

**THE PLACE OF WOMEN IN THE POLITICAL SPHERE: A COMPARATIVE STUDY OF
CAMEROON AND SOUTH AFRICA**

**SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS OF THE DEGREE LLM
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BY

DIWOUTA T. CHRISTELE ALEXANDRA

PREPARED UNDER THE SUPERVISION OF

DR. LETETIA VAN DER POLL

AT THE

FACULTY OF LAW OF THE UNIVERSITY OF THE WESTERN CAPE, SOUTH AFRICA

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DECLARATION

I, Diwouta T. Christèle Alexandra, hereby declare to the best of my knowledge that this dissertation is original and has never been presented in any other institution. I also declare that any secondary information used in this dissertation has been duly acknowledged.

Student: Diwouta T. Christèle Alexandra

Signature: _____

Date: _____

Supervisor: Dr. Letetia van der Poll

Signature: _____

Date: _____

DEDICATION

To mummy, Mrs. Alphonsine Onana-Diwouta. You have been my inspiration throughout your stay among us. May your soul rest in perfect peace.

To all women who are still abused all over the world. The thought of your sufferings was my motivation to complete this work.

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To all those I have not mentioned, do not feel forgotten.

God will remember all of you.

LIST OF ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ANC	African National Congress
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ECOSOC	Economic and Social Council
HIV/AIDS	Human ImmunoDeficiency Virus/Acquired ImmunoDeficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NCHRF	National Commission on Human Rights and Freedoms
NGO	Non-Governmental Organisations
OAU	Organisation of African Unity
OP-CEDAW	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women
UDHR	Universal Declaration of Human Rights
UN	United Nations (Organisation)

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CHAPTER ONE: INTRODUCTION

1.1 Background to the study

The background to this study is encapsulated in the principles of the United Nations Charter¹ and the Universal Declaration of Human Rights² to which all members of the United Nations have pledged to promote the universal respect for and the observance of human rights and fundamental freedoms.³ Article 25 of the UDHR contains the relevant provisions in respect of gender equality. The Convention on the Elimination of All Forms of Discrimination Against Women,⁴ in turn, governs women's legal status at the international level.

CEDAW sets the basis for the realisation of gender equality through ensuring women's equal access to political and public life.⁵ It also makes provision for legislation and temporary special measures to ensure that women can enjoy equal opportunities in political and public life. By ratifying CEDAW, States commit themselves to undertake a series of measures to end discrimination against women in all forms.⁶

At the regional level, the African Charter on Human and Peoples' Rights⁷ is of particular significance. Article 2 enshrines the principle of non-discrimination on the basis of sex. Whereas article 3 guarantees equality before the law, article 18(3) seeks to eliminate all discrimination against women and to promote the protection of their rights.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa⁸ was adopted in an effort to comply with international human rights standards. The Protocol was adopted in recognition of the fact that African women continue to suffer from human rights violations because of their vulnerability as women. The Protocol guarantees a wide range of

¹ Charter of the United Nations signed at San Francisco on 26 June 1945. Entered into force on 24 October 1945 in accordance with article 110.

² Universal Declaration of Human Rights adopted and proclaimed by General Assembly Resolution 217 A (III) of 10 December 1948. (Hereinafter referred to as UDHR).

³ Preamble of the UDHR.

⁴ Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations General Assembly in 1979. (Hereinafter referred to as the CEDAW).

⁵ Art 7 of CEDAW.

⁶ As above art 2.

⁷ The African Charter on Human and Peoples' Rights, adopted on 27 June 1981 by the Organisation of African Unity, 58 entered into force on 21 October 1986. (Hereinafter referred to as the African Charter).

⁸ The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa adopted by the 2nd Ordinary Session of the Assembly of the African Union, 11 July-13 August 2003. (Hereinafter referred to as the African Women's Protocol).

women's civil and political rights as well as economic, social and cultural rights. It thus reaffirms the universality, indivisibility and interdependency of all internationally recognised human rights and protection afforded to women.

Cameroon and South Africa have shown commitment in the protection and promotion of women's rights and can thus be considered as good students of the United Nations. The two countries have signed and/or ratified major human rights instruments including CEDAW.⁹

Although most international human rights instruments do not specifically deal with women's rights, they provide a useful foundation for interpretation or construction. Interest in women's rights is evident through national legislation and declarations on women's issues in both countries. However, when it comes to their implementation, the reality is often vastly different.

This dissertation is not intended as a mere comparison of the place of women in politics in both countries, thus illustrating women's legal subordination. Instead, it will endeavour to show that Cameroon, which has been independent for 40 years, is still far behind when it comes to the implementation of policies regarding women, while South Africa, just emerging from years of institutionalised oppression due to the Apartheid system, is a step ahead.

This dissertation also does not purport to state that South Africa is a perfect model in the protection and promotion of women's rights but that, by comparison to Cameroon, it could be an example to follow at the regional level.

The general observation that can be made is that women are absent in politics and/or that their presence is not largely felt as compared to the percentage they represent in the population.

As one analyst rightly observed:

Human rights are not based upon sex, colour, capacity or condition. They are universal, inalienable and eternal, and none but despots will deny to woman that supreme sovereignty over her own person and conduct which law concedes to man.¹⁰

Most, if not all, international, regional and domestic human rights instruments spell out equality for all in all domains of public life, thus explicitly recognising women's status. However, recognition is not synonymous with implementation.

⁹ Cameroon ratified CEDAW in 1994, South Africa in 1995.

¹⁰ S Grimke M, *Marriage*, reproduced in part in G. Lerner, *the female experience: an American documentary (1977)* quoted by AS. Fraser in *Becoming Human: the origins and development of women's human rights in M Agosin (ed) Women, Gender and Human rights (2001)* 32.

The mere fact that human rights documents exist, does not necessarily lead to the transformation of their provisions into substantive equality between men and women in all spheres of public life, especially politics.

The implementation of the various provisions does not always occur universally. In most African countries, very little is done to provide remedies in instances where there has been a breach of human rights norms. Yet one should recognise that governments, having the primary responsibility to ensure gender equality, fail to provide sufficient support for the latter to be implemented. The reasons for this may include a general disrespect for human rights, notably equality rights, illiteracy and education of the girl child in African countries. These phenomena are not only noticeable on the African continent. In Europe as well, women were historically denied participation in decision-making processes. At the world anti-slavery conference in London in 1840 for instance, women were only allowed to listen to the proceedings from behind a balcony curtain.¹¹

Women's rights are based on the principle that as free human beings, women deserve the right to belong to a society where their rights are recognised and protected by the state.¹² These rights include, among others, the right to participate in the political life of their country. The absence, infringement or denial of this right is at the heart of women's struggle for equal and dignified treatment. The political participation of women is a crucial precondition for the realisation of their civil and political rights. Without the recognition of their fundamental rights, women are prone to be absent in politics or to be allocated minor or politically irrelevant positions.

Over recent years, the role of the Cameroonian woman in society has moved to the centre of public debate. This development can be attributed to the intensified education and information work done by women's organisations as well as to the mounting opposition of urban working women to outdated African traditions and customs. Gender equality has also become a public and widely discussed issue.

Despite the above, women remain grossly underrepresented in politics in Cameroon. Out of 180 members of the National Assembly, only ten are women and there are only two women ministers and one female State's Secretary in the 52-member Cabinet. Women hold only 5.3% of sub-

¹¹ S Dauer *Indivisible or invisible: Women's human rights in the public and private sphere in Agosin* as above 65.

¹² The Preamble of the Constitution of Cameroon ensures equality of all citizens before the law. Yet according to women's rights activists, the unequal status of women and girls in Cameroon manifests itself in all spheres of life and there is no evidence that the government has taken measures to improve women's status. To the contrary, discriminatory administrative policies, practices, laws, cultural beliefs and attitudes hamper the enjoyment of human rights of women.

ministerial level positions.¹³ Of particular concern is the fact that the government-created National Human Rights Commission¹⁴ does not address issues of inequality between men and women.

South Africa's historical landscape has been characterised by the institutionalised oppression for almost half a century. Yet significant advances have been made since 1994. The participation of women in the fight against Apartheid has been duly acknowledged.¹⁵ Women in South Africa have always been at the forefront in politics. Their presence can be felt in all spheres of public life and they are afforded politically relevant portfolios in government.

The need for women's representation in all spheres of society is acknowledged at the highest level. In celebration of National Women's Day, President Mbeki rightly pointed out that:

There are not enough women managers and not enough women board members. Even with black empowerment, the majority of benefits are felt by men, yet the majority of our people are women.¹⁶

The new South African government and Parliament have undertaken various measures to advance the position of women and to promote gender equality in all spheres. The commitment to gender equality in the new government was confirmed by the election of a woman as Speaker of the National Assembly,¹⁷ and later with the appointment of another woman as Deputy Speaker.¹⁸ The increasing number of women selected for executive positions has further strengthened this commitment. Today, 43% of South Africa's cabinet is female.¹⁹

This dissertation will accordingly compare the status of women's political participation in Cameroon and South Africa through an assessment conducted against the backdrop key of international, regional and national human rights standards.

¹³ 'Government reshuffle' *Cameroon Tribune* 2 April 2004 2-4.

¹⁴ The National Commission on Human Rights and Freedoms: Presidential Decree No 90/1459 of 8th November 1990.

¹⁵ For instance, 9 October is celebrated as the women's day in South Africa in recognition of the role they played to fight against Apartheid by working to the Union Building. This was for the abolition of the pass law in 1956.

¹⁶ President Thabo Mbeki's tribute to South African women on 9 August 2004 in Witbank available at <http://www.news24.com/News24/South_Africa/Politics/0,2-7-12_1570214,00.html> (Accessed on 9 August 2004).

¹⁷ The Speaker of the South African National Assembly is Dr. Frene Ginwala.

¹⁸ The Deputy Speaker of the South African National Assembly is Mrs. Baleka Mbete.

¹⁹ T Mokgola 'All the President's Women' available at www.safrika.info/women/cabinet-women.htm (Accessed 20 October 2004).

1.2 Relevance of the study

Issues of gender have always, and continue to, inhibit women from access to public office. With the increase of gender mainstreaming²⁰ and struggle for equality, the international community has become increasingly aware of the absence of women in politics.

The aim of this dissertation is not only, however, to be conscious of women's absence in politics, but to also take steps to redefine sound strategies to implement gender equality in terms of the political participation of women on the part of governments.

This dissertation will focus on the place accorded to South African women in relation to the consolidation of a fairly new democracy, compared and contrasted to the struggle of their Cameroonian counterparts within the context of a much older democracy. Moreover, ratified conventional instruments as well as domestic constitutional dispositions currently in force in Cameroon dictate gender equality, thus calling for the implementation of special measures to enhance the participation of women. Yet, there have been no serious efforts on the part of Cameroon to revise or abrogate numerous coexisting discriminatory provisions and practices that perpetrate systematic discrimination against women in various ways within existing institutions.²¹

1.3 Statement of the research problem

It seems that even within modern and organised societies, women still lack the means to efficiently reach the political sphere and become involved in the decision-making process. The sharing of true political power between men and women is still rare. This holds true even in most industrialised countries.²²

Scandinavian countries, though very illustrative of the equality on politics, have not yet reached an ideally balanced level either.²³ At the African level, the sharing of political power is still uncommon and where present, the position given to women is not politically significant. Besides the insignificance of the office, there is another challenge, namely, access to and the maintaining of public office.

²⁰ Gender mainstreaming has been defined, as the action to promote equality requiring an ambitious approach, which presupposes the recognition of male and female identities and the willingness to establish a balanced distribution of responsibilities between women and men.

²¹ For instance, Art 1421 & 1428 of the Civil Code, women are not fully entitled to use, enjoy or sell their property, although this is stipulated in the Constitution.

²² C Grant Bowman & A Kuenyehia *Women and law in sub-Saharan Africa* (2003) 602.

²³ As above.

1.4 Research questions

This study will address the following questions:

1.4.1 Whether the treatment of women in politics in Cameroon and South Africa effectively and efficiently meet the normative human rights standards set and approved by both countries;

1.4.2 The factors that impede Cameroon to have a comprehensive implementation of gender equality policies within its public life; and

1.4.3 Whether it is justifiable to refer to South Africa as a model of gender equality and political participation for women in Africa.

1.5 Hypotheses of the study

The hypotheses of the study are based on the idea that political participation is relevant to the realisation of human rights and that international, regional and domestic legislation and other human rights instruments guarantee political participation. Moreover, the above is boosted by the most celebrated say: 'women's rights are human rights'.

After all, in practice, such rights are not implemented. These conditions produce the following consequences:

- * The political frustration of women despite their capacity for political leadership;
- * Disrespect of fundamental human rights and freedoms as well as human rights instruments;
- * Negation of the legal as well as moral commitments of states.

1.6 Aims and objectives of the study

This study investigates the political status of women in Cameroon and South Africa. The main objectives are to:

1.6.1 Illustrate whether governments actually enhance their commitment to various ratified human rights instruments;

1.6.2 Outline injustices committed against women in political matters and illustrates the different approaches adopted in both countries;

1.6.3 Examine the role played by international, regional and national normative standards and in particular, show the effectiveness (or not) of their adoption and ratification in practice;

1.6.4 Assess the difficulties encountered by women in relation to access in politics in both countries; and

1.6.5 Make recommendations that may be useful for countries that are still biased towards women in politics and to encourage those states that promote gender equality.

1.7 Limitation of the study

This dissertation is limited in scope. It focuses only on the main areas of women's lack of political participation namely elected political office.

1.8 Literature survey

There exist a number of studies on the subject. Cameroon and South Africa also benefit from a number of publications on the topic. In South Africa for instance, Goetz and Hassim have conducted an assessment of women in politics and policymaking in South Africa.²⁴ Also, Murray made a valuable *exposé* on the struggle of African women in politics.²⁵ On its part, a study undertaken in a partnership between six organisations thoroughly examines the situation of the South Africa women in politics between 1994 and 1999.²⁶ This study shows the increased proportion of women in politics from practically non-existent before the first democratic elections to one quarter of the total number of political representatives in 1999.

On the Cameroonian side, Mungwa²⁷ examines the need for rooting commitment to the political advancement of women in Cameroon within key political structures. She demonstrates the absence of meaningful commitment within political structures, and the resultant trends in women's political empowerment in Cameroon. Her approach combines a historical and an analytical methodology that enables the use of both women's experiences in politics and theoretical principles for informing institutional transformation and the enhancement of greater gender equity.

²⁴ A Goetz & S Hassim *No shortcuts to power, African women in politics and policymaking* (2003).

²⁵ R Murray, *A feminist perspective on reform of the African human rights system* (2001).

²⁶ S Boezak (ed) *Redefining politics: South African women and democracy* (1999).

²⁷ A Mungwa, *Mastering political forces and structures for empowerment: challenges for women in post-independent Cameroon* (1999).

Bengono²⁸ examined women's leadership in the construction of Cameroonian society. She analyses their role before and after the independence and their evolution in the political realm of Cameroon till today.

There are also a number of journals publications from various institutions on the topic. Various articles available on the Internet will be consulted. Finally, relevant international, regional and domestic human rights instruments will be considered in the context of this dissertation.

1.9 Methodology

For the purposes of this dissertation, the intended methodology will take the form of a legal comparative study. The objective is to show the differences and similarities (if any) in respect of two different sub-Saharan legal systems. Primary sources will be consulted including human rights instruments, legislation and case law. Secondary sources to be consulted will include law journals and Internet databases.

1.10 Overview of the chapters

Chapter one sets out the scope of the study through the identification of the research problem and outlines the chosen methodology. This chapter also states the aims and objectives of the paper as well as its limitations.

Chapter two considers the international and regional provisions governing women's rights. The main aim of this chapter is to recoup dispositions in human rights instruments with specific reference to gender equality and the participation of women in public life.

Chapter three gives a historical backdrop of the participation of women in politics in both countries and sets out the domestic and constitutional provisions that relate to the status of women in politics in both Cameroon and South Africa. It also contains case studies to elucidate the particular challenges faced by women in these two countries.

Chapter four analyses the extent to which Cameroon and South Africa have complied with international, regional as well as national human rights standards pertaining to women's political participation rights.

The final chapter will contain conclusions and recommendations.

²⁸ F Bengono *Réalité et construction sociale du leadership politique des femmes: Le cas du département du Mfoundi au Cameroun* (2002).

CHAPTER TWO: INTERNATIONAL AND REGIONAL PROVISIONS AND INSTITUTIONS GOVERNING WOMEN'S RIGHTS ON EQUALITY AND PARTICIPATION IN PUBLIC LIFE

2.1 Introduction

There has been a great sense of injustice about the under representation of females in politics all over the world. This hold true for Africa in particular. For this reason, the United Nations has laid down standards to address the participation of women in politics at the international level. There are also a number of declarations and programmes of action to promote the representation of women in politics worldwide. The African human rights system on its part encompasses a comprehensive body of human rights instruments making reference to the participation of all in political and decision-making processes.

In principle, the Beijing Platform of Action establishes a quota for women in elected offices putting it at 30%. However in practice, this is rarely the case. Some countries have, however, shown compliance with these international benchmarks. Most of these countries are Scandinavian where women head a significant portion of elected offices.²⁹ In Africa, the required quota is rarely achieved. It is nevertheless interesting to note that Rwanda has the most women representation in the cabinet and as members of parliament in the world with 49% female representation and 32% of women occupying cabinet positions.³⁰

The United Nations sets standards for the participation of women in politics. There is a great need for compliance with these standards to foster respect for human rights. CEDAW, often described as the bill of rights of women,³¹ provides the main foundation for women's political participation at the international level. The signature and ratification of this document is only a step towards the recognition and realisation of women in public life. The real test is its enforcement within a context where there exists a general lack of respect for and promotion of women's right to participate in politics.

The objectives of this chapter is to assess the various instruments and institutions at the international and regional level dealing specifically with women's right to participate in politics.

²⁹ 'The Unfinished Women's Agenda' *Democracy Forum*. January-May 2004, 28-31.

³⁰ M Ward 'Can Rwanda show us the way?' available at <<http://www.democraticdialogue.org/Rwanda1.htm>> (Accessed on 4 August 2004).

³¹ Y Brunelle 'CEDAW: your Bill of Rights' available at <http://www.saidit.org/archives/feb00/feb_article1.html> (Accessed on 4 august 2004).

2.2 United Nations standards on political participation of women

At the international level, the United Nations is expected to set down principles for the promotion and protection of the equal rights for women. The Charter of the United Nations was the first international agreement to proclaim gender equality as a fundamental human right. Since then, the United Nations created a historic legacy of internationally agreed strategies, standards, programmes and goals to advance the political status of women worldwide.

In an attempt to promote the advancement of women, the United Nations has taken four relevant steps. These include the promotion of legal measures, the mobilisation of public opinion and international action, training and research (including the compilation of gender desegregated statistics) and direct assistance to disadvantaged groups.³² A central organising principle of the work of the United Nations is to ensure that no enduring solution to society's most threatening social, economic and political problems can be found without the full participation and the full empowerment of women.³³

There are basically two international human rights instruments encompassing the broad spectrum of human rights. These are the Charter of the United Nations and the Universal Declaration of Human Rights.

2.2.1 The Charter of the United Nations 1945

The recognition of equality for women is one of the founding principles of the United Nations. The Preamble of the Charter encapsulates the goal 'to reaffirm faith in fundamental human rights of men and women'. On its part, article 1 of the Charter proclaims that one of its purposes is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all people 'without distinction as to race, sex, language or religion'. All state parties of the United Nations have the obligation to endeavour to fully realise human rights for all persons.

2.2.2 The Universal Declaration of Human Rights 1948

The Universal Declaration of Human Rights is the most universally recognised human rights document.

³² Convention on the Elimination of All Forms of Discrimination Against Women
<<http://www.un.org/womenwatch/daw/daw.html>> (Accessed on 15 August 2004).

³³ As above.

The UDHR was the first document encompassing universal human rights ever agreed to by civilised nations. It recognises that every human being has equal and inalienable human rights, arising from the inherent dignity of all humanity. The UDHR contains, among other, a broad list of civil and political rights as well economic, social and cultural rights. However, the UDHR does not have a legally binding force upon the nations; it carries a mere moral commitment upon the state parties. This moral obligation on the nations is to the effect that most of the rights recognised in the UDHR have become customary international law and thus widely recognised and enforced as law. The UDHR therefore serves as a benchmark for all other human rights instruments that are binding on states parties.

The commitment of the United Nations to the equal rights of women is further reiterated in a large number of international human rights instruments. A discussion of some of these instruments follows next.

2.2.3 The Convention on the Elimination of All Forms of Discrimination Against Women 1979

The Convention on the Elimination of All Forms of Discrimination Against Women is a relevant international treaty that upholds the importance of women's involvement in the political spectrum of State Parties. CEDAW is the most comprehensive convention dealing with women's rights.³⁴ CEDAW is a result of the United Nations Decade of Women (1976-1985) and sets out, in legally binding form, internationally accepted principles pertaining to the rights of women. The normative objective of CEDAW is the prohibition of all forms of discrimination against women. This objective cannot be satisfied merely by the enactment of gender-neutral laws. Besides recommending that women be accorded equal rights with men, CEDAW goes further by prescribing the measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled.

CEDAW was adopted to reinforce the provisions existing in international instruments and thereby to fight against the systematic discrimination against women in all spheres of public and private life. CEDAW identifies many aspects of discrimination against women, including discrimination in the political sphere. In that respect, CEDAW requires state parties to take all measures to facilitate the creation of a global society in which women could fully and equally enjoy their human rights.

³⁴

M Halberstam & E F Defeis *Women's legal rights: international covenants, an alternative to era?* (1987) 30.

However, despite the status afforded to the instrument, it is one of the most reserved United Nations Conventions.³⁵ As a result of the latter, CEDAW is subject to many criticisms, such as its definition of discrimination which is said to be too broad and therefore difficult to implement.³⁶

The United Nations also has machinery in place to monitor and promote the fundamental rights of women. The machinery is made up of two principal organs, namely the Commission on the Status of Women³⁷ and the Committee on the Elimination of All Forms of Discrimination Against Women.³⁸

2.2.4 The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women³⁹ came into force as the result of activism promoting the acceptance of women's rights as human rights.⁴⁰ By ratifying the OP-CEDAW, states recognise the competence of the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups within its jurisdiction.

The Protocol contains two procedures. First, a communication procedure allowing individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee. The Optional Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met. One of these is that all domestic remedies must have been exhausted. The second procedure created by the Optional Protocol is the inquiry procedure, enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Convention and the Optional Protocol. The text of the OP-CEDAW provides

³⁵ S Tamale 'Think globally, act locally: using international treaties for women's empowerment in East Africa' (2001) *Agenda* 50 98.

³⁶ Tamale as above.

³⁷ The Commission on the Status of women was established by the United Nations Economic Council in 1946 to prepare and make recommendations to ECOSOC on the promotion of women's rights in all aspects.

³⁸ The Committee on the Elimination of Discrimination Against Women was established in 1979 by CEDAW to oversee the implementation of the latter. It considers state's human rights reports and makes suggestions and recommendations.

³⁹ The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women 1999. (Hereinafter referred to as the OP-CEDAW).

⁴⁰ A Byrnes (2002) *Convention on the Elimination of all forms of Discrimination Against Women* in W Benedek et al (eds) *Human Rights of Women* 139.

that no reservations may be entered to its terms.⁴¹ Neither South Africa nor Cameroon have signed or ratified the Optional Protocol to CEDAW.

2.2.5 The International Covenant on Economic, Social and Cultural Rights 1966

The International Covenant on Economic Social and Cultural Right⁴² recognises the rights applicable to everyone without distinction of any kind, including, sex and gender. States parties should undertake to ensure the equal access of men and women to the enjoyment of all the rights set forth in this covenant. Cameroon has signed and ratified this Covenant, South Africa, however, has neither signed nor ratified it.

2.2.6 The International Covenant on Civil and Political Rights 1966

The International Covenant on Civil and Political Rights⁴³ spells out in more detail the civil and political rights enshrined in the UDHR.⁴⁴ The ICCPR is legally binding on states that have ratified it. The ICCPR includes, among other rights, the right to life, the right to be free from torture and slavery, the right to liberty and security, the right of freedom of movement, association, thought, religion and expression. The ICCPR also expressly recognises the right to equality before the law, to privacy, to equality within marriage, and to the enjoyment of culture. It prohibits all forms of discrimination in the enjoyment of these rights, including on the basis of sex, and requires that states ensure the equal rights of women and men.

The ICCPR also establishes the United Nations Human Rights Committee to monitor its implementation by considering periodic reports from states parties. In certain circumstances, the Human Rights Committee may consider complaints from other countries that have ratified the ICCPR and from individuals who believe that their rights under the ICCPR have been violated. The United Nations Human Rights Committee also formulates General Comments that may help to clarify what countries must do to comply with the ICCPR. In this regard, Cameroon and South Africa are both parties to the ICCPR.

⁴¹ Art 17 of the Optional Protocol to the CEDAW.

⁴² The International Covenant on Economic Social and Cultural Right 1966 (Hereinafter referred to as ICESCR).

⁴³ The International Covenant on Civil and Political Rights 1966. (Hereinafter referred to as ICCPR).

⁴⁴ See para 2.2.1 above.

2.2.7 Vienna Declaration and Programme of Action 1993

The Vienna Declaration and Programme of Action of the World Conference on Human Rights was adopted by consensus on 25 June 1993 by representatives of 171 States. In the words of the then United Nations Secretary-General Boutros Boutros-Ghali, the adoption the Vienna Declaration and Plan of Action had renewed the international community's commitment to the promotion and protection of human rights.⁴⁵ The Vienna Declaration and Programme of Action insists on the need for speedy ratification of all human rights instruments.⁴⁶ By its adoption, the state parties of the United Nations pledge to respect human rights and fundamental freedoms and to undertake individually and collectively actions and programmes to make enjoyment of human rights a reality for everyone.

2.2.8 Beijing Platform of Action 1995

The Beijing Platform of Action was adopted at the Fourth World Conference on Women in China.⁴⁷ The Platform for Action is an agenda for women's empowerment. Its major aim is to accelerate the implementation of the Nairobi forward-looking strategies for the advancement of women.⁴⁸ The Platform also establishes principles such as shared power and responsibilities between women and men at home, in the workplace and in the wider national and international communities.

The Platform of Action reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action, namely that the human rights of women and of the girl child are inalienable, integral and indivisible to universal human rights. As an agenda for action, the Platform of Action seeks to promote and protect the full enjoyment of all human rights and the fundamental freedoms of all women throughout their life cycle.

Although the objectives⁴⁹ of the Beijing Platform of Action are very clear and specific, there is no particular mention made of the right to equality in relation to politics. The Platform also does not make specific reference to the political empowerment of women, but merely refers to the full and equal participation of women in political, civil, economic, social and cultural life at the national,

⁴⁵ World Conference on Human Rights available <<http://www.unhchr.ch/html/menu5/wchr.htm>> (Accessed 15 August 2004).

⁴⁶ Preamble to the Vienna Declaration and Programme of Action 1993.

⁴⁷ The first world conference on women's rights was held in Mexico City (Mexico) in 1975, followed by Copenhagen (Denmark) in 1980, Nairobi (Kenya) in 1985.

⁴⁸ For more details on the Nairobi forward-looking strategies, see <<http://www.unhchr.ch/Huridocda/Huridoca.nsf>> (Accessed 15 August 2004).

⁴⁹ The objectives are found in paragraph 9 of the global framework of the Beijing Platform of Action.

regional and international levels. Yet the Platform acknowledges that the eradication of all forms of discrimination on the grounds of sex is priority objective of the international community.⁵⁰

The Platform of Action also postulates that there has been a worldwide movement towards democratisation that opened up the political process in many nations, but that the popular participation of women in key decision-making processes, particularly in politics, has not yet been achieved.⁵¹

The Beijing Conference was held ten years after the Nairobi Women's Conference. Even at that time and after many negotiations, equality between women and men had still not been achieved. On average, women represented a mere 10% of all elected legislators worldwide.⁵² Moreover, in most national and international administrative structures, both in public and in private, women remain under represented.⁵³

2.3 Regional Standards

The African human rights system is endowed with a number of human rights instruments. Most of these, if not all, are adopted under the auspices of the General Assembly of the Heads of States and Governments of the African Union. The first of these that is of paramount importance to this dissertation is the African Charter on Human and Peoples' Rights.

2.3.1 The African Charter on Human and Peoples' Rights 1981

The African Charter on Human and Peoples' Rights is binding upon its states parties. Cameroon and South Africa are signatories to the African Charter. The Charter does not address women's rights on the African continent in specific terms. It merely makes mention of the rights of women in article 18(3) by associating their rights with those of the child.

It is important to note that the wording of Article 18(3) domesticates CEDAW. However, the African Charter does not specifically address women's rights but merely *acknowledges* international declarations and conventions, thus shifting the task of women's rights to international human rights

⁵⁰ See para 10 of the global framework of the Beijing Platform of Action.

⁵¹ Para 15 of the Beijing Platform of Action 1995.

⁵² See paragraph 28 of the Beijing Platform for Action.

⁵³ As note 25 above.

law. Moreover, the section has been interpreted as too general, thus placing the rights of the women in a 'legal coma'.⁵⁴

In relation to political participation of women, the African Charter makes no specific reference. However, article 13 merely provides as follows:

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

To some authors, the African Charter is more concerned with the idea of community, based on African values, which places the individual within the framework of the family, society and the state.⁵⁵ To this effect, states parties are expected to domesticate the Charter to give it effect at the national level. As rightly pointed out, the fate of the human rights of women on the continent is to a large extent dependent on this factor.⁵⁶

Despite the poor record of the African Charter in respect of women's rights, articles 55-59 of the African Charter allow the African Commission on Human and Peoples' Rights to receive individual complaints. A discussion on the African Commission on Human and Peoples' Rights will therefore follow next.

2.3.2 The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights⁵⁷ has two main functions. The first function is to *promote* human rights. The second is to *protect* human rights in Africa.⁵⁸ Though subject to many challenges and much criticism,⁵⁹ the African Commission remains the continent's

⁵⁴ H Onoria 'Introduction to the African System of Protection of Human Rights and the Draft Protocol' in W Benedek (2002) *The Human Rights of Women* 233.

⁵⁵ H Onoria as above 231.

⁵⁶ As above. 238.

⁵⁷ The African Commission on Human and Peoples' Rights was established by the African Charter on Human and Peoples' Rights which came into force on 21 October 1986 after its adoption in 1981 by the Assembly of Heads of States and Government of the then Organisation of African Unity. (Hereinafter referred to as the African Commission).

⁵⁸ Art 30 of the African Charter.

⁵⁹ The African Commission has to deal with its new parent body the African Union, the New Partnership for African Development and the newly created African court of human and peoples' rights. Also, it will have to deal with the constantly growing members of the civil society such as non-governmental organisations that are involved in the promotion and protection of human rights.

most important human rights body.⁶⁰ The African Commission consistently contemplates the civil and political rights of individuals.⁶¹

The record of the African Commission is not, however, loaded with cases relating to the rights of women. Moreover, there exists not a single reported communication on the absence of women in politics. However, there exist a number of communications in relation to women's right to equality in Africa.⁶² In its duty to promote and protect human rights in Africa, the African Commission does not, therefore, reflect the pursuit of attainment of human rights for everyone. Especially in relation to the political participation of women, the African human rights system as a whole has very little to offer.

The African Commission has, however, noted in an isolated case that women 'are notable for their absence in political and legal life'. It thus rightly concluded that 'the promotion of women's rights is deficient in the country and merits a particular attention.'⁶³

Notwithstanding the above, the African Commission's role in respect of the inclusion of women is commendable. Four out of its 11 commissioners are women. There is also a provision for equal gender representation to be taken into account in the nomination of and subsequent appointment of women to the African Court on Human and Peoples' Rights.⁶⁴ In 1998, Ondziel-Gnelenga was appointed as the special *rappporteur* on women's rights. This shows some consideration on the part of the African human rights system to the protection and promotion of women's rights.

⁶⁰ 'The African Commission on Human and Peoples' Rights: New Challenges and Opportunities for Human rights Promotion and Protection' International Conference organised by the African Commission on Human and Peoples' Rights, the Nordic Africa Institute, Codesria and the Swedish NGO Foundation for Human Rights in collaboration with SIDA and NORAD. Available at <http://www.codesria.org/Links/Research/activities/human_conf_stockholm.pdf>(Accessed on 18 August 2004).

⁶¹ C Heyns in 'Civil and political rights in the African Charter' quoted in R Murray & M Evans (eds) (2002) *The African Charter on Human and Peoples' Rights, the system in practice*.137.

⁶² See for instance *Attorney General of Botswana v Unity Dow* [1991] LRC (Const.) 574, *Longwe v Intercontinental Hotels* [1993] 4 Law Reports of the Commonwealth 221.

⁶³ *Communications 54/91, 61/91, 98/93, 164/97 to 196/97, 210/98 Malawi African Association, Amnesty International, Ms Sarr diop, Union Interafricaine des Droits de l' Homme and RADDHO, Collectif des Veuves et Ayants-Droit, Association Mauritanienne des Droits de l' Homme/Mauritania*. Extracted from the Commission's activity reports 1994-2001.

⁶⁴ Art 12(2) of the Protocol to the Establishment of an African Court on Human and Peoples' Right reads: 'Due consideration shall be given to adequate gender representation in the nomination process.' Art 14(3) points out 'In the election of the judges, the Assembly shall ensure that there is adequate gender representation'.

Having women as commissioners has been criticised as ‘a token gesture’ that does not necessarily guarantee better protection of women’s rights in general.⁶⁵ However, it indicates at least a *willingness* by the (Organisation of African Union) to take concrete action in this respect.⁶⁶

In a bid to enhance the protection and promotion of women’s rights in Africa, the Protocol to the African Charter on the Rights of Women in Africa has been adopted.

2.3.3 The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa 2003

Despite the broad international framework on women’s rights, there are features particular to the African context that are not directly addressed by these international instruments. These include issues such as female genital mutilation, inheritance by women, polygamy, and early and forced marriages, to name but a few. The African Charter on its part was intended to guarantee the rights of all individuals, men and women alike.⁶⁷ However, this Charter has been considered as lending insufficient protection to women in Africa.⁶⁸

For these reasons, the African Women’s Protocol by the African Union General Assembly following a dire need for African states to have an instrument specifically dealing with women’s issues on the continent. African women continue to suffer human rights violations simply because they are *women*. To this effect, the African Women’s Protocol guarantees a wide range of substantive rights. These rights range from civil and political rights to economic, social and cultural rights. This simply reaffirms the universality, indivisibility and inalienability of human rights, including the rights of women worldwide and in Africa in particular.

The specificities of the African Women’s Protocol emanate from its Preamble. The Preamble of the African Women’s Protocol observes various human rights instruments meant to ensure equality of the sexes.⁶⁹ The Protocol also contains a definitional section that clearly defines concepts such as ‘discrimination against women’.⁷⁰ Moreover, states’ duties are extensive in the sense that a gender

⁶⁵ R Murray, ‘A feminist perspective on reform of the African human rights system’ (2001) 2 *African Human Rights Law Journal* 207.

⁶⁶ As above.

⁶⁷ M Nsibirwa ‘A brief analysis of the Draft Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women’ (2001) 2 *African Human Rights Law Journal* 41.

⁶⁸ Nsibirwa as above.

⁶⁹ Preamble Para 5, African Women’s Protocol.

⁷⁰ Art 1(f) of the African Women’s Protocol.

focus is required in all spheres of government,⁷¹ coupled with an obligation on the states to help women achieve their rights.⁷² The African Women's Protocol also includes the right to participate in the political and decision-making process. It has been posited that this is due to the fact that women are often excluded from the decision-making processes, especially at the level of government.⁷³

The African Women's Protocol will certainly face difficulties in the process of its ratification and implementation. African states might be reluctant to ratify it because some of its provisions conflict with African realities and beliefs. Issues such as polygamy and women's inheritance are very sensitive on the continent and it will not, therefore, be surprising to observe many reservations on the document.

Despite the above, a great reliance is placed on the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights in their mandate to protect, promote and interpret the rights encapsulated in the African Women's Protocol.⁷⁴

At the sub-regional level, southern African countries came out with the Southern African Development Community Declaration on Gender and Development discussed next.

2.4 The Southern African Development Community Declaration on Gender and Development

The Southern African Development Community Declaration on Gender and Development was formulated under the auspices of the Southern African Development Community. The Declaration reaffirms in its preamble the commitment of the southern African community not to discriminate against any person on the grounds of gender. The Declaration also recognises that gender equality is a fundamental human right, and that some progress towards gender equality and gender mainstreaming is urgently required. It affirms that disparities between women and men continue to exist in the areas of legal rights, power sharing and decision-making.

By virtue of the non-discrimination provision in the founding treaty of the Southern African Development Community,⁷⁵ state parties undertake not to discriminate amongst other, on the basis of gender.

⁷¹ Art 9 of the African Women's Protocol.

⁷² The states' duties are spelled out in all the articles of the African Women's Protocol except in art 21(right to inheritance).

⁷³ Nsibirwa, as above 48.

⁷⁴ Art 32 of the African Women's Protocol states that pending to the establishment of the African Court, the African Commission shall be seized with matters of interpretation arising from the application and implementation of the protocol.

⁷⁵ Southern African Development Community Treaty art 6(2).

Moreover, having rights on paper is not going to help women if they cannot exercise them.⁷⁶ Practice is often divergent from theory. In almost all the countries parties to different conventions, the commitment is rather political and purely theoretical.⁷⁷

In the next chapter, an analysis of the actual situation of women's political participation in Cameroon and South Africa will be made. The chapter will illustrate whether or not these two states comply with various international and regional human rights obligations. The chapter also assesses the extent to which the two countries conform to domestic requirements in the field of women's political participation and involvement in decision-making processes.

⁷⁶ F Butegwa 'The challenges of promoting women's rights in African countries' J Kerr (ed) (1993) *Ours by rights: women's rights as human rights* 40.

⁷⁷ (My translation) 'La pratique est très souvent divergente par rapport à la théorie. Dans la plupart des pays signataires des diverses conventions, l'engagement reste politique et purement théorique' F Bengono as note 30 chap 1 above 41.

CHAPTER THREE: WOMEN IN POLITICS: A CRITICAL ASSESSMENT OF CAMEROON AND SOUTH AFRICA

3.1 Introduction

The right of women to hold political office emanates from states' duty to ensure equality between men and women in all spheres of public life. This means that states should honour their commitments under human rights instruments striving to attain equality between men and women in politics. In Cameroon and South Africa, this state obligation is found within a formal human rights framework that consists principally of the constitution of each country and other legislation pertaining to human rights as whole and political rights in particular.

To this end, this chapter will entail a critical historical assessment of the evolution of women in politics. First, the applicable human rights framework in Cameroon will be discussed where after the position of women in politics in South Africa will be considered.

3.2 Women in politics in Cameroon

3.2.1 The historical backdrop

Before the independence in 1960, Great Britain and France were jointly the colonial masters of the Republic of Cameroon. Cameroonian women have been politically active in the fight against colonisation. Women's political movement will take a further step with the effect of education boosted with the right to vote, right to work and the evolution of legislation.

The phrase 'Cameroonian woman' leads to the understanding of different dynamics including education, religion, social status and ethnicity. These factors and more are in favour or adversely affect the full enjoyment of their political rights. Adding to that, the country's political landscape has been significantly marred by widely reported malpractices perpetrated by both formal and less overt informal political structures and institutions that have negatively affected women. These malpractices include lack of education and gender discrimination at the public and private sphere reinforced by a male-dominated and patriarchal society. These malpractices are known to be totally disruptive and extensively undermine the normal functioning and predictability of formal political processes. Men have manipulated and exploited various constituents including women, to accede to, and stay in power. As a result, women faced exclusion, subjugation and systemic discrimination within state institutions, especially at leadership and decision-making levels.⁷⁸ It is

⁷⁸ A Mungwa as note 27 above, Executive Summary.

however interesting to note that Cameroonian women were given the right to vote and to stand for elections in 1946.⁷⁹

In light of the fact that the role of Cameroonian women in politics is blurred by patriarchy and male-dominated society, there is little to say about women's participation and impact at the decision-making level and higher strata of the government.

However, in 1972, women played a significant role in the unification of Cameroon, sometimes acting underground because they were prevented of forming political parties. The country's first female cabinet minister was appointed in 1975.

Over the years, there has been some movement of women in politics to the public debate. This development can be attributed to the intensified education and information work done by women's organisations as well as to the mounting opposition of urban workingwomen to outdated African traditions and customs. Gender equality in the workplace and in society has become a widely discussed issue.

Reports of the International Women's Action Watch (NGO) show that the human rights situation in Cameroon is extremely poor which is especially detrimental to the most vulnerable groups of society, such as women.⁸⁰

To Bengono, the advent of the 'New Deal' administration significantly marked a political opening for women during the period 1982-1998. The era of political liberalisation with the advent of multipartism in the early 1990s generated expectation for a massive integration of women in politics and decision-making processes. However the evolution of the Cameroonian woman in politics is somehow serrated. The Cabinet has never again reached the number of five women, as had been the case in 1985. The judiciary arsenal has progressively improved the status of women by incorporating laws that favour the social and political situation of women.

This awakening seems overdue especially if one considers the fact that women have played a significant role in the fight for independence and against colonial imperialism.

Today, there are only two women ministers: Catherine Bakang Mbock, Minister for the Status of Women - and Cecile Bomba Nkolo, the Minister of Social Affairs and one female State's Secretary

⁷⁹ 'Women suffrage, a world chronology of the recognition of women's right to vote and to stand for elections' available at <<http://www.ipu.org/wmn-e/suffrage.htm>> (Accessed 17 September 2004).

⁸⁰ Report of the International Women's Action Watch (IWRAP) is a primary international nongovernmental organization that facilitates use of international human rights treaties to promote women's human rights and rights within families. Website: <<http://iwrw.igc.org>> (Accessed 7 October 2004).

Haman Adama. In the Parliament, women represent only 9% of parliamentarians in a house of assembly comprised of 180 seats.

Cameroonian women are still struggling to find their way in the political sphere. The poor human rights culture and limited formal human right framework have contributed significantly to the situation of the Cameroonian women in politics today.

3.2.2 Formal human rights framework

The formal human rights framework in Cameroon is composed essentially of the National Commission on Human Rights and Freedoms. However, there exist no formal human rights framework dealing directly and specifically with women's right to equality and right to participate in politics. The sole institution aiming at the advancement of a culture of human rights is inextricably impaired by the strong executive power that derives its powers from the Constitution.

3.2.2.1 The Constitution of the Republic of Cameroon

The Constitution of the Republic of Cameroon⁸¹ at no stage makes specific mention of women's rights. The Preamble of the supreme law merely states that 'all persons shall have equal rights and obligations' without specific reference to women. One may argue that this phrase means and includes women as well. However, a further reading of the Constitution shows that positions such as the President of the Republic and the Prime Minister are phrased in the masculine.

Moreover, women's right to participate in the public life of the country is not mentioned at all. It is important to note that the Constitution of Cameroon does not contain a bill of rights as such. Those rights that can be construed to be human rights are entrenched in the Preamble, which is indeed part and parcel of the Constitution.⁸² Apart from the Preamble, very little exists on the issue of women's rights. The dire need exists, however, in Cameroon for the representation of women in politics.

On its part, Part I of the Constitution provides that the state shall ensure the equality of all citizens before the law.⁸³ This, though, is the only part of the entire Constitution where an inference of any enforceable right can be drawn. Generally, there is much reliance on the Constitution as being the

⁸¹ The Constitution of the Republic of Cameroon Law No .96-06 of 18 January 1996.

⁸² Part XII, article 65 on the Special Provisions.

⁸³ Art 1 (2) of the Constitution.

supreme law of the land. However, the Constitution of Cameroon is somehow poorly furnished in terms of human rights and women's rights in particular.

3.2.2.2 The National Commission on Human Rights and Freedoms

The National Commission on Human Rights and Freedoms⁸⁴ was created at a time of popular demand for greater democracy in Cameroon.⁸⁵ Cameroon is characterised by a strong presidency where virtually all powers are retained in the hands of the executive.⁸⁶ Given this political climate, the effectiveness of the NCHRF is often mitigated and limited.

Notwithstanding, these weaknesses, its mandate includes, among other things, the capacity to conduct all inquiries and necessary investigations on the violation of human rights and freedoms. But this mandate is limited by the requirement to report only to the President of the Republic.⁸⁷ The NCHRF can also conduct human rights studies as well as facilitate human rights education and coordinate Non Governmental Organisation actions in human rights.

The NCHRF has only two female representatives in a bureau of 40 members. Apart from its lack of independency, things are worsened by the fact that the NCHRF has a single office in the capital city Yaounde, and there is a lack of funding for this organ to fulfil its promotional and educational mandate of human rights in the country. The resources of the NCHRF come from state subsidies, outside donors, and the proceeds of its studies.⁸⁸ State subsidies essentially finance the overhead costs of the NCHRF (salaries, travel, office supplies, communication, etc). Other resources come from donor governments, often as part of a bilateral cooperative agreement with the Cameroonian government.⁸⁹ The NCHRF must therefore rely on the funding from the government. This economic dependency may affect a through assessment of human rights situation in the country.⁹⁰

The above illustrates that Cameroon does have a formal human rights framework. However, its implementation and effectiveness is impaired for a number of reasons. This inevitably leads to

⁸⁴ See note 14 Chap 1 above. (Hereinafter referred to as NCHRF).

⁸⁵ 'Protectors or pretenders? Government Human Rights Commissions in Africa: Cameroon' available at <<http://hrw.org/reports/2001/africa/cameroon/cameroon.html>> (Accessed 7 October 2004).

⁸⁶ Cameroon: Country Reports on Human Rights Practices - 2002 available at <http://us.politinfo.com/Information/Human_Rights/country_report_006.html> (Accessed 7 October 2004).

⁸⁷ Art 8 of the Constitution on the Founding Decree.

⁸⁸ Art 3 of 8 November 1990 decree.

⁸⁹ As above.

⁹⁰ 'Protectors or pretenders? Government human rights commissions in Africa: Cameroon'. As note 85 above.

dichotomy between political promise and practice that negatively impact on women's participation politics.

3.2.3 The dichotomy

Despite the formal human rights framework that exists in Cameroon, bad governance, mismanagement, corruption and gender inequality in virtually all sectors of public life characterise the country.⁹¹ Some features of gender inequality relate to the number of women in public offices. This is illustrated for instance by three women (out of 52 members) in the cabinet,⁹² 10 women as members of parliament in a house of parliament meant for 180 people's representatives.

Despite the worldwide movement for women equality, participation in governance and public life took an upswing with the birth of the United Nations and the promulgation of the 1948 UDHR. This has been boosted by the first World Conference on Women in Mexico.⁹³ Since then, the international community really took awareness of the inequalities that continue to treat women as second-class citizens in terms of public life and political participation.

The situation in Cameroon is particularly alarming today. Although the country has signed and/or ratified almost all international instruments relating to human rights, women continue to be relayed to the fringes of decision-making processes.

As rightly pointed out by Amongi Origom:

Women's participation is often met with enormous challenges deeply ingrained in traditions and customs that have a long time constituted societal practices. The belief that women are good as cooks, sex providers and juniors is still persistent.⁹⁴

In a patriarchal society such as Cameroon, women are at the margin of society and are considered as child producers and family caregivers. Though the above functions are very honourable, women should not be stereotyped in such terms.

Indeed, the absence of women or their under representation in public life has ensured the perpetuation of gender inequality. In such a male-dominated society, women are burdened with a double workload that consists of taking care of the family and going out to work. This effort is scarcely recognised and scarcely rewarded.

⁹¹ As note 86 above.

⁹² *Cameroon Tribune* (as note 13 above).

⁹³ As note 47 Chapter 2.

⁹⁴ *Democracy Forum* as note 29 above 29.

The Preamble of the Constitution of Cameroon states that 'human beings, without distinction of race, religion, belief, possess inalienable and sacred rights' and Article 1(2) ensures equality of all citizens before the law. Yet, the Constitution does not contain a specific statement regarding sex discrimination, nor does it refer to women's participation in public life.

According to certain women's human rights activists,⁹⁵ the unequal status of women and girls in Cameroon manifests itself in all spheres of life and there is no evidence that the government has taken measures to improve their status. Discriminatory administrative policies, laws, cultural beliefs and attitudes hamper women's full enjoyment of human rights. Some practices have become so affixed to the mentalities so as to be part of a law while it is not the case. For instance, in most, if not all, public offices in Cameroon, women are not allowed in wearing a pair of trousers.

Government compliance with some of its obligations under ICESCR and other international treaties has been ineffective. More so, the government has done little to change discriminatory practices and attitudes against women.⁹⁶ Women's human rights activists report that the creation of the Ministry of Women's Affairs has not made much of a difference, as it has failed to initiate measures to fight the widespread practices of forced marriage, domestic abuse, female excision and other traditional discriminatory practices arising out of customary laws.⁹⁷

The social climate of Cameroon has a role to play in the absence of women in politics in the country. The roles and functions of woman in the family and in society confine women to domestic activities, thus creating a total identification of social life with family life. In such a conservative social beliefs climate, the Cameroonian woman can hardly find the ways to political and decision-making processes despite the political discourse preaching the contrary.

3.3 Women in politics in South Africa

3.3.1 History of women in politics in South Africa

Given the political history of South Africa, it will be advisable to demarcate a specific area of focus to deal with the political struggle of women in this country. In 1961, the country became a republic following the Union of South Africa formed in 1910. The history of the move for women's rights in South Africa is one of struggle for gender equality coupled with fight for racial recognition. A Women's Charter was adopted in 1954 and focussed particularly on the legal, social, cultural and

⁹⁵ International Women's Action Watch (IWRAP) is the primary international nongovernmental organization that facilitates use of international human rights treaties to promote women's human rights and rights within families.

⁹⁶ International Women's Rights Action Watch 'status of women in Cameroon under specific ICESCR articles' available at <<http://iwrw.igc.org/publications/countries/cescr/cameroon.htm>> (Accessed 1 October 2004).

⁹⁷ As above.

economic position of women in the 1950s and sought to improve the situation of black women in particular.⁹⁸ Though the document was considered revolutionary, it was overshadowed by the insurmountable theoretical as well as political constraints and realities of the time.

From the 1950s to the late 1980s, women's struggle for political recognition was obscured by the existing political climate. Despite that, things evolved slowly with the African National Congress Constitutional Guidelines of 1988, which addressed, in an isolated clause, women's political rights. The Constitutional Guidelines stipulated that women shall have equal rights in all spheres of public and private life and the state shall take affirmative action to eliminate inequalities and discrimination between the sexes.⁹⁹

Albertyn argues that the wording and location of the clause demonstrate little appreciation of the material and ideological underpinnings of gender oppression. It also provides little on which to base political and legal claims for substantive gender equality. The African National Congress Constitutional Guidelines indeed encompassed a formal concept of equality that did not take into account the particular social and economic inequalities of women, let alone the concept of legal equality.

Nevertheless, with the wind of social and political liberation gaining momentum in South Africa, the position of women in the African National Congress Constitutional Guidelines became the subject of debate. A number of conferences followed in 1989 and a number of recommendations on constitutional and political amendments on gender were formulated.

From 1992 to 1994, women were involved in the constitutional negotiations and drafting process and their rights and particularly the right to participate in the political life, now form part and parcel of the Constitution.¹⁰⁰ Since 1992, women's political participation was not only seen as a mere political resource but as a guarantee of a substantive benefit for the whole South African society.¹⁰¹

The use of 'South African women' is subject to various interpretations. This means that there are a number of qualifications linked to the use of this particular phraseology. Race, language, culture, class, and education, to name but a few, all have different impact on the participation of women in politics in the country.

⁹⁸ C Albertyn 'Women and the transition to democracy in South Africa' C Murray (ed) (1994) *Gender and the New South African Legal Order* 43.

⁹⁹ Art W of the ANC Constitutional Guidelines.

¹⁰⁰ Art 19 of Act 108 of 1996.

¹⁰¹ Albertyn as note 98 above 52.

It will appear, therefore, that the political struggle of the South African women is tinted with the struggle for racial recognition, poverty and the fight against the HIV/AIDS pandemic on the one hand and political equality and legal status on the other hand. Race and class divisions have differently shaped the political consciousness of women in South Africa.¹⁰² White women were allowed to vote and to stand for political office in 1930.¹⁰³ Coloured and Indian women voted for the first time 1984. This is explained by the setting up of a tri-cameral parliament representative of whites, coloureds and Indians in 1983. It was only in 1994 that African women were given the right to vote and to stand for elections.¹⁰⁴

Nowadays, all women in South Africa irrespective of their race have equal political rights and may vote and stand for elections on equal basis. These rights and more were enshrined in the 1993 Interim Constitution¹⁰⁵ and were reinforced in the Final Constitution of 1996.

3.3.2 Formal human rights framework

3.3.2.1 The Constitution of the Republic of South Africa 1996

It is argued that each country's constitution reflects the history of its people and their struggles and South Africa is known as having created one of the most progressive Constitutions in the world.¹⁰⁶ This can hold water if one is to consider its elaborate and inclusive Bill of Rights where the phrase 'everyone' is used throughout the document. Gender equality under South African law is entrenched in Section 9 of the Constitution and in particular Section 9(3) that list grounds under which an action may be brought for unfair discrimination such as gender and sex.

The Constitutional Court of South Africa has developed an important jurisprudence on the subject. Some of the cases brought before the Constitutional Court have become benchmarks in terms of equality. Though all based on the notion of discrimination, they touch upon different areas such as HIV/ AIDS,¹⁰⁷ sexual orientation,¹⁰⁸ marital status,¹⁰⁹ gender¹¹⁰ or social origin.¹¹¹

¹⁰² Albertyn as above 42.

¹⁰³ 'Women suffrage, a world chronology of the recognition of women's right to vote and stand for elections' as note 79 above.

¹⁰⁴ As above.

¹⁰⁵ Act 200 of 1993.

¹⁰⁶ 'About the South African Human rights Commission', available at <http://www.sahrc.org.za/about_the_sahrc.htm> (Accessed 7 October 2004).

¹⁰⁷ *Hoffman v South African Airways* 2000 (1) SA 1 (CC).

¹⁰⁸ *The National Coalition for Gay and Lesbian Equality v Minister of Justice* 1998 12 BCLR 151 (CC).

¹⁰⁹ *Harksen v Lane* NO 1997 1 1BCLR 1489 (CC).

¹¹⁰ *President of South Africa v Hugo* 1997 6 BCLR 708 (CC), *S v Jordan* 2002 (2) BCLR 499 (CC).

Equality is prominent in the constitutional framework of South Africa due to the legacy of Apartheid. However, the implications of equality seen as a *value* and equality as a *right* must be considered. Equality taken as a value is more of an ideal that inspires the way the constitution is to be interpreted whereas equality as a right is the basis of a legal claim. To apply the above to our discussion, equality can form the basis of the right to participate in the public life of the country.

The Constitutional Court of South Africa has developed, through its jurisprudence, a threshold test, drawn from *Harksen v. Lane NO*, to assess violation of equality¹¹². In *Harksen v. Lane NO*,¹¹³ the Constitutional Court interpreted equality by linking it to the concept of 'human dignity' as enshrined in Section 10 of the Constitution. According to O' Regan J:

Recognising a right to dignity is an acknowledgment of the intrinsic worth of human being: human beings are entitled to be treated as worthy of respect and concern. This right therefore is the foundation of many of the other rights that are specifically entrenched in ... [the Bill of Rights].¹¹⁴

It can therefore be argued that the necessary political will is present in respect of equality in South Africa. The Constitution went further to include the right to be free from unfair discrimination on the basis of gender and the creation of a Commission on Gender Equality.

3.3.2.2 The Commission on Gender Equality

The Commission on Gender Equality is one of the six state institutions set up in terms of the Constitution¹¹⁵ to promote democracy and human rights in South Africa. The Commission on Gender Equality's mandate is the advancement of gender equality in all spheres of society and the making of recommendations on any legislation affecting the status of women.

Among its functions, the Commission on Gender Equality investigates complaints on gender-related issues and monitor South Africa's progress towards gender equality in relation to international norms. As rightly pointed out by Piliso-Seroke,¹¹⁶ 'South Africa still has a long way to

¹¹¹ *Pretoria City Council v Walker* 1998 (2) SA 363 (CC).

¹¹² For a detailed discussion on the *Harksen v Lane NO* test, confer De Waal *et al*, *The Bill of Rights Handbook* 4th Ed (2001) 197-225.

¹¹³ As note 109 above.

¹¹⁴ *S v Makwanyane* 1995 (3) SA 391 (CC) para 328.

¹¹⁵ Art 181(1) of the Constitution. These institutions are the Public Prosecutor, Commission on Gender Equality, the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, The Auditor-General and the Electoral Commission.

¹¹⁶ Chairperson of the Commission on Gender equality in 2002 available at <http://www.safrika.info/ess_info/sa_glance/constitution/cge.htm> (Accessed 7 October 2004).

go in becoming gender-sensitive'. This is nonetheless a sign of a commitment of the South African government in the attainment of gender equality in every field, including politics. The chairperson also posited that another of the Commission on Gender Equality's key objectives is to take the promotion of women's rights into South Africa's echelons of power, namely the chambers of local, provincial and national government. 'We must challenge discrimination in governance and see where the power of decision-making lies'.¹¹⁷

The Commission on Gender Equality co-operates with other institutions set up under the Constitution to promote human rights and democracy, including the South African Human Rights Commission.

3.3.2.3 The South African Human Rights Commission

The South African Human Rights Commission¹¹⁸ works with government, civil society and individuals, to fulfil its Constitutional mandate and serves as both a watchdog and a visible route through which people can access their rights.

The South African Human Rights Commission's mandate is the handling and management of complaints concerning human rights violations. It also aims to create a national culture of human rights through its advocacy, research and legal functions. It implements, monitors and develops standards of human rights law. In its mandate to handle complaints, the South African Human Rights Commission can be considered as a mean for the achievement of human rights in general and equality for all and everywhere in South Africa.

Besides the Constitution and other states institutions dealing with human rights in South Africa, there is the Promotion of Equality and Prevention of Unfair Discrimination Act that is a tool that aims at the elimination of inequalities and the promotion of equality.

3.3.2.4 The Promotion of Equality and Prevention of Unfair Discrimination Act 2000

The Promotion of Equality and Prevention of Unfair Discrimination Act¹¹⁹ was passed following the state's duty to enact national legislations to prevent or prohibit unfair discrimination.¹²⁰ The Equality

¹¹⁷ As above.

¹¹⁸ Established by the Human Rights Commission Act (Act 54 of 1994) and Sect. 184 of The Constitution of the Republic of South Africa.

¹¹⁹ The Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000 was passed by the Parliament and assented to by the President of the Republic on 2 February 2000 with effect from 1 September 2000. (Hereinafter referred to as the Equality Act).

Act is a piece of legislation that aims at the eradication of social and economic inequalities, especially those that are systemic in nature, which were generated by colonialism, Apartheid and patriarchy, and which brought pain and suffering to the great majority of South Africans.¹²¹

In an effort to achieve its objectives, the Equality Act prohibits unfair discrimination, provides remedies for the victims of unfair discrimination and promotes the achievement of substantive equality. As to the prohibition of unfair discrimination, the Equality Act binds the State as well as all persons. 'Person' in the contemplation of the Act includes a juristic person, a non-juristic entity, a group or a category of persons.¹²² The Equality Act also mentions several examples of unfair discrimination on grounds of race, ethnicity, religion and gender.¹²³

The second goal of the Equality Act is to provide access to justice and effective remedies for the victims of unfair discrimination.¹²⁴ It appears, therefore, that an action may be brought before an equality court¹²⁵ by a woman who feels that her right to political participation has been violated by the fact of being a female.

As rightly pointed out by commentators, equality must be elaborated and interpreted within a contextual analysis, meaning that one should not look at equality in isolation but within the context where it operates.¹²⁶

The third objective of the Equality Act is the promotion of equality.¹²⁷ There are positive duties on the state to develop substantive equality and address unfair discrimination. These duties range from the development of action plans, codes of practices to internal mechanisms and information campaigns.¹²⁸

¹²⁰ Sect. 9(4) of the Constitution.

¹²¹ Preamble to the Equality Act.

¹²² Sect. 5 of the Equality Act.

¹²³ The Equality Act specifically made mention of a list of practices that are subject to the general prohibition against unfair discrimination. Though discrimination on the basis of gender for the absence in politics for women is not specifically mentioned, in my view, the list is not an exhaustive one and an inference of other similar practices could be drawn.

¹²⁴ Chap 4 of the Equality Act. A full reading of this chapter shows that the Equality Act makes specific mention of 'access to justice and effective remedies for the victims of unfair discrimination, hate speech and harassment'. For the purposes of my discussion, I will limit myself to unfair discrimination.

¹²⁵ The Promotion of Equality and Prevention of Unfair Discrimination Act provides for the establishment of Equality Courts within Magistrate's Courts and High Courts to adjudicate complaints. All High Courts are Equality Courts for their areas of jurisdiction. There are 47 Equality Courts in South Africa.

¹²⁶ C Albertyn & B Goldblatt 'Facing the challenge of transformation: difficulties in the development of an indigenous jurisprudence of equality' (1998) 14 *South African Journal of Human Rights* 248-276.

¹²⁷ Chap 5 of the Equality Act.

¹²⁸ Sect. 25 of the Equality Act.

The government of South Africa has constructed various measures to address the issue of discrimination in the country. The legal and political history of South Africa has contributed to the construction of the present human rights framework. However, when it comes to presence of women in politics it is imperative to determine whether the statutory provisions are actually implemented. The question in other words, relates to the *actual* situation of the South African women in politics today.

3.3.3 Women's political reality post 1994

The Constitution lays down the foundation for equality in South Africa. It provides for an elaborate equality clause.¹²⁹ The importance of the right to equality to the post-apartheid constitutional order is obvious.¹³⁰ The Preamble states that the Constitution is the supreme law of the Republic and that it provides 'the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by the law'.

In the same vein, the Constitution states that the Republic of South Africa is one, sovereign democratic state founded on, among other, the achievement of equality and non-racialism and non-sexism.¹³¹ Equality is therefore a foundational value and organising principle of the new democracy.¹³² Today, there are 12 women ministers in South Africa's executive and ten women deputy ministers. 43% of South Africa's cabinet ministers are women.¹³³ This is the highest representation in cabinet that South Africa has ever had.¹³⁴ Moreover, these women hold relevant and strategic portfolios such as justice, home affairs and health, to name but a few. In Parliament, they represent a proportion of 32.8%. Of the 400 seats in Parliament, 131 are filled by women.¹³⁵

There is furthermore a commitment from the higher strata of the state to facilitate access for women into politics. In the words of President Mbeki, 'we have not yet reached 50%, but we are getting there'.¹³⁶

¹²⁹ Sect. 9 of the 1996 Constitution of South Africa.

¹³⁰ De Waal as note 112 above 199.

¹³¹ Chap 1 of the 1996 Constitution on the Founding Provisions.

¹³² C Albertyn & B Goldblatt as note 126 above 249.

¹³³ T Mokgola 'All the president's women' available at <<http://www.safrica.info/women/cabinet-women.htm>> (Accessed 20 October 2004).

¹³⁴ As above.

¹³⁵ As above.

¹³⁶ As above.

It thus appears that the South African woman is in a better position in terms of access to politics as compared to her Cameroonian counterpart.

3.4 A critical comparison of Cameroon and South Africa

A comparative study of Cameroon and South Africa highlights a fundamental dichotomy between the two countries. Women in South Africa have fought for political recognition despite the brutal and progressive legacy of the past. Moreover, the place accorded to the South African women today in relation to the consolidation of a fairly new democracy compared and contrasted to Cameroon, in the context of a much older democracy, leads to a critical analysis of the two political entities.

In considering women in politics in South Africa from a historical perspective, one can easily come to the conclusion that there is a real attempt to redress the human rights violations of the past. The promulgation of the Constitution, which has been termed as one of the best in the world,¹³⁷ together with the passing of the Promotion of Equality and Prevention of Unfair Discrimination Act, show the commitment of the government of South Africa to abide by its international, regional as well as national legal obligations.

On a more practical note however, South Africa shows progress in achieving the minimum representation target of 30% set by the United Nations Economic and Social Council as well as the Beijing Platform for Action 1995. South African women represent 43% in government.¹³⁸ Women are qualified and represent high positions in the government. For instance, they have been appointed in strategic positions such as minister of foreign affairs¹³⁹ and minister of health,¹⁴⁰ commonly headed by men.

The Constitution with its justiciable Bill of Rights facilitates the equal participation of all in the new democratic order by providing a framework for pursuing equality and human rights, both politically and through the law.¹⁴¹ By thus facilitating women's involvement in the political process and collective choices of the new society the Constitution extends political equality to all women in

¹³⁷ 'About the South African Human Rights Commission' as note 106 above.

¹³⁸ T Mokgola as note 19 above.

¹³⁹ The current South African Minister of foreign affairs is Dr Nkosazana Dlamini Zuma.

¹⁴⁰ The current South African Minister of health is Dr Mantombazana Edmie Tshabalala-Msimang.

¹⁴¹ C Albertyn as note 98 above 61.

principle.¹⁴² However, the Constitution cannot address the practical obstacles to political participation, nor can it guarantee the achievement of *actual* social and economic equality.¹⁴³

Women in Cameroon have always been leaders in communities and other informal organisations, but they are largely under-represented in most of the formal decision-making processes and leadership positions. The main challenge to the democratisation of the country was represented by years of western colonisation that ended more than 40 years ago. Since then, the country has been slow in granting women access to political life. Even their participation and sacrifice in the fight independence is underestimated and evidently unappreciated.

The country has a very poor human rights record in general.¹⁴⁴ More so, there is no specific legislation dealing with women's issues. The state has not applied its mind on all necessary reforms to combat the factors still impeding the equality between men and women. It clearly shows that women's rights in Cameroon are still sidelined.

In the field of politics, women in Cameroon have not yet reach the required 30 percent representation contemplated by the United Nations Economic and Social Council and the Beijing Platform for Action. Moreover, a woman has not yet held a strategic position in the government of the Republic of Cameroon. Cameroonian women, in their day-to-day dealings, face the patriarchy of the society, well rooted in the customs and usages of the society. The country is not really prepared and ready to have women in key political structure.

This is also reflected in the legislation. The Cameroonian Constitution for instance does not have gendered-friendly language. At no stage in any of its provisions does it embrace women. The personal pronoun 'he' is used throughout the document.¹⁴⁵ The absence of gender-sensitivity in the wording of the Cameroonian Constitution clearly illustrates the carelessness of the Cameroonian authorities towards women's affairs in the highest law of the land.

The above is noteworthy especially when one considers at other African constitutions where there is an emphasis in the language of the fundamental law to expressly include the presence of both men and women. The Ugandan Constitution¹⁴⁶ and Ethiopian Constitution¹⁴⁷ for instance as well as

¹⁴² As above.

¹⁴³ G O'Donnell, P Schmitter & I Whitehead (1988) *Transitions from authoritarian rule: Comparative perspectives* as quoted by C Albertyn *Women and the transition to democracy in South Africa* 45.

¹⁴⁴ N Columbus 'Cameroon with disturbing human rights record' available at <<http://www.afrol.com/articles/12806.htm>> (Accessed 12 October 2004).

¹⁴⁵ See Art 8 (2)-(11), Art 10 (1), 12(2)-(5) of the Cameroonian Constitution.

¹⁴⁶ See Art 33(1)-(6) of the Ugandan Constitution.

the South African Constitution¹⁴⁸ are illustrative of this gender-sensitivity. The use of 'he or she' or 'women or men' is used throughout the aforementioned constitutions.

Countries differ in terms of whether constitutional provisions for equality have been translated into laws to promote equality between men and women or policies to ensure this equality.¹⁴⁹ In countries like Cameroon, where legal impediments to women's political participation were abolished at a very early stage, it would be likely that relatively more women are involved in politics than in other countries. However, this is not the case. Cameroon has much to learn from other African countries in terms of framing a gender-sensitive legislation and the establishment of gender-friendly institutions. Such efforts can assist in the building of a human rights culture on one hand and, in the attainment of gender equality in terms of political participation and decision-making processes on the other hand.

The following chapter will attempt to identify the basic rights needed in the effective implementation of women in politics as well as the identification of the challenges towards the realisation of this goal.

¹⁴⁷ See Art 7 of the Ethiopian Constitution on gender reference states that the provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender.

¹⁴⁸ See Art 193(3), Art 196(10), Art 207(3) of the South African Constitution.

¹⁴⁹ United Nations Office at Vienna, Center for Social Development and Humanitarian Affairs 'Women in politics and decision-making in the late twentieth century': a United Nations study 40.

CHAPTER FOUR: TOWARDS THE EFFECTIVE RECOGNITION AND IMPLEMENTATION OF THE ROLE OF WOMEN IN POLITICS IN CAMEROON AND SOUTH AFRICA

4.1 Introduction

Securing women's most fundamental human rights has been a struggle and continues to be a struggle for the attainment of legality of political participation. There is a need to translate this perpetual struggle into political reality. The defence of the rights of women and the emancipation and participation of women in economic, political and social development must be at the heart of society's inherent concerns.¹⁵⁰

Cameroon and South Africa have signed and ratified almost all international human rights instruments of which CEDAW and ICCPR are the most noteworthy for the purpose of this study. Both countries are therefore under a legal obligation to recognise and comply with all the rights enshrined in these two documents.

Under the ICCPR, state parties shall ensure the equal right of men and women to enjoy all civil and political right set forth in the ICCPR.¹⁵¹ On its part, CEDAW provides that states parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country.¹⁵² The most important duty placed on states is to thus ensure that everyone participates in the political and decision-making processes. State parties such as Cameroon and South Africa are accordingly under a legal obligation to enforce and recognise political rights for men as well as for women.

Cameroon and South Africa also have an obligation to ensure effective and efficient participation of women in politics. Moreover, both countries shall also prevent and punish abuses or any denial of the above right through the complaint mechanism of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.¹⁵³

At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa provides for the principle of equality between women and men and the insure of its effective application.¹⁵⁴ The right to participation in the political and decision-making

¹⁵⁰ S Diagne 'Defending women's rights-facts and challenges in Francophone Africa' in J Kerr (ed) (1993) *Ours by rights: women's rights as human rights* 43.

¹⁵¹ Art 3 of the ICCPR.

¹⁵² Art 7 of the CEDAW.

¹⁵³ See discussion on the Optional Protocol at Chap 2 para 2.2.6

¹⁵⁴ Art 2 African Women's Protocol.

process¹⁵⁵ is of particular importance to the study. It appears that the drafters of the African Women's Protocol contemplated the critical position of African women in the political life of their countries. By ratifying the African Women's Protocol, Cameroon and South Africa will make a significant contribution to ensure an effective application of the rights contained therein. A prompt ratification of the African Women's Protocol by Cameroon and South Africa will help in the attainment of its objectives on the continent. The African continent is known for its patriarchy and male-domination, especially in terms of political participation. But to ensure the effective and efficient political participation of women in politics in Cameroon and South Africa, certain rights need to be fully implemented.

As the right to equality is spelled out in most human rights instruments, so too is the principle of non-discrimination.

The following discussion focuses on the most significant rights and freedoms.

4.2 Fair and efficient participation of women in politics

The fair and efficient participation of women in politics in Cameroon and South Africa require the effective implementation of some fundamental rights and freedoms enshrined in most international and regional human rights instruments. These rights are first and above all, *values*. This means that they are intrinsically attached to all human beings and the latter deserve them by the mere fact of being human. These values later evolve into rights capable of being claimed and enforced by competent authorities.

4.2.1 Pathways to power

4.2.1.1 Non-discrimination and the right to equality

It goes without saying that the attainment of human rights for all is based on the principle of equality and non-discrimination. The fair and efficient participation of women in politics in Cameroon and South Africa will therefore require the full enjoyment of the right to be non-discriminated against and the right to equality. The South African Constitution and jurisprudence have extensively paved the way for the full implementation of equality and non-discrimination in the country.¹⁵⁶ These might serve as a model to emulate in terms of constitutional drafting on the continent.

¹⁵⁵ Art 9 as above.

¹⁵⁶ See discussion on the Constitution of South Africa. Chap 3 para 3.3.2.1

The United Nations Human Rights Committee in General Comment on article 3 of the ICCPR, which was adopted unanimously, stated that state parties are advised to undertake measures to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant. According to article 3,¹⁵⁷ all human beings should enjoy the rights provided for in the ICCPR on an equal basis and in their totality. The full effect of that provision is impaired whenever a person is denied the full and equal enjoyment of any right. Consequently, States should ensure that both men and women equally enjoy the rights provided for in this instrument. The General Comment emphasises the obligation of ensuring to all individuals the rights recognized in the Covenant and requires that States parties shall take all the necessary steps to enable every person to enjoy those rights. The State party must not only adopt measures of protection, but must also take positive measures in all areas so as to achieve the effective and equal empowerment of women.

In Cameroon, it would appear that the discrimination in question is not only of a legal nature. The ambiguous and incomplete nature of certain provisions in Cameroonian legislation likewise unfairly penalise women.¹⁵⁸

It is important to note that women themselves lack an understanding of non-discrimination and equality issues and are poorly informed about gender discrimination. Advocacy is almost non-existent in Cameroon and various Non-Governmental Organisations mistrust one another and are thus reluctant to share information.¹⁵⁹

4.2.1.2 The right to education

The right to education is amongst the most fundamental human rights of every human being. The human right to education is expressly stated in the UDHR,¹⁶⁰ the ICESCR¹⁶¹ and the CEDAW¹⁶² as well as other international human rights treaties and declarations.¹⁶³

¹⁵⁷ General Comment No 28 on article 3 of the ICCPR replaced General Comment 4, which was adopted by the Committee at its thirteenth session in 1981. The current revision seeks to take account of the important impact of article 3 on the enjoyment by women of the human rights protected under the ICCPR.

¹⁵⁸ Julienne Ngo Som, Cameroonian Minister of Status of Women, report to the Committee on the Elimination of Discrimination against Women 20 June 2000.

¹⁵⁹ As above.

¹⁶⁰ Art 26.

¹⁶¹ Art 13.

¹⁶² Art 10 & 14.

¹⁶³ See also the Convention on the Rights of the Child (art 28 & 29), the Convention on the Elimination of Racial Discrimination (art 5), Convention Against Discrimination in Education (art 3, 4 & 5), the Beijing Platform of Action Paras 69, 80, 81 & 82, Earth Summit in Rio de Janeiro: Agenda 21 Chapter 36, Para 3, Chapter 3 Para 2 and Chapter 24 Para 3.

It goes without saying that women cannot continue to be illiterate and unaware of their rights in the 21st century.¹⁶⁴ These international human rights instruments are potential channels that must be used to effectively achieve and realise the basic right to education for all.

In sub-Saharan Africa, gender bias compromises girls' access to basic education.¹⁶⁵ Even once they have gained access to education, girls have to surmount the numerous barriers that block access to school such as discriminatory practices ranging from sitting at the back of classrooms to subjection to teaching materials that portray women and girls as inferior.¹⁶⁶ Moreover, the proportion of girls among the children attending school is low.¹⁶⁷

Human right to education is inextricably linked to other fundamental human rights that are universal, indivisible, interconnected and interdependent. There is a need for the full implementation of the right to education for all including the girl child. There is a close link between education and participation in the decision-making process. For instance in Uganda, policies were put in place to ensure the qualitative participation of women in politics. They need to hold a university degree or its equivalent.¹⁶⁸ Governments and other para-governmental structures (as well as Non-Governmental Organisations) have a crucial role to play in the realisation of this right in Africa. Moreover, education and training institutions in Africa should incorporate gender studies and governance in their curricula.¹⁶⁹

4.2.1.3 Freedom of expression

The right to freedom of expression is a fundamental human right enshrined in the ICCPR¹⁷⁰ and the UDHR.¹⁷¹

The right to freedom of expression encompasses a whole range of other rights such as the right to vote. The right to vote is further enshrined in the ICCPR.¹⁷² The great multitude of countries

¹⁶⁴ S Diagne as note 150 above 49.

¹⁶⁵ Ngo Som as note 158 above.

¹⁶⁶ As above.

¹⁶⁷ JP Timnou *The determinants of women's low schooling rates in Cameroon* (1997) 17.

¹⁶⁸ K Ogunsanya 'Challenges and achievement of African women' in Seleti Y N (ed) (2004) *Africa since 1990* 153.

¹⁶⁹ *Democracy Forum* (as note 94 above) 31.

¹⁷⁰ Art 19(2) of the ICCPR.

¹⁷¹ Art 19 of the UDHR.

¹⁷² Art 25 ICCPR.

spanning the globe has slowly come to recognise and promote women's voting rights. The right to vote has a direct impact on women's rights in public realm, as women can participate in the formation of government and law. Cameroon was among the first African countries to grant the right to vote to all women in 1946. South Africa has followed this path in 1994.

The Cameroonian Constitution guarantees freedom of expression in its Preamble but subject to conditions fixed by law. On its part, the South African Constitution provides for freedom of expression in section 16. This section does not, however, afford protection to, among other, the advocacy of hatred that is based on race, gender, ethnicity or religion and that continues incitement to cause harm.¹⁷³

4.2.1.4 Freedom of association

Freedom of association is recognised by the ICCPR.¹⁷⁴ The full and efficient political participation of women in Cameroon and South Africa will require freedom of association. Both Constitutions provide for freedom of association. In Cameroon, freedom of association is enshrined in the Preamble together with a range of other rights, which are subject to conditions laid down by the law. By contrast, the right to freedom of association stands on its own in the South African Constitution¹⁷⁵ without any precondition incidental thereto for its implementation.

There cannot be a real implementation of the right to freedom of association if the latter is subject to condition laid down by law. This does not mean that this right should be enforced in a unlawful manner but at least a margin of liberty should be conceded to women to come together in order to form organisations and groups to debate issues pertaining to their conditions.

Cameroon is characterised by a persistent lack of autonomy of governmental structures, most of which are controlled by the executive. For instance, the President of the Republic signed a law in 1999¹⁷⁶ that gives the government greater control over the activities of Non-Governmental Organisations, including the power to shut them down if they are critical of the government. This is an illustration of limitation of both freedom of expression and freedom of association in the country that obviously affect the participation of all in politics including women.

¹⁷³ Sect. 16(2) (c) of Act 108 of 1996.

¹⁷⁴ Art 22 ICCPR.

¹⁷⁵ Sect. 18 of the South African Constitution.

¹⁷⁶ Law No. 99/014 of 22nd December 1999 regulating Non-Governmental Organisations in Cameroon.

4.2.1.5 The right to political participation

The right to participate in public life is certainly the most fundamental right incidental to women's political participation. The right to participate in the public life of one's country is enshrined in a number of international human rights instruments. The ICCPR,¹⁷⁷ the UDHR¹⁷⁸ and the CEDAW all require that States Parties shall take all appropriate measures to eliminate discrimination (against women) in the political and public life of the country.¹⁷⁹ On its part, the African Women's Protocol the right of women to participation in the political and decision-making processes.¹⁸⁰

In South Africa, thirty percent of all parliamentarians are women.¹⁸¹ This places South Africa at number eight in the world in terms of gender equality in government.¹⁸² As rightly observed by a commentator, 'It's clear that women are actually very interested in politics. They want to participate'.¹⁸³

President Mbeki has continued this trend in Government to address gender inequality and improve female representation by appointing women to more senior government posts and thus into the main decision making arenas. Yet, although South Africa is among the world's first in its high number of female public representatives, it has been submitted that the country is still far from achieving equality in politics.¹⁸⁴

It could be argued that Cameroon is lagging behind South Africa with only three women in the Cabinet comprising of 52 ministers. There are several Non-Governmental Organisations in Cameroon dedicated to the advancement of women's human rights, but according to some women's human rights activists, these organisations generally lack basic training as well as knowledge of women's issues and of international human rights instruments beyond the Universal Declaration of Human Rights.¹⁸⁵ Without such limited human right education and inadequate

¹⁷⁷ Art 25 ICCPR.

¹⁷⁸ Art 21 UDHR.

¹⁷⁹ Art 7 CEDAW.

¹⁸⁰ Art 9 African Women's Protocol.

¹⁸¹ P Garson 'South Africa's push for gender equality' available at <http://www.safrika.info/ess_info/sa_glance/constitution/gender.htm> (Accessed on 8 October 2004).

¹⁸² As above.

¹⁸³ Sheila Meintjes, Commissioner with the Commission on Gender Equality as quoted by P Garson, as above.

¹⁸⁴ S Boezak (ed) *Redefining politics: South African women and democracy* (1999) 7.

¹⁸⁵ Ngo Som as note 158 above.

knowledge of human rights instruments, the full implementation of the right to political participation is undoubtedly impaired.

4.3 Challenges to the fair and efficient participation of women in politics in Cameroon and South Africa

The fair and efficient participation of women in politics is subject to a full range of challenges that can either limit, impair or even prevent the enjoyment of the right to participate in the public life of one's country. These obstacles are classified under a political spectrum on the one hand and an economic, social and cultural spectrum on the other hand.

4.3.1 Political obstacles

There exist obvious obstacles to the participation of women in both politics in Cameroon and South Africa. Amongst these are impediments of a strictly political nature. The headings below are not meant to constitute an exhaustive discussion of these challenges, but merely serve to shed light on some of the factors that impede the political participation of women in these two countries.

4.3.1.1 Electoral system

Whereas election entails a process of choosing political leaders, an electoral system is a method or instrument of expressing that choice and translating votes into parliamentary seats.¹⁸⁶ The main objective is to ensure that the electoral system that is decided upon is as favourable as possible to the participation and inclusion of women.¹⁸⁷

Elections provide an opportunity for women to increase their numbers in decision-making forums.¹⁸⁸ The advent of democracy in Cameroon¹⁸⁹ and South Africa¹⁹⁰ in the nineties was full of promises for underprivileged groups, including women. But the political reality shows that women are still struggling for equality. The under representation of women is also characterised by the electoral system in some countries such as Cameroon.

¹⁸⁶ K Matlosa 'Review of electoral systems and democratisation in southern Africa' electoral model for South Africa: reflections and options seminar report Johannesburg may 2003.

¹⁸⁷ C Lowe-Morna 'a call to action' in Boezak (ed) *Redefining Politics: South African Women and Democracy* 173.

¹⁸⁸ *Democracy Forum* as note 29 above 31.

¹⁸⁹ Cameroon had its first multiparty elections in 1992.

¹⁹⁰ South Africa had its first democratic elections in 1994.

In Cameroon, the electoral system makes provisions for two processes. On the one hand, a majoritarian system for the presidential election, and on the other hand, a mixed system including a majoritarian system and a proportional representation system allowing for the expression of other political views. The immediate consequence of this technique is that it favours the representation of all parties at the level of the different municipal councils and at parliamentary level.¹⁹¹

In Cameroon, the quota system has existed since 1996 and has indeed been favourable to the inclusion of more women in politics.¹⁹²

In South Africa, the problem is situated at the intersections of class, race and gender as well as the electoral systems where parties are formed according to their overall ideological and political positions.¹⁹³ In a country where the Constitution is supreme, it is no idle exercise to refer to its underlying values when considering possible changes to an institution as important to national life as the electoral system.¹⁹⁴ Moreover, the manner in which society chooses its representatives plays a crucial role in determining the broader political climate.¹⁹⁵ In South Africa, the proportionate system is more conducive to the election of women than the constituency-based system.¹⁹⁶ Moreover, it has been submitted that this system has favoured increased representation by women.¹⁹⁷

4.3.1.2 Masculine model of politics

Some have argued that political institutions are generally not supportive of women. Political parties for instance in Cameroon has specific policy on women's empowerment. It appears that the political will is very weak in terms of implementing these policies to effectively incorporate of women in politics.

¹⁹¹ (My translation) A Ado & H Sando 'Le système électoral Camerounais a prévu un scrutin à double facettes. On a d'une part un système majoritaire à un tour appliqué à l'élection présidentielle; et d'autre part un système mixte alliant le système majoritaire et les représentations proportionnelles permettant l'expression d'autres sensibilités politiques. La conséquence immédiate de cette technique est de favoriser la représentation de toutes les sensibilités politiques nationales au niveau des différents conseils municipaux, ainsi qu'à l'Assemblée.' *Governance Alert*, numéro 8, mai-juin 2001. *Gouvernance et droits de l'homme au cameroun*, Code électoral camerounais : Faiblesses et Limites 24.

¹⁹² As above 30.

¹⁹³ T Mtinso 'Women in Politics: a conceptual framework' in Boezak (ed) *Redefining politics* 36.

¹⁹⁴ W James & A Hadland *Shared aspirations: The imperative of accountability in South Africa's electoral system* *Electoral Models for South Africa: Reflections and Options*. Seminar Report, Johannesburg may 2003, 15.

¹⁹⁵ James as above.

¹⁹⁶ P Tlakula et al *The electoral system and human rights electoral models for South Africa: reflections and options*. Seminar report, Johannesburg may 2003 30.

¹⁹⁷ C Lowe-Morna as note 187 above.

Men dominate the political arena; men formulate the rules of the political game; and men define the standards for evaluating whom has access to politics or not. The existence of this male-dominated model results in women either rejecting politics altogether or rejecting male-styled politics.¹⁹⁸

In theory, the right to vote (discussed earlier)¹⁹⁹ gives women control over their choice in politics. However, the reality is that women's right to vote remains limited, essentially because the only candidates to vote for are male. In Cameroon, the low number of females in politics is due to the small number of women being nominated as political candidates, coupled with the failure of some political parties to place women at the head of their lists of candidates.²⁰⁰

I agree with the sentiments expressed by an Indian female parliamentarian:

It is very difficult for a woman to make up her mind to enter politics. Once she makes up her own mind, then she has to prepare her husband, and her children, and her family. Once she has overcome all these obstacles and applies for the ticket, then the male aspirants against whom she is applying make up all sorts of stories about her. And after all this, when her name goes to the party bosses, they do not select her name because they fear losing that seat.²⁰¹

4.3.1.3 Lack of party support

The lack of party support, such as limited financial support for women candidates, limited access to political networks, and the prevalence of double standards. Women play important roles in campaigning and mobilising support for their parties, yet they rarely occupy decision-making positions in these structures

Although political parties possess resources for conducting election campaigns, women do not benefit from these resources. For example, parties do not provide sufficient financial support for women candidates. Research and simple logic indicate that the number of women nominees correlates very highly with the number of elected female members of parliament as more candidates equal more members of parliament.²⁰²

¹⁹⁸ 'Women in parliament: beyond numbers' available at <<http://www.idea.int/women/parl/ch2b.htm>> (Accessed 10 October 2004).

¹⁹⁹ The right to political participation para 4.2.1.5 above.

²⁰⁰ As above.

²⁰¹ Sushma Swaraj, Member of Parliament in India, quoted in 'Women in parliament: beyond numbers' as note 198 above.

²⁰² 'Women in Parliament: beyond numbers' as note 198 above.

4.3.1.4 Inadequacy of legislative system

The coexistence of written laws with customary traditions that did not always favour the promotion of women's rights, limited awareness of CEDAW, and a lack of resources allocated to the mechanisms to promote women's rights have all impacted negatively on the realisation of women's role in politics. Structural adjustment programmes, the economic crisis and the trend of globalisation have also led to greater inequality between men and women.²⁰³

Furthermore, impediments to women's rights are found in the blurred wording of some legislative texts in Cameroon. Although there are legal remedies for discrimination, the lack of a legal definition of discrimination and its too general characterisation in the Criminal Code means that acts of discrimination cannot always be identified and dealt with accordingly.²⁰⁴

4.3.2 Economic, social and cultural obstacles

In many countries and in Africa especially, gender-biased cultural norms persist and supersede women's legal rights. Women are also faced by discrimination because of the lower position they are given in the society. More so, to change a patriarchal and chauvinistic society into one that sees women as equal players, will undoubtedly be a long and arduous process.²⁰⁵ Culture is a set of attitudes, rarely static and often unconscious, which are historically conditioned. These can be local, ethnic or national and even global particularly with regards to gender.²⁰⁶

It goes without saying that the social and economic status of women in society has a direct influence on their participation in political institutions and elected bodies.²⁰⁷ The shape of the society is a precondition to the blooming of women in politics. However, there exist a number of societal and cultural biases coupled with economic barriers that almost always impede access to politics.

²⁰³ Ngo Som as note 158 above.

²⁰⁴ As above.

²⁰⁵ P Garson as note 181 above.

²⁰⁶ A Karam Beijing + 5: Women's political participation: Review of strategies and trends in Women's political participation and good governance: 21st century challenges 22 available at <<http://magnet.undp.org/events/gender/india/Beij4.htm>> (Accessed 12 October 2004)

²⁰⁷ 'Women in parliament: beyond numbers' as above.

4.3.2.1 Feminisation of poverty

The term 'feminisation of poverty' has been used to mean three things. First, that women have a higher incidence of poverty than men, secondly, that women's poverty is more severe than that of men and finally, that there is trend to greater poverty among women particularly associated with rising rates of female headship of household.²⁰⁸ A substantial body of literature now exists to show that men and women experience poverty differently.²⁰⁹

Poverty remains a major impediment largely because the daily struggle for survival precludes time for women to engage in political activity. Worse still, poverty-stricken women do not yet seem to have benefited from women's entry into politics.²¹⁰

It will therefore be difficult, if not impossible, to increase women's participation in politics if they are still fighting to attain the minimum necessary for their day-to-day material survival.

4.3.2.2 Weight of traditions

The strong emphasis placed on tradition in African society is the major culprit blamed for the suppression of women's right to equality.²¹¹ In African culture, women are generally at the fringes of decision-making. They are still perceived as the primary caregivers of children and household caretakers. Traditional cultural values militate against the advancement, progression and participation of women in any political process.²¹² This is especially true on the African continent where the place of the woman is in her kitchen and not in the midst of men debating and taking political decisions. In Cameroon for instance, before 1985, women could not leave their home and even the own country without their husband's permission. In other words, the protective and paternalistic model has reduced women to minors, even property.²¹³ The infringement of women's

²⁰⁸ Cagagy quoted by S Baden *Gender, governance and the feminisation of poverty in Women's political participation and good governance: 21st century challenges* 28 available at <<http://magnet.undp.org/events/gender/india/Beij4.htm>> (Accessed 12 October 2004)

²⁰⁹ Briefing paper on the 'feminisation of poverty' Prepared by BRIDGE for the Swedish International Development Cooperation Agency (SIDA) 2001.

²¹⁰ A Karam as note 206 above 23.

²¹¹ *Democracy Forum* 31.

²¹² 'Women in Parliament: Beyond numbers' as note 198 above.

²¹³ R Cook 'Gaining redress within a human rights framework' in J Kerr (ed) *Ours by rights: women's rights as human rights* 1993 14.

rights is usually exercised in the name of tradition, religion, social cohesion, morality, or some other complex transcendent values.²¹⁴

4.3.2.3 Lack of self-determination and confidence

Women's lack of self-confidence is undeniably one of the most important obstacles in their path to political participation and representation. Since they have traditionally assumed supporting roles, they remain convinced that they cannot play leading role in politics.²¹⁵

With confidence and determination women can reach the highest levels in the political process. A certain culture of fear prevents women from contesting elections and from participating in political life. This culture leads the under representation of women in formal political institutions, including parliaments, governments and political parties.²¹⁶

4.3.2.4 Stereotypes

The term 'stereotype' is generally used to describe an entrenched oversimplified mental picture of some group of people who share a certain characteristic (or *stereotypical*) qualities. The term is thus often used in a negative sense, with stereotypes being seen by many as illogical, yet deeply held-beliefs that can only be changed through education.

Women continue to be subjected to numerous forms of discrimination in the political, economic, legal, social and cultural fields despite Article 5 of the CEDAW, which addresses stereotypes. Practices and customs that discriminate against women include limited freedom of expression, restricted roles in the community, inferior status relative to men and exclusion from certain high offices of State, all which are condemned by the CEDAW.

It is true that stereotypes are difficult to overcome. They are rooted in customs, culture and even working practices. In that regard, perhaps Cameroon should take a human rights approach to the issue, namely, to identify the persistence of sexual stereotypes as a human rights violation against women. It is obvious that if such stereotypes were allowed to spread, they could affect women's rights at other levels.

²¹⁴ M Afkhami 'Gender Apartheid, Cultural relativism, and women's human rights in Muslim societies' in M Agosin (ed) *Women, Gender, and human rights: a global perspective* 2001 243.

²¹⁵ S Diagne as note 150 above 49.

²¹⁶ 'Women in Parliament: Beyond numbers' as note 212 above.

Moreover, conservative social attitudes based on prejudices deny women responsible positions based on arguments connected to 'feminine nature', which is perceived to be incompatible with politics.²¹⁷

The participation of women in politics is subject to as many rights and freedoms as to impediments. Nonetheless, women are slowly increasing their representation in leadership positions, albeit that they still have a long way to go.²¹⁸ If the rights discussed above²¹⁹ can be fully realised and the various challenges overcome, women will be in a position to take their rightful place in politics in Cameroon and South Africa.

Throughout this dissertation, there has been an attempt to show the deficiencies and lacunae as well as the improvements made by these two countries in terms of the political participation of women. However, substantive equality is yet to be achieved.

The final chapter of this dissertation will endeavour to give recommendations for an effective implementation of gender equality in politics in Cameroon and South Africa.

²¹⁷ United Nations Office at Vienna, Centre for Social Development and Humanitarian Affairs 'women in politics and decision-making in the late twentieth century': a United Nations study 33.

²¹⁸ Gender Equality News - April 1999 Edition 'Women's leadership and decision-making fundamental to gender equality' 20.

²¹⁹ See para 4.2.1 on Pathways to power.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Leadership as a concept is gender neutral but has tended to acquire a male-dominated character in practice. Most women in Africa are ill-prepared to seize leadership role because they have been outside the leadership arena for a long time. Although the situation has improved in Africa, a lot of work still needs to be done because women are marginalized from the political apex where laws and decisions allocating resources and safeguarding human rights are formulated.²²⁰

Women's right to participate in politics is as fundamental as any other human right. Through its full implementation, other human rights are positively affected.²²¹ Cameroon and South Africa are both state parties to almost all human rights related instruments at the international and regional level, but, the fair implementation of these still require scrutiny. Many qualified and willing women still await sound policy and effective recognition of this right in order to gain access to the power corridor.

Women in Cameroon and South Africa have played a significant role in the liberation struggle during colonialism and the Apartheid era.²²² They certainly deserve more recognition in terms of the political decision-making process. Women's rights have been part of the work of the United Nations for many decades, yet these rights continue to raise much controversy when it comes to their domestic implementation. Cameroon and South Africa should therefore comply with their treaty obligations and promote women's right to participate in politics in their country.

Constitutional provisions as well as the lack of adequate institutions and legislations relating to women's right are still at a worrisome stage in Cameroon. More women should be involved in the decision-making process. Women should have meaningful duties and not only be confined to household related matters of a more feminine nature. Both countries could take the necessary measures to make women's political participation fully fair, equal and effective as stipulated by duly signed and ratified human rights instruments.²²³ Governments could also adopt and create bodies that will be responsible to ensure equality in terms of political participation and in light of human rights status and standards.

²²⁰ Kazibwe quoted by K Ogunsanya 'Challenges and Achievement of African Women' in Seleti Y N (ed) (2004) *Africa since 1990* 153.

²²¹ See Chap four para 4.2.1

²²² See Chap three paras 3.2 and 3.3

²²³ See discussion on international and regional provisions and institutions governing women's right on equality and participation in public life in Chapter two.

The present status of women in politics in South Africa is at a good level when compared to Cameroon. The latter still has a long way to go. Women's right to participate in politics should be reconsidered. Consequently, the issue should be on the agenda of those at the decision-making level.

Finally, as rightly posited,²²⁴ the equal participation of men and women at all levels of governance and decision-making structures advances peace, stability, gender equity, human rights and good governance for development on the continent.

5.2 Recommendations

African states must adopt legislation that fully implements the responsibilities of government under all ratified human rights instruments. This means that they should adopt gender-friendly laws and a gender-based approach in the spirit and letter of their legislations. States should furthermore provide equal access to education for the girl child, especially in the rural areas. The adoption of comprehensive legislation for illiterate women to understand the whole concept of human rights and their right to vote. This will be done through budgetary allocation for the formation of adequate personnel in the field of human rights.

The adoption programmes and training sessions to fully educate men and women about their human rights as a whole and political right in particular is of particular importance. Cameroon and South Africa may reduce the expenditures earmarked for military equipment for education and training in order to develop a culture of human rights in both countries as required by article 10(3) of the African Women's Protocol.

Cameroon and South Africa should promptly and without reservation ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. This should be done for two reasons. First to comply with their obligations under the African Charter and secondly, since the African Women's Protocol reflects the realities of the continent, it presents an excellent medium to observe and implement women's human rights on the continent.

Both countries should as well ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in recognisance of the competence of the Committee on the Elimination of Discrimination against Women, which has a mandate to receive and consider complaints from individuals or groups of individuals who deemed that their rights have been violated.

²²⁴ Ogunsanya as note 220 above 153.

Affirmative action should be used as a way of countervailing the historic, social and political exclusion of the past. It should be legalised in Cameroon as an effort to positively counteract the inheritance of sexist discrimination that has perpetuated inequality thus inhibiting the participation of women in politics. In this context, article 9(2) of the South African Constitution and article 9 of the African Women's Protocol are illustrative.

Finally, it is recommended that gender mainstreaming should be used as a strategic approach to achieve gender equality in politics. It should be central to all activities in the public sphere of Cameroon and South Africa.

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