibid

III. CONSEQUENCES

Early and forced marriages have significant consequences in Cameroonian society. Just like the case with other harmful cultural practices such as female genital mutilation, breast ironing and widow maltreatment, the consequences of early and forced marriage are far-reaching than just their impact on the individual children affected. The forceful marriage of children has negative effects on families and communities. As a form of violence against women and the girl child, the practice is extremely harmful to the socio-economic status, sexual and reproductive health, and psychological wellbeing of young girls and women. These consequences include;

(A) Barrier to Education

Early and forced marriage violates the girl child's right to education and subsequently, the right to gainful employment.⁴⁹ It deprives the girl child of the opportunity to obtain education which will help her live an economically rewarding life in future.⁵⁰ In practicing societies, families tend to prioritize the education of their sons and are less likely to invest in their daughters' education claiming to be poor. These families cannot afford the learning materials, uniforms, fees and other education related expenses. This culminates in families preparing their daughters for their responsibilities as future spouses and mothers. Moreover, in some cases, the expectation that their daughters will soon be married causes parents not to send them to school. In situations where the girls are attending school, their education is disrupted when they are forced to get married at an early age. For example in the northern part of Cameroon, girls as young as eleven are married off to suitors.⁵¹ Once they get married, they do not have the time to go to school and attend to their wifely duties at the same time. Duties such as looking after the home, cooking food and looking after their children take priority. The lack of access to education deprives girls from developing intellectual skills and other vital skills that would enable them find jobs and be productive in their communities.

More so, a lack of education limits girls' choices and opportunities throughout their lives, not just when they are children. The price of this exclusion is often poverty for without education-girls and adult women have fewer opportunities to financially provide for themselves and their families and are even more vulnerable to persistent poverty when their spouses die, abandon,

⁴⁹ Danpullo Rabiatu, "*The Maputo Protocol and the Eradication of the Cultural Woes of African Women: A Critical Analysis*", 2017, p. 107

⁵⁰ Office of the Special Representative of the Secretary General on Violence against Children and Plan Report of the UN Secretary-General on the girl child, 2011, paragraph 34

⁵¹ Population Council Report 2011

or divorce them.

(B) Pregnancy Risks

Early/child and forced marriage directly threatens the health and well-being of girl children when they get pregnant. Complications from pregnancy and childbirth are the main cause of death among adolescent girls aged 15-19 in developing countries. Approximately 12 million girls aged 15-19 years and at least 777 000 girls under 15 years give birth each year in developing countries. According to the UN, the leading cause of death in girls ages 15-19 in developing countries is complication from pregnancy and childbirth.⁵² Young girls who get married before the age of 18 are easily susceptible to premature death.⁵³ This is due to the fact that by the time they get married, they are not physically mature to become pregnant and to start delivering babies. Once they get married, they are under tremendous pressure to prove their fertility and this is usually justified through reproduction. It should be noted that pregnancy is riskier for pre-teens and young mothers in comparison to their older counterparts.⁵⁴ A Demographic Health Survey for Cameroon revealed that, the interval between first marriage and first birth was significantly lower for those respondents who married under the age of 18.⁵⁵ A child born to a girl under 18 has a 60 percent greater chance of dying in the first year of life than one born to a woman 19 and older.⁵⁶

(C) Obstetric Fistula

Girls who get married before 18 years are forced to conceive early in order to prove their fertility within their first year of the marriage. Pregnancy for adolescent girls poses a serious risk for the mother and the child during birth. For instance, the majorities of girl children who are married give birth each year, and could face grave health risks/complications such as obstetric fistula which could occur during child birth. An obstetric fistula occurs when a mother has a prolonged, obstructed labour, but doesn't have access to emergency medical care, such as a Caesarean-section.⁵⁷ During her prolonged labour, the mother's contractions continually push the baby's head against her pelvis. This Soft tissues caught between the baby's head and her pelvic bone become compressed, restricting the normal flow of blood. Without adequate blood supply, sections of tissue soon die, leaving holes—known as “fistulae”—between the mother's vagina and her urinary tract and/or rectum. It is these holes that cause incontinence.

⁵² Report by the World Health Organization (WHO), 2021

⁵³ Ibid

⁵⁴ Report by the World Health Organization (WHO), 2013

⁵⁵ Demographic Health Survey for Cameroon 2004 and 2011

⁵⁶ Human Rights Watch, “Q&A: *Child Marriage and Violations of Girls' Rights*”, 2013

⁵⁷ United Nations Population Fund (UNFPA), 2021

If untreated, the woman will uncontrollably leak urine, stool, or sometimes both, for the rest of her life. Obstetric fistula usually occurs because the mother's pelvic muscles at the age are not well developed for childbearing and delivery. Each year between 50 000 to 100 000 women worldwide are affected by obstetric fistula and It is estimated that more than 2 million young women live with untreated obstetric fistula in Asia and sub-Saharan Africa. Obstetric fistula is preventable and can largely be avoided by: delaying the age of first pregnancy; the cessation of harmful traditional practices (early and forced marriage) and timely access to obstetric care.⁵⁸

(D) Increased Risk of Contracting HIV and Sexually Transmitted Diseases

Early/child and forced marriage also subjects the victims to risky health problems such as the contraction of deadly diseases and infections such as HIV/AIDS⁵⁹ as well as other sexually transmitted diseases (STD). Cameroonian girls who get married before they are 18 years are more susceptible to HIV infections because of their physiology and also due to the fact that they are often married to older men who either have or have had multiple partners. Once the child brides are removed from their families, they are likely to engage in early and unprotected sex with their husbands, increasing their risk of HIV infection as well as other sexually transmitted diseases such as syphilis, gonorrhea and Chlamydia. According to a 2018 report, in Cameroon, among married adolescents aged 15-19, the prevalence of HIV infection in married girls is 2.9% which is high in comparison to unmarried girls who account for 2.4%.⁶⁰ This has been attributed to the fact that the married girls often get married to much older men who as a result of their age are at increased risk of being HIV positive. In addition, the power relations in the marriage are often unbalanced which increases the married girls' exposure to HIV infection. The girls, because they are perceived to occupy an inferior position in the marriage, are less likely to report that they can refuse sex as compared to their counterparts who were married overage, who can demand that their husbands wear condoms before they engage in sexual intercourse, or insist that they remain monogamous during the marriage.

(E) Increased Risk of being subjected to Domestic Violence

Because married girls are regarded as property of their husband, they face an increased risk of being subjected to domestic violence during marriage. Early/Child and forced marriages tend

⁵⁸ World Health Organization, "Obstetric Fistula", 2018

⁵⁹ HIV is the abbreviation for Human Immunodeficiency Virus while AIDS refers to the Acquired Immunodeficiency Syndrome. HIV is a virus that attacks the body's immune system. If HIV is not treated, it can lead to AIDS. AIDS is an umbrella term for the illness that occur due to having untreated HIV infection for several years, by which point the immune system is severely damaged and unable to fight off infections.

⁶⁰ Cameroon Demographic and Health Survey Summary Report, 2018, p.14

to create conditions that make girls vulnerable to domestic violence because, in many cases, the girls are married to much older men whose decisions they are not expected to oppose because their seniority places them in a superior position in the marriage. As a result, the girls in these unions are expected to be subservient to their husbands who make them more accepting of their husbands' treatment. Such a perception of their self-worth would explain why they tolerate domestic violence from their husbands. These child brides are less likely to bring an action against their husbands or report them to formal authorities because they are afraid, have not attained the age of majority and in most cases, domestic violence is considered to be a private family affair and often settled in the "family way".

(F) Psychosocial and Psychological Problems

Mental and emotional problems are rampant amongst girl child brides because they are not matured enough to cope with conjugal, maternal nor in-law issues. The girl child bride is prone to psychological and emotional problems like depression and alienation. In fact early and forced marriage inflicts great emotional stress on the victim; as the young woman is removed from her parents' home to that of a man known as her husband. It is with this strange man that she has to develop an intimate emotional and physical relationship especially as she is obliged to have sexual intercourse albeit physically, she might not be fully developed. Early and Forced marriages often result in girls lacking personal and economic autonomy. Consequently, the victims usually flee or commit self-immolation⁶¹ or suicide to avoid or escape such a union.

(G) Loss of Childhood

Early and forced marriage robs the girl child of her childhood time necessary for her emotional, physical and psychological development. Once young girls enter into marriages, they lose their childhood because they take on adult roles like cleaning, cooking, looking after their husband's children and invariably start raising their own family. Repeated pregnancies, motherhood and the burden of house and field work age the girl bride prematurely. Though perceived to be women because of their new status attributed to marriage, in retrospect, they have the mentality of children. They never get the chance to enjoy their childhood and engage in games and other fun activities that children of their age enjoy.

(H) Obstacle to development

More so, early and forced marriage has been recognized as a major impediment to national development and prosperity because victims of this obnoxious practice constitute a big lose to

⁶¹ Defined by the Cambridge Dictionary of 1995 as the practice of setting yourself on fire, especially as a protest against something

their communities and countries in terms of the social, economic and political contributions they could furnish if they were educated and got involved in gainful economic activities.⁶² Early and forced marriage constitutes an obstacle to development in Cameroon because as stated by Professor Nzalie Joseph,⁶³ women alone constitute 52% of the population of Cameroon which means they play a very crucial role in the development of society at all levels.

IV. MEASURES UNDERTAKEN TO COMBAT EARLY AND FORCED MARRIAGE

A variety of measures have been undertaken by the government of Cameroon on the one hand and as well as other stake holders such as institutions at the grass root level; the Civil Society Organizations (CSO) through the efforts of Non-governmental Organizations (NGO) all with the aim of eliminating such a deleterious practice.

(A) The Role of the Government

One of the many benefits of being a citizen of any country is that one is entitled to a level of protection of one's rights either through the national constitution or the laws of the country. Similarly therefore all girls and women expect their governments to protect their rights because they are citizens by law. Human rights standards and norms also require that the rights of particularly vulnerable groups be respected, protected and fulfilled. This, in practice, means that all girl children should be protected from being forced into marriage at a young age. Measures taken by the government to prevent such happenings include;

- *Adoption of Legislation*

Because of its adverse effects on the rights, health and welfare of women and the girl child, the practice of early and forced marriage is a condemned act under Cameroonian law. Domestic legislation condemning the perpetration of early and forced marriage include provisions of the Civil Status Registration Ordinance of 1981 as amended in 2011, as well as some provisions of the Penal Code of 1967 as amended in 2016.

The Civil Status Registration Ordinance of 1981 revised 2011⁶⁴ has a section that deals with issues relating to marriage age and consent which are elements whose violations bring about the phenomenon of early/child and forced marriage. With regards to age, the Ordinance

⁶² See The African Union's 50-Year Action Plan for Development – Agenda 2063. Cited by Danpullo Rabiātu, "The Maputo Protocol and the Eradication of the Cultural Woes of African Women: A Critical Analysis", 2017, p.107

⁶³ Nzalie Joseph, *The Structure of Succession Law in Cameroon: Finding a Balance Between the Needs and Interests of Different Family Members*, Ph.D. thesis, 2008, p. 10

⁶⁴ Also known as Law No 2011/011 of 6th May 2011 to amend and supplement some provisions of the Ordinance No. 81/02 of 29th June 1981 (relating to the organization of the Civil Status and various provisions related to the status natural persons).

stipulates that the minimum age for marriage shall be 15 and 18 years for the girl and the boy child respectively.⁶⁵ Therefore according to the above Ordinance, any marriage before the above stipulated ages amounts to early/child marriage. As concerns the issue of consent, the same Ordinance equally provides that: “The consent of the spouses-to-be shall be given personally by the latter to the civil status registrar at the time of the celebration of the marriage.”⁶⁶ This section covers not just the consent of the bride but also that of the groom thus, implying that boys can also be victims of forced marriage. This is an important provision especially as regards “arranged marriages,” which are quite frequent in African traditional societies. These words could be taken to mean that a marriage can be considered a forced one when the consent of a spouse (s) to-be wasn’t obtained during the process.

The above words are supported by the law which on its part states that they can be no marriage celebrations in the absence of consent of future spouses.⁶⁷ The wordings of this provision are taken to mean that where a spouse-to-be doesn’t give consent to be united with another then there should be no marriage and in situations where such a marriage is celebrated in violation of this provision, then such a marriage amounts to a forced one and the law considers such a marriage/union as null and void *ab initio* because of violations of stipulated provisions.

Whether in a case in which both future spouses are majors or one in which one of future spouse is a minor, for the consent to be valid, the legislator insists that both spouses must freely consent. By freely consenting here the legislator means the consent should not have been gotten under the influence of force⁶⁸ stating that “Force shall be deemed to have been used where abuse or threats have been exercised on the person of one of the spouse-to-be, his father, his mother, his legal guardian, his traditional leader, or his children with the intent of obtaining the consent or refusal of such a spouse”.⁶⁹

Moreover, the Penal Code of Cameroon which is equally referred to as the Law No.2016/007 of 12 July 2016 to amend and supplement some provisions of Law No.67-LF-1 of 12 June 1967 also condemns the perpetration of early and forced marriage. This is evident when it states:

“Whosoever compels anyone to marry shall be punished with imprisonment for from five to ten (10) years and with fine of from CFAF 25000 (twenty-five thousand) to CFAF 1000000 (one million). Where the victim is under the age of 18(eighteen), the punishment may not be less than 2 (two) years

⁶⁵ Ibid, Article 52(1).

⁶⁶ See Article 64(1)

⁶⁷ Ibid

⁶⁸ Ibid, Article 65(1)

⁶⁹ Ibid, Article 65 (2)

imprisonment, whatever the mitigating circumstances. Whoever gives in marriage a boy or a girl under 18 (eighteen) shall be punished as under the two last foregoing subsections. Upon conviction, the court may deprive the offender of parental power and disqualify him from being the guardian or curator of any person for the time prescribed by Section 31(4) of this Code.”⁷⁰ It is however important to point out that despite all these provisions, early and forced marriage remains rampant.

The above provisions deal with early and forced marriage and reason dictates that the above penal provisions supersede the marriage age provided by the Civil Status Registration Ordinance of 1981, which states that “no marriage may be celebrated if the girl is a minor of fifteen years old or the boy of eighteen years old.”⁷¹ This Ordinance has to be amended in this regard to match the provisions of the new penal code, which provides that eighteen years is the marriage age for both parties.⁷² The age disparities found in both the Civil Status Registration Ordinance and the Penal Code are possible factors responsible for the continuous and forceful subjection of girl children to marriage.

- Ratification of Treaties and Conventions which condemn the practice

Apart from adopting domestic legislation aimed at condemning the practice of early and forced marriage, Cameroon has equally signed and ratified regional and international legal instruments which equally condemn the above practice. Governments which ratify international human rights conventions are bound by minimum global standards and have a legal responsibility for preventing violations of rights.⁷³ Signatory states are obliged to protect their citizens, particularly children, due to their vulnerability, dependence and specific entitlements essential for their overall development. In the context of child marriage, although it is conducted by private individuals and not directly by the state, the state can be held responsible for “lack of diligence in preventing through its executive, legislative, or judicial organs the private act of contracting child marriage.”⁷⁴ International human rights laws are now increasingly being used in national courts as well as in human rights treaty monitoring bodies to promote and improve girls’ and women’s human rights. By ratifying or acceding to international treaties and conventions, state parties accept the legal duty to abide by the

⁷⁰ Section 356 of the Cameroonian Penal Code 1967 as revised by Law No .2016/007 of 12 July 2016

⁷¹ Section 52(1) of the 1981 Ordinance as revised in 2011

⁷² Section 356(3) of the Cameroonian Penal Code 1967 as revised by Law No .2016/007 of 12 July 2016

⁷³ Tomasevski Katarina, “*Human rights and poverty reduction: Girls’ education through a human rights lens: What can be done differently, what can be made better*”, 2005 available at <http://www.odi.org.uk/rights/Meeting%20Series/GirlsEducation.pdf>

⁷⁴ Sagade Jaya, supra note 43

conventions and thereby become obliged to take steps to protect the exercise and enjoyment of human rights, to investigate violations, and to provide effective remedies to victims.

At the regional level, in 1997 Cameroon ratified the African Charter on the Rights and Welfare of the Child, which prohibits child/early marriage.⁷⁵ This Charter condemns the practice of early/child and forced marriage when it states that: “child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years,”⁷⁶ implying that child marriage applies to all marriages in which one or both spouses are younger than 18. The African Charter on the Rights and Welfare of the Child explicitly prohibits child marriage and allows for no exceptions. It equally requires States Parties to explicitly ban child marriages and to set the age of marriage at 18 in their legislation. Furthermore still at the regional level, Cameroon in 2012 ratified the African Charter on Human and People’s Rights on the Rights of Women in Africa, which condemns early and forced marriage and sets the minimum age for marriage as 18.⁷⁷

At the international level, Cameroon is a respector and promoter of all human right principles and recommendations as spelt out in the UDHR.⁷⁸ The UDHR being a human rights declaration is simply a document that lists the rights that all people around the world should have. The UDHR condemns the harmful cultural practice of subjecting young women to early and forced marriage.⁷⁹ The UDHR although not a treaty is argued to have been explicitly adopted for the purpose of defining the meaning of the words ‘fundamental freedoms’ and ‘human rights’ appearing in the United Nations Charter which is binding on all member states. For this reason the UDHR is a fundamental constitutive document of the United Nations. This document is also binding on all States, in that it is regarded as forming part of customary international law. More so, Cameroon has signed and ratified international legal instruments whose provisions equally advocate for the abolition of such a practice. Cameroon has ratified the Convention on

⁷⁵ Report by Girls not Brides; is a global partnership of more than 1500 civil society organizations committed to ending child marriage and enabling girls to fulfill their potential, 2002- 2020

⁷⁶ Article 21(2)

⁷⁷ Article 6 states that: “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...”

⁷⁸ This fact is spelt out in the Constitution of 1996 as revised by Law No.2008/001 of 14th April 2008 which amended and supplemented some provisions of the Constitution of 1996. The Constitution states: “We, people of Cameroon...Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified international conventions...” By integrating the declaration into its Constitution is prove of Cameroon’s intention to promote and respect the provisions and recommendations of the document.

⁷⁹ Article 16 (2) provides that marriage shall be entered into only with the free and full consent of the intending spouses.

the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993 and 1994 respectively. These Conventions obligates states to ensure free and full consent to marriage. These Conventions play a great role in preventing the continuous subjection of women and the girl child to early and forced marriage;

The Committee on the Elimination of All forms of Discrimination against Women (CEDAW) General Recommendation 21 says that “notwithstanding” the CRC’s definition of child, “the Committee considers that the minimum age for marriage should be 18 years for both man and woman.”⁸⁰ This is in clarification of CEDAW which states that “the betrothal and the marriage of a child shall have no legal effect.”⁸¹ Apart from condemning early/child marriage, the CEDAW equally condemns forced marriage when it reiterates men and women’s “right freely to choose a spouse and to enter into marriage only with their free and full consent.”⁸²

Although the Convention on the Rights of the Child does not specifically address child marriage, it provides a number of norms and protective measures for children which collectively provide an enabling framework for tackling child marriage. While the CRC defines a child as every human being below the age of 18 years⁸³, at the same time it allows situations where a state can legislate for this age of 18 years to be reduced. However, the articles contained in the Convention make it clear that child marriage undermines a number of rights which are guaranteed by this Convention.⁸⁴ Additionally the Convention stresses that in all matters concerning children, whether in the public or private arena, “the best interest of the child shall be a primary consideration.”⁸⁵ This all confirms that child marriage falls within the protective measures outlined in the CRC, thus providing valuable opportunities to use the Convention’s monitoring bodies to ensure adequate protection of girls and young women and to delay the age of marriage.

Also, in the CRC’s General Comment 4, the Committee “strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.”⁸⁶ The CRC’s General Comment 13 on its part asserts that “the Committee considers

⁸⁰ Committee on the Elimination of Discrimination against Women, General Recommendation 21, paragraph 36.

⁸¹ Convention on the Elimination of All Forms of Discrimination Against Women, Article 16(2)

⁸² Article 16(1)(b)

⁸³ Article 1 of the United Nations Convention on the Rights of the Child

⁸⁴ They include the following: The rights to life, Article 6; to health, Article 24; to be protected from harmful practices, Article 24; to freedom from abuse and exploitation, Articles 19, 34, 39; to education, Articles 24, 28, 29; to participation, Articles 12, 13, 14, 15. States Parties that sign the CRC are expected to introduce appropriate measures to ensure the implementation of the rights recognized in the Convention.

⁸⁵ Ibid, Article 3,

⁸⁶ Committee on the Rights of the Child, General Comment 4, 2003, paragraph 20

that Article 19 [protection from all forms of violence] applies also to children under the age of 18 who have attained majority or emancipation through early marriage and/or forced marriage.”⁸⁷

Key international and regional human rights laws on women and children have addressed in various ways the problem of early/child and forced marriage. Therefore the government has a duty to translate these laws into national legislation and introduce mechanisms to implement them. However, many countries that ratify international human rights treaties often opt out of crucial clauses relating to women’s rights within marriage, and so by default endorse discrimination and gender inequality.

- The Creation of a Specific Ministry

The protection of the rights of women and the girl child victims of harmful cultural practices such as early and forced marriage in Cameroon has evolved significantly through the creation by the government of a specific ministry⁸⁸ destined to ensure the promotion of the status of the women and girl children from violence. The steps leading to the creation of this Ministry first began with the creation of the Ministry of Women affairs in 1998 which was later changed to the Ministry for the Protection of the Family and the Woman in 2004 by virtue of Decree No 2004/320 of the 8th of December 2004 on the organization of the government. The above decree only came into force in 2005 by virtue of Presidential decree N°2005/008 of the 29th of March 2005 on the organization of the Ministry for the Advancement of Women and the Family (hereafter referred to as MINPROFF).

According to the 2004 decree, MINPROFF is responsible for - the promotion of the status of Cameroonian women through education, improved access to credit facilities, decision making, gainful employment, prevention of all forms of discriminations and violent acts against women and girl children, the promotion of the right of women to inheritance, studying and proposing strategies and measures to strengthen the promotion and protection of the family; studying and proposing measures to promote and protect children’s rights. Within the Ministry, the Department for the Promotion and Protection of the Family and Children’s Rights was established in 2012 to strengthen the focus on the protection of children.⁸⁹

⁸⁷ Committee on the Rights of the Child, General Comment 13, 2011

⁸⁸ Cameroon Fifty-Forth Session of the Commission on the Status of Women, “15-Year Review of the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the Twenty-third Special Session of the General Assembly (2000)”, 2010, p.2

⁸⁹ The Ministry of Women Empowerment and the Family was established in 2004 by virtue of Decree No. 2004/320 of 8 December 2004 on the organization of the Government, which came into force by virtue of Presidential Decree No. 2005/088 of 29th March 2005 on the organization of the Ministry for the Advancement of Women and the Family. The Department for the Promotion and Protection of the Family and Children’s Rights

The government has through MINPROFF taken a number of steps to effectively fight violence particularly early and forced marriage by organizing and participating in different activities aimed at abolishing the practice. For instance, Cameroon became the 16th country to launch the African Union campaign to end child marriage in Africa, ramping up its efforts to end a practice that affects 38% of girls in the country.⁹⁰ The government was joined by UNFPA, UNICEF, Canadian High Commission, National Human Rights Commission, and other civil society organizations at the launch. The Minister for Women's Empowerment and the Family joined over 100 local girls in singing in a choir to celebrate the African Union campaign to end child marriage.⁹¹

MINPROFF in its combat against violence perpetrated against women and the girl child has led the country into recognition and celebration of remarkable days of activism for the rights of women and the girl child. On the occasion of the Third International Day of Children's Rights, the Minister strongly condemned the perpetration of harmful practices as a whole and more specifically child marriage which affects the girl children negatively as it deprives them of education and deters their empowerment. Pr. Abena Ondoua Marie Therese⁹² called on the community, religious leaders, journalists and heads of households to fight against this practice and "other negative traditional practices."⁹³

Also, MINPROFF in its determination to eliminate harmful practices affecting the rights, health and welfare of women and the girl child has equally been involved in signing of collaboration platforms. For instance, on the 25 June 2013 a collaboration platform was signed between MINPROFF and the Council of Imams and Muslim Dignitaries of Cameroon (CIDIMUC) to combat harmful cultural practices such as FGM, forced or early marriages and other forms of violence⁹⁴ affecting the girl child in Cameroon.

Still in its efforts to eliminate the harmful cultural practice of early and forced marriage, MINPROFF has entered into partnership with community radio stations to broadcast programmes on the rights of the child, signing with Plan Cameroon and implementing BIAAG Programmes (Because I Am A Girl) and LWF (Learn Without Fear) for the promotion of the education of girls and combating gender based violence of early and forced marriages which

was established by Decree No. 2012/638 dated 21 December 2012 to organize the Ministry.

⁹⁰ Girls Not Brides, "Cameroon launches African Union campaign to end child marriage", 2016

⁹¹ Ibid

⁹² Minister of Women's Empowerment and Family of the Republic of Cameroon

⁹³ Cameroun: la 3eme Édition de la Préservation des droits des enfants Célébrée a Yaounde, 2015

⁹⁴ Cameroon: Combined Third to Fifth Periodic Reports of States Parties, 2015, p.25

prevents girl children access to education in schools.⁹⁵

MINPROFF has been very influential in the protection of reproductive health rights and welfare of women and girl child victims of medical disorders which usually arise during child birth especially those which most a times are a consequence of early and forced marriages. MINPROFF has ensured that a situational analysis of obstetric fistulae⁹⁶ has been done in the home areas through the organization of awareness campaigns. The first edition of the International Day to End Obstetric Fistula, observed on 23 May 2013, took place within the framework of social mobilization and awareness-building among stakeholders in order to intensify the fight against obstetric fistula. In that context, a joint press conference was organized in Yaoundé, with the Ministry of Public Health and the United Nations Population Fund.⁹⁷ More so, the Ministry has been very influential in the organization of campaigns to surgically repair fistulae. Nearly a thousand patients were operated on free of charge in collaboration with United Nations Population Fund, the Women and Health Association (WAHA), Switzerland's Jennifer Foundation and Madame Chantal Biya, First Lady of Cameroon. Because surgery to correct fistula can cost 200,000 CFA francs, which is unaffordable for patients, these campaigns are invaluable benefit for patients and their families, as their economic plight is generally very difficult. Psychosocial support for 700 women who were operated on under the obstetric fistula programme.⁹⁸ By organizing sensitization campaigns against obstetric fistula, this means an indirect condemnation of early and forced marriage for according to the World Health Organization Obstetric fistula can largely be avoided by: delaying the age of first pregnancy; the cessation of harmful traditional practices such as early and forced marriage.⁹⁹

Campaigns have been organized to promote girls' education which will reduce the rate of early/child and forced marriage. In that context, the Cameroon government via MINPROFF organized a second edition of the International Day of the Girl established in 2012 by the United Nations. The theme of the event was "innovation for girls' education". Among the associated activities was a prize-giving to reward the most deserving female matriculants for 2012 in scientific and technical areas as well as those from poor families. In addition, an awareness caravan was organized with the participation of the Ministry of Basic Education, students and

⁹⁵ Country Policy and Information Note Cameroon: "*Female Genital Mutilation (FGM)*", 2017, p.12

⁹⁶ Obstetric fistula is a medical condition in which a hole develops in the birth canal as a result of childbirth. This can be between the vagina and rectum, ureter, or bladder. It can result in incontinence of urine or feces.

⁹⁷ Cameroon Fourth and Fifth Periodic Reports: United Nations Committee on the Elimination of Discrimination against Women, 2014

⁹⁸ Ibid

⁹⁹ World Health Organization, "*Obstetric Fistula*", 2018

development partners (specifically Plan Cameroon) through the campaign “Because I’m a Girl.”¹⁰⁰

The government has been involved in the signing, with Plan Cameroon, of a petition to let girls refuse early and forced marriage, and to encourage girls’ access to education through the campaign “Because I’m a Girl”; education and awareness-raising in families and communities regarding the elimination of early and forced marriages, with UNICEF support and the creation of a National Network to Combat Violence against Women, made up of civil society organizations, with the support of the Embassy of France and UN Women.¹⁰¹

The government equally ensures the capacity building for officers of the court and other legal professionals, including judges, lawyers, bailiffs and notaries, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, for better protection of the rights of women and children¹⁰² so as to prevent any violation of the rights of these women and the girl children through early and forced marriage.

(B) The Role of Civil Society Organizations/Non-governmental Organizations

Apart from the government, the efforts of some non-governmental organizations have been so remarkable in the fight against the practice of early and forced marriage. Here we making reference to non-governmental organizations and associations such as ALVF-EN.¹⁰³ ALVF-EN is a female non-governmental organization which aims at eliminating all forms of violence affecting women and girls including harmful cultural practices such as early and forced marriages which occur in the North Region of Cameroon.¹⁰⁴ ALVF-EN empowers and supports girl children and women, survivors of early and forced marriage, gender-based-violence and displacements in the Extreme-North Region of Cameroon.¹⁰⁵ Its activities include sponsorship of a major study to better understand the harmful tradition practices of early and forced marriage.

ALVF-EN equally helps its members and the organization more effectively to advocate against child marriage as well as promote women’s empowerment. Some of the measures taken by this

¹⁰⁰ Cameroon Fourth and Fifth Periodic Reports, supra note 97

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ ALVF-EN stands for Association de Lutte Contre les Violences Faites au Femmes- Extreme Nord while in English ALVF-EN means Association to Combat Violence against Women- Extreme North.

¹⁰⁴ Institut Supérieur du Sahel, ALVF-EN and International Women’s Health Coalition, “Child, Early, and Forced Marriage in Cameroon: Research Findings”, 2015, p.1. available at <https://iwhc.org/wpcontent/uploads/2015/11/ALVF-Research-Findings.pdf> Accessed in March 2020; Office of the High Commissioner for Human Rights (OHCHR), Ending Forced and Early Marriage in Cameroon, 2011, p.2

¹⁰⁵ Ibid

non-governmental organization to fight against early and forced marriage are the fact that in certain regions, ALVF-EN has initiated community based denunciation brigades. ALVF-EN established 10 denunciation brigades (early warning systems of premature and/or forced marriages in schools) in the Far North Region which enabled the rescue and mentoring of 64 girl victims of early and/or forced marriage. Seventeen of these girls returned to school.¹⁰⁶ ALVF- EN continues to develop and support a vast network of these “brigades” as well “women’s life centers” multi-purpose centers to assist women who have experienced or who are at risk of domestic violence. ALVF- EN believes that these initiatives are effective in preventing and monitoring early and forced marriage as well as provide support to survivors.¹⁰⁷ ALVF- EN in 1998, opened a center for women (Centre Vie de Femmes) which educates women¹⁰⁸ communities about women and girl’s right and the harmful effects of harmful cultural practices such as Child marriage.¹⁰⁹

More so another NGO FIDA,¹¹⁰ having consultative status with the United Nations and whose mission is to promote the welfare of women and children is equally engaged in the fight against early and forced marriage. FIDA provides legal assistance to victims of forced marriage. However, the organization does not have a shelter to accommodate those who, following a forced marriage, try to flee a husband who beats them and, consequently the NGOs services can’t be effective in the absence of such a shelter.¹¹¹

The media’s actions in the fight against early and forced marriage have equally been remarkable. The media has made international, regional and national legal instruments condemning the practice to be widely known; has produced and disseminated educational materials; has produced broadcasts in local languages and in French, with the involvement of local administrative and traditional authorities and civil society; has produced and broadcasted documentaries and sketches focusing specifically on the fundamental rights of the child and the effects of early and forced marriage upon the girl child.¹¹²

Despite the above measures undertaken to curb or to better still abolish the perpetration this

¹⁰⁶ Cameroon’s Fifth Periodic Report to the Human Rights Committee (HRC) relating to the implementation of the recommendations of the International Covenant on Civil and Political Rights, p.6

¹⁰⁷ Institut Supérieur du Sahel, supra note 86, p.3

¹⁰⁸ Cameroon Fourth and Fifth Periodic Reports, supra note 78

¹⁰⁹ Institut Supérieur du Sahel, supra note 86, p.6

¹¹⁰ FIDA is an abbreviation for the International Federation of Female Lawyers and is an international NGO founded in 1944 in Mexico

¹¹¹ See Immigration and Refugee Board of Canada, *Cameroon: Prevalence of Forced marriage of women 18 years of age and older, including in the cities of Douala and Yaounde; whether the economic situation or the level of education of women has an impact on forced marriage; protection provided to victims of forced marriages (2012-May 2013)*, 2013

¹¹² Ibid, p.44

harmful cultural practice, the state and other stake holders such as Non-governmental organizations continues to face a number of daunting challenges. For instance, the continuous perpetration of early and forced marriage could be attributed to some lapses accruing on the part of the Cameroonian legislator. There is the lack of uniformity in relation to similar facts in different legal documents. In the Civil Status Registration Ordinance of 1981 as revised in 2011 one is made to understand that the required age for marriage is 15years for girls and 18years for boys¹¹³ while in another document; the Penal Code, the same legislator fixes as required age of marriage 18years for both boys and girls.¹¹⁴ This disparity in legal documents of the same country of the same facts could be responsible for the continuous perpetration of early and forced marriage. More so, in the former, the legislator stipulates the possibility of marriage for those below the required age while in the later the same legislator completely condemns marriage between persons below 18years; “Whoever gives in marriage a boy or a girl under 18 (eighteen) shall be punished...”¹¹⁵ why such confusion?

Also, there are favourable legal and policy frameworks addressing the harmful practice of early and forced marriage but there is a low level of awareness about the contents and implications of these frameworks. This is particularly true among women and the girl children at the grassroots level and in rural areas. There may exist laws which aim at protecting women and the girl child from early and forced marriages or at times laws which punish those responsible for subjecting them to such practices but yet these laws are not been made known to the public be it at the urban or rural levels. This contributes to the rampant subjection of these women and the girl children of early and forced and this is simply because they are ignorant of the existence of legal texts which protect them from subjection to such. At times even when sensitization campaigns are organized to enlighten the population on the existence of laws condemning the perpetration of the practice, such campaigns, forums and seminars are organized only in the urban areas to the neglect of those in the rural areas. Furthermore, where legal provisions do exist to protect girls from early/child and forced marriage or related forms of violence, authorities often fail to enforce that protection or to prosecute perpetrators.

Moreover, institutional structures such as ministries and some NGOs set-up to help in the fight against this harmful practice most a times fail in their duty as a result of some societal ills exerted by key personnels in such institutions. This could include the embezzlement of funds and donations dedicated to help in combating early and forced marriage in different areas of

¹¹³ Article 52 (2)

¹¹⁴ Section 356 (2) (3) of the Penal Code of 1967 as revised by Law No.2016/007 of 12th July 2016

¹¹⁵ Ibid

occurrence especially in villages where such mal practices are so renowned. Worst is the fact many of such corrupt individuals face impunity owing to lack of effective measures put in place to investigate and punish guilty culprits. More so, they could bribe officials so as to escape justice.

V. CONCLUSION

There has been recognition of the practice of early and forced marriage throughout the world in general and in Cameroon in particular. Early and forced marriages are recognized as human rights violations and constitute one of the main forms of gender-based violence in Cameroon, to which women and the girl child are constantly victimized. Although legal and institutional measures have been put in place by the government and in collaboration with civil society organizations with the intent of abolishing the perpetration of the above harmful practice, the practice is still very rampant in many parts of the country especially in the Northern region. It remains a form of violence whose effects are extremely harmful to the socio-economic status, sexual and reproductive health, and psychological wellbeing of young girls and women. If the girl child and women must be free from such form of bondage, then some even more effective measures must be adopted in the future to guarantee the security of this vulnerable group of humans.

Recommendations for Change

This section provides recommendations and practical steps for policy makers to respond to this problem. These actions should be viewed within the context of a wider strategy, based on action at international, national and community levels. The challenge for the government and the international community is to demonstrate their commitment to promote and protect the rights of girls and women by introducing appropriate laws and policies. Additionally, political will is needed – in the form of resources and accountability measures – to ensure the effective implementation of laws, policies and programmes that respect rights and enhance the capacity of duty bearers, in particular parents and guardians, to meet their duties and obligations. These recommendations are appeals to key policy makers especially the government, international development agencies, donors and non-governmental organizations to strengthen global commitments and fulfill pledges to empower women and girls by doubling efforts to end early/child and forced marriages. This is a call for global action now.

(A) Education and Empowerment of the Girl Child

There is need for the education of women and the girl child. This is so vital to the realization of their rights and as a consequence will help address the problem of early and forced marriage

to which they fall victims. For instance, if the victims are educated, they will be empowered to know that marriage is not an employment. More so, if they are educated, they can use the knowledge, skills and certificates obtained to gain employment and become economically autonomous. Therefore, unless girls' education is promoted so that they realize their full potential, the status of women and girl children in Cameroon will remain low, and they will be subjected to continuous violation by early and forced marriage as well as other forms of gender based violence. Even more so, there is also the need for the education of those who perpetuate this form of violence¹¹⁶ on the negative consequences of such acts on the rights and welfare of the woman, the girl child and society as a whole.

Also, the education of the woman and the girl child is so important in ending the continuous perpetration of early and force marriage in the sense that, education prolongs the age of girls getting married thus being an appropriate solution to curb early and forced marriages. However, education is costly and if the finances are limited then girls are rarely given priority to acquire education. The Government, NGOs and other actors should increase access to education for girls, including by providing scholarships and other incentives for families to keep their daughters in school. They should therefore work hand in hand with poor parents to enhance girl child education even if there is provision of free education because there is still some cost associated with school attendance such as the buying of text books, school uniforms *inter alia*.

These vulnerable girls should benefit from services offered in communities by a multifunctional center for victims of early and forced marriage, which should provide them with shelter and training to acquire skills and learn a trade (for example, sewing, dyeing, or liquid soap making) to support themselves and pave the way for their socio-economic reintegration once they leave.

(B) Run a national awareness campaign

Awareness-raising and education programmes about the negative effects of early and forced marriage on the girl child, family and community at large should be carried out. A national campaign, including mass media such as radio and television programs and commercials, as well as outreach to community, religious, and traditional leaders, should be organized. Community sensitization helps parents and other individuals to understand the need for women's empowerment through education. It is so crucial to provide civic education to communities that believe in traditional practices such as early/child and forced marriage, polygamy. Consequently, using the media through radio and traditional means to communicate

¹¹⁶ Early and forced marriage is mostly perpetuated by the father or both parents of the girl child

with communities in rural areas will help strengthen the protection of the rights of these vulnerable girls for it is obvious that early and forced marriage is a destructive and pervasive practice driven in part by a lack of information and awareness.

(C) Enact, standardize and enforce national laws

National laws represent commitment by governments to translate and domesticate international human rights instruments and give guidance to policy makers and community activists. A law should be enacted specifying 18 as the minimum age for marriage in Cameroon for both males and females so as to curb off the confusion brought about by provisions in both the Civil Status Registration Ordinance of 1981 as amended in 2011 and the Penal Code of 1967 as amended in 2016 whereby the minimum ages for marriage differ. In addition, however, it is vital to recognize that sometimes the ineffectiveness of the law lies not in its content but in its implementation. Efforts also need to be focused on how the implementation of these laws, as they are created, can be more forceful to protect women and the girl child so as to prevent the continuation of the practice of early and forced marriage.

(D) Co-ordination of Combined Efforts

Moreover, many NGOs that are involved in this fight are unfortunately operating in the urban areas while there is need to focus their attention on the rural areas where this harmful practice is more prevalent. An effective fight against the continuous practice of early/child and forced marriage will require not only government effort but a chain of combined efforts by the government, non-governmental organizations, religious bodies and the traditional authorities so as to achieve significant results. They should equally ensure universal access to reproductive health services for all young people, in particular girls and young women. Provide access to family planning and contraceptive services and information, and specialist services and care (including HIV and STI prevention, and obstetric care for fistula patients). Where possible introduce special initiatives to enable child brides and their spouses to negotiate effective use of contraception to help delay first births.
