Evolution and Impact of Upholding Women’s Rights against Harmful Marriage Customs/Traditions in the Western Grasslands of Cameroon Since 1948

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Author’s contribution

The sole author designed, analysed, interpreted and prepared the manuscript.

ABSTRACT

Upholding women’s rights against harmful customs/traditions of marriage in the western Grasslands of Cameroon, to ensure empowerment and autonomy to improve on their political, economic and health status has walked along distance, but is still far from reaching its intended destination. Data obtained from empirical, primary and secondary sources show that even though Cameroon has made key strides over the years towards women’s empowerment, through major international commitments, including the convention on the Elimination of all Forms of Discriminations Against Women (CEDAW), the Beijing Declaration and Platform for Action and others reviewed, customary laws were still very much preferred tantamount to women’s rights violation, especially in rural areas in the Western Grasslands of Cameroon. This was going on despite measures provided for by the Cameroon government constitution that enshrine gender equality. As such many ills stemming from customs/traditions of marriage such as marital rape, continuation of child marriages, domestic violence, breast ironing and so on, are still being experienced. To reach gender parity, gender mainstreaming already earmarked by international norms has to be the watch word of every sector, be it in the traditional or public sectors of the whole Cameroonian societies.
Keywords: Women’s rights; Western Grasslands; harmful customs/traditions of marriage.

1. INTRODUCTION

One of the reasons for colonization of Africa was to spread western civilization. In so doing hopes were that the colonial masters’ civilization would replace that of the indigene wherever they colonized. It turned out that their activities rather had an impact which did not completely replace the indigenous customs and traditions. Even after independence, efforts were still being made by indigenous governments and at international level to wipe away repugnant practices stemming from customs since the colonial masters did not succeed in eradicating them as expected, especially in most African countries. Hence, the bases for and embracing of women and children’s rights; the national and international anchorage of women emancipation, the roles played by the UN and other Agencies in implementing women emancipation, are the preoccupations of this study. The implementation of these new perspectives has brought about conflict and violence owing to the clash of indigenous and alien cultures, resulting to resilient customs which do not augur well for women due to patriarchal dominance.

The Western Grasslands geographically represent the present North West Region of the Republic of Cameroon. It is part of the social ensemble generally referred to in the Colonial History of Cameroon as the Western Grass fields [1]. It has been peopled in succession from the ancient times by ethnic communities from different backgrounds, notably the Tikar, Tiv, Mambila, Chamba, Widikum, the Hausa and the Fulani. The region as far back as the 19th century was already considered to be densely populated, to go by West African standards. In 1890 it had an estimated population of 214,000 inhabitants which more than doubled in 1953 when it hit a mark of 429,038 inhabitants [2] Concerning the post-independence population statistics, the region in 1976 had a population of 980,581 inhabitants coming from two predominant systems of marriage; patrilineal and matrilineal [3].

In 1948, there was the universal declaration of Human Rights after the creation of the United Nations Organization as an after math of the Second World War. Human rights are thus moral principles or norms that describe certain standards of behaviours and are regularly protected as natural and legal rights in nearly all nations worldwide provided they are members of the UN. In the post-colonial period precisely by 1979, there were already concerns as to how to restore the dignity of women who were considered to be living in bondage of various forms of discriminations by their various cultures all over the world, although the convention signed in 1979 to eliminate all forms of discrimination against women came into existence but in 1981. On the other hand, women’s rights are the rights and entitlements claimed for women and girls worldwide and they formed the bases for the women’s rights movement in the 19th century and the feminist movement in the 20th century.

Traditional cultural practices reflect values and beliefs held by members of a community for periods often spanning generations [4]. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices include female genital mutilation (FGM); forced feeding of women; early marriage; the various taboos or practices which prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; exorbitant bride wealth/price and widowhood practices [5]. Despite their harmful nature and their violation of international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practicing them. Though not all the above mentioned harmful practices were experienced in Cameroon as a whole, the Western Grasslands of Cameroon was home to many customs and traditions of marriage, stemming from two predominant systems of marriage; the patrilnear and matrilnear.

2. METHODS

2.1 Mutations in the Systems of Marriage

With the passage of time, the two systems of marriage; patrilineal and matrilineal in the Western Grasslands were affected irrespective of the fact that both the colonial masters and the Cameroon government accepted them as the main constitutional premises from which marriages were governed. More emphasis was
With or without government support, men paid more attention to their nuclear families than to their extended matrilineal kin groups as it was before. Fathers provided their children with the cultural capital of modern education, even to the tertiary level and in expensive prestigious institutions in the advanced industrialized countries of Europe and North America. Such children, who were provided for, did not expect their sister’s son to inherit them after a long struggle to become somebody in life, nor their parents who failed to sponsor but their sister’s sons as customs demanded [8].

Parents also tried to provide their off springs and wives with land and other estates during their lifetime to avoid their sons expecting to inherit from their uncles or brothers inheriting brother’s property at the detriment of their wives and children. Another phenomenon was to will or transfer property to one’s children and wives. This involved property acquired individually and not through kin’s group or inherited as well as property acquired in the urban areas out of the scope of operation of matrilineal or patrilineal institutions [9].

Father-son bonds were strengthened at the detriment of the mother’s brother or sister’s son relationships. This stemmed from successors who dispossessed and maltreated the wives and children of the mother’s brother. To avoid conflicts, which arose from such situations and to protect their wives and children, rich persons allocated property to wives and sons through written wills. Meanwhile in some cases nephews declined to inherit their uncle’s property so as not to be obliged to transmit their property to their own nephew’s (sister’s son). The above anecdotes were general but when it came to the Kom matrilineal system some peculiarities were noticed [10].

Wealthy and affluent persons constructed houses and business premises either in the urban areas out of lineage land or in the urban areas, of Kom such as Njinikom, Belo and Fundong where styled roadside houses had been noticed. These modern houses did not match those low standards constructed on kin group land and assigned to possible heirs, according to Matrilineal principles. As such, the roadside houses and the rest of the men’s property within and without were limited to their biological children and wives, which was a sign of rebelling against the custom [11].

Ties between successors and their deceased uncle’s children gradually weakened than in their
traditional context where such children had to accept their uncles as the father’s successors. Widows were also noticed to pay less attention or did not consider their late husband’s successor as positional husbands as custom demanded in both systems. This was due to the fact that most successors never fulfilled their obligations as new father vis-à-vis the family whose headship they had succeeded. Many widows were reported to have been dispossessed and sent away to look for shelter with their relations or wife’s brother, because it was expected that the widow’s son would also go to inherit his mother’s brother’s property. Kom women who hated the system also preferred marrying out of Kom in order to ward off effects of the system [12].

The argument as to whether patrilineal marriages were better than matrilineal was rather irrelevant because there were already inter-ethnic marriages and even international marriages that relegated some of these norms. The problem depended on individual values. People were therefore freed of such bondages of traditions through various means. If one were to comment developmental wise, one would say that patrilineal marriages rather contributed to under development in areas where they were and are still practicing in this area. Some people never saw any reason of investing in their village provided they were to be inherited by their sister’s sons. The system went further to alienate some people from their homes, especially those that were already victims of the system itself [13].

As mentioned above, these systems were being affected because of the doctrine of feminism and the doctrine of rights which struggle to free women who were considered living in bondage due to patriarchal supremacy over womanhood. Bases which justify their course are thus examined in order to pave the way for further arguments.

2.2 Bases for the Adoption of Women and Children’s Rights Laws

Both the colonial and post-colonial governments adopted human and children’s rights laws in order to do away with obnoxious customs. Women as well as children and youths in general, were classified as the main vulnerable groups when it came to human rights violation and discrimination. These discriminations were made possible because most communities were and are still patriarchal. That is, they were founded by men and consequently these men laid down rules and laws which undermined women. These laws are being viewed today as discriminatory and impacting negatively on women. More so, most founders of religions, which formed the norms that regulate human relations, traced their origin to males. That is why in most ethnic religions and even religions that became global, segregation and discrimination against women were still found in their beliefs and doctrines [14]. Women therefore suffered from violations of varied forms for several reasons. In the western grasslands of Cameroon, this type of situation prevailed even when much was thought to have been done to remedy the situation of women. These human rights laws therefore aimed at liberating women whose customs/traditions relegated them behind.

Most women were not given the opportunity to participate in decision making machineries in almost all societies in the world, even in issues that concerned them directly. This was because leadership was exclusively preserved by men. This was not only at the community level, but also at the domestic level, since in the homes decision-making, was hardly the joint business of the husband and wife. Even in issues like child bearing that concerned the women directly and whose health was intricately tied to, their views on the number of children to be given birth to were never sought [15]. This was very glaring in the Western Grasslands, where even both men and women fall prey due to ignorance, believing that no one knows the child that could liberate the family, but at the detriment of women’s health. When women became aware of their rights, they started fighting against those customs and traditions that brought misery to them.

Away from leadership, women suffered and some are still suffering from unemployment, not because they are incapable of doing something which could yield some income. The question of working and earning income for the betterment of the family was more or less a man’s responsibility and women were to stay at home, while men went out to look for whatever for the survival of the family. Some women were therefore forcefully kept at home even if they had the potentials to do other jobs apart from subsistence farming and augment the living standards of their families by ignorant men in the name of pride and gender roles laid down by their customs. This idea caused some employers always to question the skills, knowledge and talents of women and some preferred to work
with incompetent men than with talented or well-trained women. These stereotypes were not only found at the level of employment, but it also affected the remunerations. Women initially were not paid same amount of salaries with their male counterparts for the same quantity and quality of services rendered [16]. Many men in the Western Grasslands married to women with enabling potentials refused them from working just because they believed the woman’s place was in the home. This situation has greatly changed as women did all to better their lot.

Another area where women faced discrimination based on their sex was at the level of owning property. In almost all societies, particularly ethnic groups in Africa, women were not permitted to own land. Such traditional land tenure systems greatly affected women who highly depended on land for farming. In this area women suffered from such discrimination from men. Consequently, as girls, women farmed with their mothers on their fathers’ land and as wives they farmed their husband’s land and when a marriage crumbled, no woman was allowed to harvest what she had toiled for. Even till date, efforts at making women own land are not yielding desired fruits in the Western Grasslands, showing that there is need for more measures to be taken to that effect [17]. However, women who have the means now buy and own land, but are still to inherit family land for obvious reasons.

In some Cameroon communities for example, women underwent degrading cultural practices, which were repugnant to natural justice and good conscience. Such was and is the case of Female Genital Mutilation. This is a ritualistic process whereby clitoridectomy (removal of the clitoris) was done using varied and crude methods with objects like knives. This act was usually carried out by traditionalists with no medical training and in most cases under unhygienic conditions. FGM or female circumcision was a practice quite strong in some Sub Saharan countries such as Kenya, Uganda, Burundi and some parts of Cameroon. This practice was carried out for both religious and cultural reasons. In some communities, it was in respect of some deities. Other communities such as those found in the Northern part of Cameroon and the Bayangi and Ijokam ethnic groups in the South West Region of Cameroon practiced FGM in order to reduce the sexual urge in women and to stop prostitution. This activity had serious side effects as some women could even bleed to death after undergoing the act, while others remained barren due to infections resulting from it [18]. National campaigns to eradicate FGM, was equally not yielding desired results, until Parliament enacted a law to curb it in 2008.

Similar to FGM, is breast ironing which was supposed to inhibit a young girl’s breasts from early development. This was considered to expose the girl to lustful and eventual sexual activities from men when the girl was not yet fully matured. Breast ironing was therefore an activity whereby the breast of the girl was forced inwards with the use of mortar pestles and other objects like hot cola nuts leaves or hot stones. This was very common in the Western Grasslands [19] Through biology and science classes in schools, most girls now know more about their reproductive health and would not ignorantly iron their breasts.

From the mid-1980s, Cameroon was plunged into an economic recession, which had negative consequences on the population. One consequence of this recession was the drop in the prices of cash crops and basic food stuff. In this area then, men who relied on coffee as their main source of income were seriously handicapped. Many turned to women for the general wellbeing of their families. The proceeds from the sale of farm produce like corn, beans, potatoes and vegetables were used to pay school fees and buy equipment for pupils, especially in the rural areas. The women saw in themselves potentials that had not been exploited before due to misconceived gender roles. As such, some women started becoming convinced that if they were well equipped with financial and technical support, they could continue to play a complementary role and would become true partners in the development of their families and society at large [20].

The above situation was further aggravated by the government of Cameroon’s decision to devalue her currency in 1994 [21] The effects of this, especially on income earners were catastrophic. In the main urban centers, the Western Grasslands women took to buyam sellam (peti trading) to enable their families survive. It was during this period of hardship that some men realized the importance of women earning incomes no matter how little. The crisis therefore contributed to women realizing that the men would not always be there for them in times of difficulties and that they still needed to survive in the case of the death of their husbands.
In some communities in this area, forced marriage was a rule and not an exception. It also had other associated institutions such as bride wealth, widowhood rites and levirate marriages, which were also considered as repugnant and which were common in most African societies. These marriage practices that led to violence against women and children were still being observed in this area. For example, there was for a long time the preference for a boy child, who was going to inherit the father when he died while girls were prepared only for marriage and motherhood. Women were subjected to humiliating and degrading widowhood rites, and men considered women as property for the simple reason that bride wealth had been paid to their parents. As such, women as property could not inherit. As a child she was married off without her consent. This situation however has been reduced to a certain extent as there are still some obstacles due to stagnating nuptial practices.

Gender discrimination thus led to efforts at international and national levels to redress it. These were distinctions, exclusion, and restrictions based on one’s sex aimed at preventing the individual from exercising her rights or freedom; also aimed at preventing the individual from getting access to the various resources made available in his or her society. All what was happening all over the world against women also brought about Feminism [22] as an emerging theory, which seeks to establish equality between men and women in the political, economic and social-cultural realms. Feminism, aimed at changing the status quo and power structure between men and women in the society, by revising existing laws, beliefs, paradigms and stereotypes. With all these, traditions in the Western Grasslands in particular and Africa as a whole were targeted due to their associated customs which were considered repugnant to natural justice. This was seen in customs such as preference of boy to girls or favouring boys at the detriment of girls and widowhood practices just to name a few which were common practices in this study area.

Women themselves were blamed for insisting or clinging to the out-dated and archaic belief that the woman’s place was the home. To them traditional societies could not evolve at the expense of the family [23]. That means going against tradition put the society and its institution in jeopardy or in danger of extinction. On the other hand, extreme feminist groups argued that if women were to stay traditional, they would not have been allowed to work or run a business. This concept questioned the very basis of educating the girl child. As established by international bodies, this education was the secret behind economic development to begin with. That is why the Cameroon government embarked on free primary education in order to solve some of the problems. But her efforts were still lagging behind as success was only about 40% in the Western Grasslands as to the time of this study. These discriminatory practices were from time to time questioned by women and even by some male folks. It was on these bases, that International and National organizations took diverse strategies since 1948 concerning the emancipation of women married or not.

2.3 International Anchorage of Women Emancipation

The international organizations made efforts towards the emancipation of the African woman as well as women elsewhere in the world. The roles played by the United Nations Organization, the Common Wealth and the African Union to reduce the plight of the African woman cannot be undermined, likewise the NGOs which helped to liberate women from bad customs. However, one cannot fully understand these roles very well without a brief overview of the origin of the idea of women’s rights.

Women’s rights were rights that established the same socio-economic and political status for men as well as women. These rights were to guarantee that women should not face discrimination on the bases of their sex and marriage. The struggle for women’s rights began in the 18th century during a period of intense intellectual activity known as the Age of Enlightenment [24]. During the Enlightenment, political philosophers in Europe such as Voltaire, Jean Jacques Rousseau and others began to question traditional ideas that based the rights of citizens on their wealth and social status. Instead, leaders of the Enlightenment argued that all individuals were born with natural rights that made them free and equal. They maintained that all inequalities that existed among citizens were the result of an inadequate educational system and an imperfect social environment. Enlightenment philosophers argued that improved education and more egalitarian social structures could correct these inequalities [25]. Such radical ideas about equality and the rights of citizens helped inspired both the American
Revolution in 1775 and the French Revolution in 1789. However, the ideas of the Enlightenment initially had little impact on the legal and political status of women. Most Enlightenment thinkers had little to say about the position women held in society, and many of their followers assumed that the concepts of liberty, equality, and political representation applied only to men. For example, one of the most influential writers from this period, French Philosopher Jean Jacques Rousseau, claimed that women were sentimental and frivolous. Rousseau also argued that women were naturally suited to be subordinate companions of men [26].

In response to Rousseau and others who belittled the role of women in society, some English writers, argued that, like men, women were naturally rational but their inferior education often taught them to be silly and emotional. Education, it was believed, should cultivate the natural reasoning capacity in girls. It was claimed that the best marriages were marriages of equals, in which husband and wife were friends as well as legal partners. Wollstonecraft argued that equality in marriage would only come about with equality of education [27]. In Africa education by then was informal and even when western education was introduced, it took the colonial and post-colonial Governments time to develop their colonies educational wise, while women in most African societies were relegated behind as far as formal education was concerned. This was not even seen as discrimination because it was widely accepted that the place of an African woman was in the home as child bearer and carer of the home and the children she bore. In the early 19th century, the vast majority of married women throughout Europe and the United States still had no legal identity apart from their husbands. This legal status, known as coverture, prohibited a married woman from being a party in a lawsuit, sitting on a jury, holding property in her own name, or writing a will. In custody disputes, courts routinely granted permanent custody of children to the father [28].

Beginning in the 1830s, American States passed laws that gradually gave women greater control over property. New York State passed Married Women Property Act in 1848, allowing women to acquire and retain assets independently of their husbands. This was the first law that clearly established the idea that a married woman had an independent legal identity. The New York Law inspired nearly all other states to eventually passed similar legislation. Note should be taken that American women only gained the right to vote in 1920 after the amendment in the constitution of the United States of America of that year [29]. This indicates that it was a gradual process which took the Africans almost a century and/or more for her own women to achieve. This was not far-fetched as the Cameroon experience of the Western Grasslands proves.

When later events resulted in the outbreak of World War One and eventual creation of the League of Nations, [30] concerns about women’s rights were rather incorporated into some agencies of the League such as the International Labour Organization. It regulated working hours and child labour. The Commission for Women Status was later on created which survived and continued the plight of women with resultant fruits under the UN. After the Second World War, there was the Universal Declaration of Human Rights. However, when it was discovered that women were still being relegated behind and that their contribution to the world’s development was still being undermined, the UN, through its organ of Commission for Women’s Status, initiated the rights of women which eventually became a reality that enhanced women’ emancipation. Problems of women’s right abuse all over the world and more particularly in Africa and other third world countries which became members of the UN after their independence therefore became the preoccupation of the UN. This was because it was observed that women in marriage were more in bondage when it came to customs and traditions of some parts of the world where the Sub Saharan Countries of Africa was part of. From 1948, with the inception of UDHR, efforts at eradicating some of these customs, which were considered as obnoxious have been proving futile especially in Sub-Saharan Africa.

Although Cameroon as a country with a colonial status did not know anything about emancipation of women by then, in Copenhagen in 1910, in Denmark under the leadership of Clara Zetkin, a Militant Socialist Movement advocated that measures be taken to prevent the women from sexual bias. In 1911, the governments of Europe at that time yielded to the cry of Clara Zetkin and the 8th March was fixed as the Women’s day [31]. Then, millions of women across Europe celebrated this day. This was the first step towards women emancipation in Europe, where women like their African counterparts were also relegated behind without several privileges that their men enjoyed. It then stayed till after the Second World War before issues of women
empowerment were raised following the creation of the UNO.

2.4 United Nations Agencies

International intervention on issues concerning women emancipation finally came to the lime light under the United Nations Organization Charter on Women. The Charter of the United Nations, signed in 1945, was the first international agreement to affirm the principle of equality between women and men. Since then, the UN has helped create a historic legacy of internationally agreed strategies, standards, programs and goals to advance the status of women worldwide. Over the years, the UN and its technical agencies promoted the participation of women as equal partners with men in achieving sustainable development, peace, security, and full respect of human rights. The empowerment of women continued to be a central feature of the UN's efforts to address social, economic and political challenges across the globe [32]. These efforts have benefitted women in the Cameroon in particular and the world at large and the Western Grasslands in particular.

The 1948 Universal Declaration of Human Rights [33] did not however act as a magic wand to alter the status of women and their spinster counterparts as well. Women continued to be deprived of their rights. The UN had to take steps to ensure that the equality between women and men provided for in the declaration was not just paper work but a reality. It had to make sure that women were not discriminated against because of their sex. This culminated to the United Nations Declaration on Elimination of Discrimination against Women adopted unanimously by the General Assembly in 1967 [34]. This document incorporated in a single instrument, the fundamental principles upon which elimination of discrimination based on sex, political activities, education, employment, marriage and in the family, penal and civil law could be founded. The Declaration of the Convention on Elimination of Discrimination against Women [35] by the UN and a number of other international instruments derived their strength from the concept that human rights and fundamental freedoms were to be applied to all individuals without distinction based on sex and marital status.

In all of Cameroon it was discovered that customary laws on marriage prevented women from attaining such rights. The laws of marriage in Cameroon gave women an inferior status and have been the greatest source of subjugation of women. It has over the years been affecting the very existence of their lives and sometimes it did to some from birth to death. Summarily therefore, as contends Ngassa, as a child,

She was born with an inferior status and the discrimination between her and her male brother stated at infancy. Her education as a child was directed towards making her a cook and a wife. Any formal education had to be offered to the male brother, she had to be married as early as the custom permitted but younger than her brother. She had no choice as to her spouse and her consent was not required. The age difference between her and her husband could be anything over 30 years. For correction she had to be beaten [36].

This of course rather produced a relationship of master and a servant and not husband and wife. Since she was married as a child, as a consequence, she became afraid throughout her marital life, and could hardly express herself and emotions. Women had no personal rights. They could be one of several other wives (polygamy) not because they chose to be, but because it was a matter of force. They had no right as regard property ownership, since they were regarded as chattel. Generally a chattel could not own property because she herself was property. Married women could not determine the number of children they would like to have and sometimes their spacing, apart from abstinence, was resolved only by polygamy. In brief, it means that her fertility and reproductive rights were controlled by the husband. Women could be divorced at will by the husband with no right of custody of children and could be inherited by another male of the family in the event of the death of the husband [37]. Her earnings, if she had any, belonged to her husband and she could only travel with his permission. Until such customary and oppressive practices repugnant to natural justice were relegated behind, it could not be possible for any woman to attain the status necessary to enforce her human rights as stipulated in the following articles of the Universal Declaration of Human Rights. Articles 5, states that "No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment." [38] Although it was stated and Cameroon became a member, women continued to undergo degrading treatment in almost all
aspects of their lives and as a result their
development continued to stagnate. All of these
government has already been
enforcement, examination, standard of
schools for boys and girls and appropriate
pursuing in Cameroon, compulsory education in
Discussion and its dissolution.
(2) Marriage shall be entered into only with
the free and full consent of the intending
spouses. (3) The family is the natural and
fundamental group unit of society and is
titled to protection by society and the state
[39].

Women from the time of ratification of this
UNHDR did not acquire equal status with men in
marriage. Instead, emphases were always made
for women in all marriage ceremonies to
remember to be submissive to their husbands,
be it traditional, civil status or religious. Such
preaching still went contrary to Article 17, which
states that, “(1) Everyone has the right to own
property alone as well as in association with
others; (2) No one shall be arbitrarily deprived
of his property.” [40] It is no secret that till date
women continue to be regarded as property
because of the institution of bride wealth. Women
have also been violated of their rights in
disrespect of Article 23 sub 1, 2 and 3 [41].

Many women from Cameroon suffered from
unemployment at times because they had to
choose between their marriage and other
professions they loved to engage in. Many men
in the Cameroon believed it was their right to
decide whether their wives had to take other jobs
out of their naturally ordained household chores.
Some considered the salaries women would earn
to be insignificant. But this was not
commensurate to the allowances given to
women by such men. On the advantages
working women reaped, it however did not
outweigh those reaped by fulltime house wives
because they had all the time to attend to their
children’s needs. The Cameroon government
therefore made enormous efforts to implement
Article 26, sub 1, 2 and 3 equally of the Human
Rights Law [42].

Following recommendations by the UN, the
government of Cameroon has already been
pursuing in Cameroon, compulsory education in
schools for boys and girls and appropriate
measures in curricula, examination, standard of
teaching and equipment as well as scholarship
and grants have also been made possible for all.
There has also been the abolition of child labour
in order to discourage parents from sending
children to work instead of school. All these
changes helped married women in Cameroon as
they improved on their lives and that of their girl
children, though much was still to be done
considering what is happening in the Western
Grasslands of Cameroon.

However, other conventions came up
successively beginning from 1948, 1952, 1962,
and 1966. The Economic and Social Council
(ECOSOC) in July 1966 transmitted the CEDAW
to the General Assembly of the UN, which
however was not able to give it adequate
consideration. The General Assembly requested
ECOSOC to recommend that the Commission on
the Status of Women (CSW) review and revise
the draft, bearing in mind amendments submitted
by member states. In March 1967 the CSW
revised the draft of CEDAW and adopted four
resolutions related to UN assistance of the
advancement of women and the unified long
term program. The fourth resolution included an
invitation of member states to consider
establishing national commissions on the status
of women, appointing qualified women to policy-
making posts in government, including projects
and programs directed towards the advancement
of women [43]. As far as Cameroon is concern
she could only manage to have one female
minister in the name of Delphine Tchanga who
recently passed on to eternity, followed by Mme
Njeuma Dorothy who was not even from this
region.

In 1972, the CSW recommended to ECOSOC a
draft resolution proclaiming 1975 as International
Women’s Year, and following discussions,
other way of rationalizing the system of
reporting the implementation of CEDAW. The
CSW decided to consider at its 1974 session
proposals for new instruments of international
law to dominate discrimination against women. In
June 1972 ECOSOC adopted a resolution on
CEDAW recommended that member states
submit information on the implementation of CEDAW over a four year cycle, including
information on civil and political rights. The
resolution asked member states to submit
information on the convention on the political
rights of women, the traffic in persons and the
secretary general to submit to the CSW analytic
reports on the implementation of relevant
instruments [44]. As such, laws such as that of
the West Cameroon High Court, that had jurisdiction over statutory marital issues in this territory then, were there to help resolve marital conflict though partially because many people relied mostly on customary martial laws.

In June 1972, ECOSOC adopted resolution 168 (41) designating 1975 as International Women’s Year. This was confirmed by the general assembly in December 1972 in resolution 3010. The objectives of the UN international women’s year in 1975 were to promote equality between men and women, to ensure the full integration of the importance, and increasing contribution of women to the development of friendly relations among states and the strengthening of international peace [45].

The zenith of the international year was the holding of a World Conference in Mexico in 1975, which discussed a variety of topics including the integration of women in the development process, education, research, training, health, and welfare, the implementation of plan of action, women participation in decision-making bodies, the prevention of the exploitation of women and girls, women access to financial assistance, population, research and family, the role of women in world peace, international security and self-determination, women and the media, the conditions of women in rural areas and the role of women in UN. For the first time in Cameroon some women in the likes of Mrs. Mua from Wum, Mrs. Chilla from Nso’ in the region became members of Parliament [46] and this served as an eye-opener to other married women who under the canopy of marriage customs believed that once a married women, there was no need to pursue any progress out of one’s marital home.

The Universal Declaration of Human Rights, with thirty articles, succinctly outlined the basic principles of human rights and required all nations to place social, economic, and cultural rights on the same level as civil and political rights [47]. The declaration of Human Rights could be considered an international guideline for women’s liberation in the period of time from 1948–1979. However, women’s rights were not fully addressed in all their various manifestations until the adoption by the general assembly in 1979 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which entered into force in 1981 [48]. The CEDAW set forth an international standard for women’s rights liberation consisting of a preamble and 30 articles, often described as an International Bill of Women’s Right. The document specifically discussed all forms of discrimination against women, provided the basis for realizing equality between women and men and ensured women’s rights, including the right to marriage, property, employment, reduction, nationality, health and to vote. Inspired by the CEDAW, many African governments including Cameroon, enacted legislation to promote equality between women and men and established national measures to ensure gender mainstreaming and equality in all spheres of society. It also undertook a series of measures to protect women’s rights, including legislation temporary measures against discrimination against women in all forms [49]. It was through this convention that the Cameroon Government started allowing literate women, though few in number to work alongside their husbands. From then also, a good number from the study also acquired education, which enabled them to take salaried jobs, a thing unheard of before.

2.5 The Common Wealth of Nations

The Common Wealth of Nations is an International Organization, grouping all former colonies of Britain. Even though part of the Cameroon was governed by Britain in the colonial period under the Mandate and Trusteeship Systems, Cameroon never joined it from the beginning. Cameroon joined the organization in 1995 and it has however had its own contributions like in the rest of the world, wherein it encouraged countries to participate in conferences organized for the enforcement of international conventions on human rights [50]. As such, guided by the 1987 Common Wealth Plan of Action (POA), the Secretariat’s first women and development program looked at women’s status in a number of areas and discovered that women were recipients of development and played minimal rather than active roles in political, social and cultural realities. After 1995, the secretariat work guided the second Common Wealth Plan of Action on gender and development. This was the Common Wealth’s contribution to the 4th World Conference on Women held in Beijing in 1995. The 1995 (POA) marked a shift from concentration on special projects for women to mainstreaming gender issues.

The Common Wealth secretariat promoted the protection of the human rights of women and the girl child, discouraged the discrimination and
gender-based violence and the commercial sexual exploitation of children. It advocated the ratification and implementation of CEDAW and its optional protocols, and the convention on the rights of the child. The 1995 Common Wealth POA on gender and development reiterated the importance of encouraging vocational skills to ensure women’s equal access to employment [51]. The foundation’s grant gave particular emphasis on capacity building and small enterprise development skills. Many Common Wealth countries have embraced democratic systems of government, introduced measures and increased women’s participation and representation through adoption and implementation of quotas and affirmative active measures [52]. In so doing, it was hoped that women’s inferior position in the political, economic and social spheres of influence would be ameliorated. Through Common Wealth sponsored seminars, the women of the Western Grasslands learned about their rights and those of girls which were being violated in the name of marriage customs. This went a long way to create more awareness among them, thus enabling development.

2.6 African Agencies and Women’s Rights

The African Charter on Human and People’s Rights [53] had its origin in concerns about human rights on the continent, especially with regard to the Organization of African Unity [54]. The charter represented the continent’s efforts to provide for a regional mechanism for the protection of human (and people’s) rights in the same frame as the system that were conceived in Europe in 1950 and the Americans in 1969. It has been argued that it was a product of the geopolitical realities of the decade preceding its inception in 1981, wherein there were wanton violations of human rights by dictatorial regimes that underpinned the foreign policy of western donor states [55]. The charter came to meet the African social set ups, which were communitarian units in which the status of the individual was defined within the family, society and the state. The relationship between the individual and community underpinned certain facets of the normative regime regarding rights under the charter. First the inspiring norms were traditions and values inculcated by African civilization [56]. These rights were also paralleled by duties that were owed by the individual to the communitarian units which accrued to both individuals and peoples. Though the latter similarly reflected the collective in the community, it was more evident that the notion of peoples’ rights in the charter was a continuum of a rubric of self-determination rights originally conceived during the period of decolonization [57]. Just like in Europe during the Age of Enlightenment, declarations of rights, fraternity and equality were made, but when examined, it exempted women. Africans, towards independence, demanded for these rights, but later failed to include women in all their undertakings; considering them as inferiors. However, they were then forced by the international world to do so.

Apart from the above, the conception of the enforcement mechanism under the charter made it distinct from the European and American systems, in its initial lack of a court which was a major future of the other two mentioned systems [58]. The charter however put in place only the African Commission on Human and Peoples’ Rights, which, coupled with the nature of its mandate, reflected the conciliatory approach to the resolution of issues characteristic of most traditional African societies including the Western Grasslands [59]. This has been, over these years, a major setback of the charter system of protection, which has since necessitated the creation of an African Court on Human and People’s Rights. The charter thus contended itself on calls on the African Commission on Human and People’s Rights to consider African practices and customs generally accepted as law and general principles of law recognized by African states as subsidiary sources [60]. The presumption was that the African commission and the courts were expected to make references to traditional practices and customs that were common to African societies and were consistent with international norms on human and peoples’ rights. Municipal courts were therefore allowed to play a leading role in the invocation of traditions and customs in respect of not only relationships within the society, but also the protection of human rights. Since women in Africa were largely trapped in communitarian structures steeped in tradition, it was not easy for the charter to realize its goals [61]. No court operated in a way one could suspect that it was being monitored from without in the study area, for only statutory marriage cases were heard in formal courts while customary marriage cases were handled by traditional authorities in customary courts full of abuses.

Further modifications resulted in the Banjul Charter, which was distinct from other regional
Thus: "Protection against Harmful Social and Cultural Practices" with its paragraphs 1 and 2 reading: 

1) State parties to the present charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: a) Those customs and practices prejudicial to the health or life of the child; and b) Those customs and practices discriminatory to the child on the grounds of sex or other status.

2) Child marriages and 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 and make registration of all marriages in an official registry compulsory [64].

Though the Banjul Charter did not have the specificity on women’s rights contained in the convention on the Elimination of All Forms of Discrimination against Women, it formed the basis for having states account for the status of women and protection of their rights within their national legal orders. Article 18, paragraph (3) [65] was specific as regards the protection of the human rights of women to the extent that it placed responsibility on states to eliminate discrimination and protect their rights. This responsibility in effect enjoined African states to undertake positive steps to ensure that their national laws and policies result in the attainment of the above two primary goals. To this end, it should be noted that protection of women’s rights under this charter was envisaged in terms of the fact of their stipulation in international declarations and conventions, which included CEDAW. Thus states that were party to the charter and the various conventions on women’s rights had to undertake the entire rubric of protection called for in those conventions [66]. No matter how dormant states were to the implementation of these conventions, they affected customs and traditions of marriage in Africa as a whole and Cameroon and the Western Grasslands in particular. The gradual steps taken therefore enhanced women emancipation in the Western Grasslands.

Perhaps the more problematic aspect of the protection of human rights of women under the charter was the contextualization. Article 18 was placed within the context of the family and traditional values in paragraph (1) and (2) [67]. There seemed a conflict in the perceived role of state in that regard, which was to protect the family as the custodian of traditional values and at the same time ensure the protection of rights of the women as seen in article 18(3) above. The operative word here was manifest, given the fact that the major violations of rights of women occurred within the private realm of family relations or for that matter, its wider forms of clan, caste or ethnic group. Furthermore, the suppression of women’s rights occurred under the cloud of tradition, custom, and cultural values. To support this statement Makau wa Makau remarks:

The charter tolerated, confirms and supported repressive structures of social and political ordering. A particular problematic issue concerning its family provisions, especially their gender implication. Article 18 of the charter provided inter alia, that the systems in that it had a specific provision that addressed the Rights of Women. This was apart from common place provisions on the right to equality and freedom from discrimination that adorned most international and regional human rights treaties. These remained the starting premise of any discourse on gender relations and the rights of women. The fact that, with specific regard to human rights of women, the charter provided that “the states shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions”, [62] was a laudable effort. But as seen above when it came to marital conflict only statutory marriages benefitted in the western Grasslands of Cameroon. This was so because, many if not all marriages in the study area were considered customary as long as bride wealth had been paid.

The criticisms levied on it, were that the provision was too general without any substantiation on the rights of women, with the most important attack being that the Banjul Charter had placed the rights of women in a legal coma [63]. Furthermore, the criticism was levied upon the fact that rights of women were addressed with those of children in the same breath, while women and children were always victims of violations of human rights in a conflict–ridden continent. On the other hand the charter was seen as providing a starting point for the protection of women’s Rights. However, the problem of children’s Rights was later redressed in the late 1990s and Articles 21 was more particular about their plight as it is titled ‘Protection against Harmful Social and Cultural Practices’ with its paragraphs 1 and 2 reading thus:

1) State parties to the present charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: a) Those customs and practices prejudicial to the health or life of the child; and b) Those customs and practices discriminatory to the child on the grounds of sex or other status.

2) Child marriages and 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 and make registration of all marriages in an official registry compulsory [64].
family shall be the natural unit and basis of society and shall be assisted by the state as the custodian of morals and traditional values..... Among other things this language sought to entrench the oppressive family structure, complete with its exploitative and marginalization of women in the public and so-called private spheres [68].

According to him the family unit remained the most repressive of rights of women and the girl child in the African societies, Western Grasslands inclusive. Considering the above, this area can be a glaring example of how repressive traditional institutions could be with the help of government instead. Within the family unit, married women have been suffering from vices such as battery, rape, and inequality as regard educational opportunities and rights of inheritance, to mention but a few cases. Even if courts have been doing their best in, for examples inheritance cases by declaring rightful owners of properties in case of husbands who died intestate, more often than not witchcraft deprived rightful owners from benefitting from such inheritance and hardly had cases of witchcraft been easily proven in courts of law [69]. In Wum, where matrilineal marriages exist, wives and children abandoned their father’s property for fear of being bewitched by their father’s nephew’s purported heirs according to matrilineal succession tenets.

The charter however was expected to draw inspiration from traditions and customs that were consistent with international norms on human and people’s rights. What made the charter a somewhat irrelevant instrument was the fact that matters could only be referred to only after local remedies have been exhausted and the fact that the issue of the creation of the regional court for enforcement, lagged behind after the Commission of Human and People’s Rights in 1987 and the Banjul Conference. Even if it were to be, the major cases would have been those of genocide, abuses such as rape during wars [70] and not family matters which everyone thought states could easily handle. On the part of the states, issues from customary marriages were handled mostly by customary courts, presided over by traditional rulers who rather ignorantly ensured those laws which were considered to be repugnant to natural law and justice and resulted in violation of the so-called rights of women as was the case in the Western Grasslands [71].

When the African Union came into being from 2001, it tried to revise some of the Regional Conventions. As such, the Dakar Protocol of 2003, [72] in pursuant of Article 26 of the Protocol to the African Charter on Human and Peoples’ Rights, on the Rights of Women in Africa (the Protocol); read together with article 62 of the African Charter on Human and Peoples’ Rights (the African Charter) demanded that each state party to the Protocol agree to submit every two years, from the day the Protocol came into force, a report on the legislative, judicial, administrative and other measures taken with a view to ensure full realization of the rights and freedoms contained in the Protocol. These reports were however generalized and one could hardly know which part of the country where women’s rights were still being violated. The example of the Western Grasslands shows that it could be one of those places where government policy was still partially being realized.

A state party to the African Charter and the Protocol had to submit its report in two parts: Part A, dealing with the rights in the African Charter, and Part B, dealing with the rights in the Protocol. A state’s first report under Part B did not need to exceed 50 pages and subsequent reports were not to exceed 30 pages. These therefore aimed at guiding states on how to write such reports. The result was the Solemn Declaration on Gender Equality by the African Union in 2004 [73]. Since no mechanism was put in place to punish states who failed in the implementation, apart from verbal sanctions which never yielded fruits, states were only encouraged to ensure improvement in human rights records.

Meanwhile, the African Commission on Human Rights has been playing a promotional function in the form of research workshops and seminars with respect to the human rights situation on the continent. It however succeeded to create the African Court on Human Rights in 1992, but which its protocol was only established in 1998. It was however hoped that with the creation of the court, countries would ratify its protocol and subsequent creation of such courts would go a long way to enforce the elimination of all forms of discrimination against women in marriage and also deter harmful traditional practices. The Commission on Human Rights was extended to the Western Grasslands only recently for the Cameroonian Government and is based in the Region’s capital. However, some of the
international goals were being realized by international Non-Governmental Organizations.

3. CONCLUSION

Though the elaboration above is far from exhausting the issues at stake when it comes to the stakeholders upholding the rights of women to eliminate all harmful traditional practices stemming from customs and traditions, the work done by the international Conferences and NGOs from local and national levels is not undermined. As such it is hoped that this paper has helped in tracing the origins of such daring concepts as considered by those standing against women’s rights in general. Though it was the concern of many societies including outside of Cameroon, a bigger fight may not be won as whole but in bits till the final goal is reached. Hence the role played by the international conferences and NGOs is reserved for another forth coming paper [74].

CONSENT

As per international standard or university standard, respondents’ written consent has been collected and preserved by the author(s).

COMPETING INTERESTS

Author has declared that no competing interests exist.

REFERENCES

1. The Western Grassfields in Cameroon is made up of the Western Grasslands of the North West Region, the Bamiléké country and the Bamum kingdom of the present West Region. These regions from a socio-anthropological point of view form a geographical as well as a cultural continuum. Also see J.-P. Warnier, Échanges, développement et hiérarchies dans le Bamingwa pré-colonial (Cameroon), Stuggart, Franz Steiner Verlag Wiesbaden GmbH, 1985, p.3; P.N. Nkwi and J.-P. Warnier, Elements for a History of the Western Grassfields, Yaoundé, Publication of the Department of Sociology, The University of Yaoundé .1982,6.
5. Ibid.
6. Because of the bride wealth institution which stipulates that once it was paid, women become property of the husband’s family.
8. This was the case of some Kom elites such as Hon. Jua who is now controlling the hotel his late father started building when he was alive in Bamenda.
9. Wam DI. Retired Custom, Aged 70, Bamenda, 8th May; 2016.
10. This attitude was noticed with nearly most Kom and Aghem elites.
11. Many educated women from these areas get confuse due what they have been observing and only hope time will change things in their favour.
12. Provided a lady is above 40 years of age according to the Land Tenue law of Cameroon.
13. The side effects of breast ironing were not pronounced as those of FGM, though all were against Women’s Rights.
14. This was so because some women equally thought that obedience in marriage was all that was needed from a woman and all would be well as far as her up keep was concerned. But time proved them wrong and the result was self-awareness which went a long way to meet but resistance from some men.
21. Some men who boosted to their wives discovered that the meager salaries their wives were earning was not enough and wished it could be more.
22. It is an emerging theory which seeks to establish equality between men and women in the political, economic and socio-cultural realms.
24. As a term used to describe trends in thought and letters in Europe and the American Colonies during the 18th Century prior to the French Revolution of 1789.
28. Ibid.
29. Ibid.
30. An alliance of world nations established in 1920 after the First World War to promote world peace and cooperation.
32. Ibid.
33. See Universal Declaration of Human Rights.
34. Available:http://www.refworld.org/docid/3b00f05938.html, The CSW produced a Declaration on the Elimination of Discrimination against Women, adopted in 1967, but this Declaration was only a statement of political intent rather than a binding treaty. Five years later, in 1972, the General Assembly asked the CSW to consider working on a binding treaty. This led to a 1970s working group and eventually the 1979 Convention.
35. See The Convention on the Elimination of all forms of Discrimination against Women.
38. See Universal Declaration of Human Rights.
39. Ibid.
40. Ibid.
41. Ibid.
42. See Universal Declaration of Human Rights.
43. British Southern Cameroons by this time was under the Trusteeship of the UN, Reports from the region show that by this time much concern was laid only on freedom of worship, and press, as far as Human rights were concerned. See the Cameroons under the United Kingdom Trusteeship Report for the year 1953, HMCO, London. 1953;309:60.
45. As lofty as these ideas were, only very few African Women could understand for many were still to gain primary level of education.
47. See Universal Declaration of Human Rights.
48. See CEDAW.
49. Hence, our constitution shows the Cameroon government’s efforts in implementing some of these International conventions. But problems arose only at rural areas where illiteracy was still very high and hampered level of awareness by both men and women.
50. Makang JP. Seminar Report, on the theme “Women, Human Rights, Customs and Culture” which was held in Brighton, from 10-15 September 2000, in UK.
51. The Women Ministry in Cameroon attended seminars Organized by the Common Wealth such as that mentioned above and it benefited women in many ways. Yet women in all parts of Cameroon were still suffering from many problems which the CW hoped to resolved such as HIV/AIDS, poverty etc.
52. For example it observed elections in Cameroon in 2007 to ensure that there should be no fraud.
54. The OAU’s formation was inspired by the ideals of Pan Africanism, the model of the UN and the need to cooperate. Hence independent African states came together in the early 1960s to form it. It later served as a diplomatic forum, deployed peace keeping forces and worked with international agencies on issues such as economic development and others.


56. Ibid.

57. Ibid.

58. The creation of this court was yet to be in Cameroon.

59. Since all local remedies had to be exploited, first it continued to encourage those guilty of violation and for this simple reason victims never had the means to exploit local remedies not to mention international.

60. The multiplicity of sources of law in the African Continent did not make things any better, for people became confused as to which law was reliable. The learned on their part stayed as if there was no cause for concern while the ignorant languished.

61. For example, in Cameroon the Customary law has been noted for its repugnancy as this study proves.


65. The State shall ensure the elimination of all discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

66. This was however to our own view a kind of duplication because almost all the convention on human rights had similar connotations.

67. Which state that: 1., The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral. 2., The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.


69. It is only of late that witches have been known to be convicted in our law courts. But many at times victims flee for their dear lives as they would do everything possible to avoid the rafts of witches and wizards should they perceived being haunted.

70. Serious issues implicating dictators who had emerged in Africa then, such as Idi Amin Dada in Uganda and the genocide which ensued in Ruanda and Burundi were frightening and no state men were concerned about domestic matters and so it was as if no human rights violations could come from such avenues.

71. Customary courts were and still continue especially in rural areas of this study to preside over cases emanating from customary marriages.

72. www/.ch.up.ac.ca/.../1194-workshop on state report

73. See Solemn Declaration on Gender Equality by African Union.

74. Magdalene Quasinyu, 53years, House wife at Nkambe on the 12th July 2016.

Meldred Jam, 54years, a Trader at main market Bamenda on the 10th Dec 2016.

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