Protecting Human Rights of vulnerable women and children

A Field Handbook
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Introduction

The North West and South West Region are two of the 10 Regions of Cameroon. The North West Region has a population of 1,804,695 inhabitants while the South West Region has a population of 1,153,125 inhabitants as of January 2010 (projected from 2005 national population census). The population is made up of people from different tribes and diverse cultural backgrounds. Each tradition and culture has its own manner of approach towards issues regarding women and children. Women and children who constitute the vulnerable population of the North West and South West Region have decades been victims of violence and discrimination, be it psychological, cultural, economical, social and physical.

This is as a result of the fact that their rights have been highly violated. It is important to note that discrimination against women violates the principle of equality of rights and respect for human dignity; it is an obstacle to the participation of women, on equal terms with men, in political, social, economic and cultural life of their countries. It also slows down the growth of the prosperity of the society and the family and makes more difficult the development of the potentialities of women in service of their communities. The preamble of the constitution of Cameroon upholds the principle of gender equality and also the fact that every human person (the woman inclusive) has a right.

The right of orphans and vulnerable children (OVCs) in some rural areas of the NWR and SWR of Cameroon has also been highly violated. Reasons for which most of these children are victims of, child trafficking, child labor, child abuse, poor standard of living, discrimination and stigmatisation, school dropout, abandonment, neglect

This handout has, therefore, been prepared to spell out some legal instrument (document) protecting the rights of women and children
WHAT ARE RIGHTS?
Rights are legal, social, or moral principles of freedom that belongs to human beings.

What are Human Rights?
'Human rights' are the rights and freedoms that belong to every person in the world. These human rights are the same for everyone – male and female, young and old, rich and poor, regardless of our background, where we live, what we think or what we believe.

Every human being has his or her rights such as:
- The right to life
- The right to live anywhere
- Freedom from torture
- Other cruel and inhuman treatment
- Rights to a fair trial in court
- Free speech
- Freedom of religion
- Rights to good health
- Education
- Good standard of living, etc.

Why are Human Rights Important?
Every human being has a right and these rights are important. Some of the reasons for which human rights are important are as follows:
- They focus on the dignity of the human being
- Protect individuals and groups
- They are for everyone
- Cannot be taken away or destroyed by anyone
- They protect the law
Legal instruments protecting the rights of Women and Children

Taking into consideration the fact that the rights of women and vulnerable children have been highly violated certain legal instruments have been put in place to protect them. These legal instruments include:

- Convention on the Rights of Children (CRC)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa
- International covenant on Economic, Social and cultural rights
- International Covenant on civil and political rights
- The Universal Declaration of Human Rights

(A)Children.

Convention for the Rights of Children

The convention for the rights of children is aimed at protecting the rights of children. It was adopted by the United Nations Assembly on the 20th November 1989 and came into force on the 2nd of September 1990. This convention has been ratified by 198 countries. The government of Cameroon signed the Convention on the Rights of the Child on 27 October 1990 and ratified it on 11 January 1993.

It is from this that the government of Cameroon has the responsibility to protect and respect the rights of every child. Children here will include both the vulnerable and non-vulnerable; however, our main focus here will be on orphans and vulnerable children. Vulnerable children here will include, street children, abandoned, children abused, neglected, isolated, children suffering from drug abuse, street children etc. This is a summary version of the convention.
Definition of a child

Article 1 of the convention defines as:

*a child is any person below the age of 18.*

The government of Cameroon subscribes (agrees) to the definition of the child as stated in the convention.

Article 2: The best interest of the child
The best interest of the child must be the primary concern in decision making that may affect them. All adults should do what is best for them.

Article 6: Right to survival and development
Children have the right to life. The government must do all they can to ensure that these children survive and grow healthy.

Article 9: Separation from parents
Every child has a right not be separated from their parent unless it is in the best interest of the child (for example, in case of abuse or neglect). These children most have the right to stay in contact with parents, unless this might harm them.

Article 11: Right to protection from kidnapping and trafficking
Children have the right to be protected from being taken out of their home or country illegally or prevented from returning to their home or country. Governments most take necessary steps against kidnapping and trafficking of these children.

Article 12: Respect of the views of the child
Children have the right to say what they think in all matters affecting them, and to have their views taken seriously.
Article 13: Right to freedom of expression
Children have the right to say what they think

Article 19: Right to protection from all forms of violence, abuse, neglect and mistreatment
Children have the right for protection against every form of violence both at home or within the community, all forms of abuse, neglect and mistreatment by parents or guardians. Government must do all to ensure that these children are protected from violence, abuse, neglect and mistreatment.

Article 22: Refugee children
Every refugee has the same rights like every other child

Article 23: Rights of Children with disabilities
Every child with disabilities has the right to live a full and decent live. Government must do all to provide free care and assistance to children with disabilities.

Article 28: Rights to Education
Children have the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children’s human dignity

Article 32: Right to protection from child Labour
Children have the right to protection against every form of work that is dangerous or might harm their health and education. The Government must protect these children from work that is dangerous or might harm their health and education.

Article 33: Drug abuse
Governments must protect children from the use of illegal drugs.

Article 34: Protection from sexual abuse
Children have the right to protection from sexual abuse and exploitation. The Governments must protect children from sexual abuse and exploitation.
Article 37: Detention
No child shall be tortured or suffer other cruel treatment or punishment. A child shall only be arrested or put in prison as a last resort and for the shortest possible time. Children should not be put in prison together with adults.

Responsibilities of children accompanying their rights

1) If every child, regardless of sex, ethnic origin, social status, language, age, nationality or religion has these rights, then they also have a responsibility to respect each other in a humane way.
2) If children have a right to be protected from conflict, cruelty, exploitation and neglect, then they also have a responsibility not to bully or harm each other.
3) If children have a right to a clean environment, then they also have a responsibility to do what they can to look after their environment.
4) If children have a right to be educated, then they have the obligation to learn as much as their capabilities allow and where possible, share their knowledge and experience with each other.
5) If all children have the right to a full life, then they should also lend help to the needy, the disadvantaged and victims of discrimination.
6) If children have the right to freedom and thought, conscience and religion, then they also have the obligation to respect other’s thoughts or religion.

Responsibility of children towards their parent
Children also have a responsibility towards their parents. These include:
1) Obedience to their parents
2) Respect and honor to their parents
3) Take care of their parents
4) Being considerate to their parents
5) Help their parents at home
(B)Women.

(1) Protocol to the African Charter on Human and Peoples Rights on the rights of women in Africa

This protocol is commonly known as the Maputo Protocol. It guarantees the right of women including the right to take part in political, social and economic equality with men, control their reproductive health and female genital mutilation. The protocol was adopted by the African Union in 2003 in Maputo; Mozambique. This protocol was ratified and signed by head of states of 46 countries, Cameroon being one of them. This is a summary interpretation of the rights of women.

Article 1 defines a woman as Persons of Female Gender, including girls.

Article 3: Right to dignity

Every woman has the rights to dignity. The state shall adopt and implement appropriate measures to ensure the protection of every woman’s right, her dignity and protection of the woman from all forms of violence, particularly sexual and verbal violence.

Article 4: Right to life, integrity and security of the person

Every woman has the right to life, respect, integrity and respect of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 5: Elimination of harmful practices

The state shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of the woman. The state shall take all necessary legislative and other measures to eliminate such practices.
Article 6: Right in marriage

The state shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. Therefore every woman has equal rights with the man in marriage.

Article 7: Separation, divorce and annulment of marriage

Every woman has the equal rights with the man in case separation, divorce or annulment of marriage. The state shall therefore enact appropriate legislations to ensure woman enjoy the same rights.

Article 8: Access to justice and equal protection before the law

Every woman has equal rights as the man, before the law and has equal rights to the protection and benefit of the law.

Article 10: Right to peace

Women have the right to peaceful existence and the right to participate in the promotion and maintenance of peace. The state shall therefore take appropriate measures to ensure the increased participation of women in spheres of life

Article 12: Right to Education and training

Every woman shall have the right to education and training. The state shall therefore eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training.

Article 14: Right to Reproductive health

Every woman has rights to sexual and reproductive health. The state should therefore ensure that such rights are respected and promoted.
Article 16: Right to adequate housing

Women have the equal right to housing and to acceptable living conditions in a healthy environment. To ensure these state parties shall grant to women access to adequate housing

Article 17: Right to positive cultural policies

Women have the right to participate in the formulation of cultural policies at all levels

Article 18: Right to sustainable development

Women have the right to live in a healthy and sustainable environment

Article 20: Widows rights

Every widow has the right not to be subjected to inhuman, humiliating

Article 21: Right to inheritance

A widow shall have the right to an equal share in the inheritance of the property of her husband.

(2) Convention on the Elimination of all Forms of Discrimination (CEDAW)

The convention on the elimination of all forms of discrimination against women was adopted by the United Nations Assembly in 1979 and came into force in 1981.186 countries are state parties to this convention. Glad to know Cameroon is one of these countries. Cameroon became a signatory to this convention in June 6, 1983 and ratified it in August 23, 1994.Having ratified this convention the country
has a responsibility to put the provisions of the convention into practice.

The convention is aimed at ensuring the elimination of all acts of discrimination against women by persons, organization or enterprise and promoting their rights.

**Article 1** of the convention gives a brief definition of the term discrimination against women:

> the distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of marital status, on the basis of equality between men and women, of human rights and fundamental freedom in the political, economic, social, cultural, or any other field.

*Only a summary interpretation of the convention has been stated in this document*

**Article 2: Protection from discrimination**

The state must abolish all existing laws, customs, and regulations that are discriminatory. The state must also prevent discrimination by individuals and organizations.

**Article 3: Ensuring women’s equality with men**
The state must take whatever steps are needed to ensure the progress and development of women, especially in the political, social, economic, and cultural fields on the basis of equality with men.

**Article 5: Protection from discrimination in social and cultural life**

The state must take responsibility for discrimination in social and cultural life, including eliminating opinions, customs, and practices that are based on notions of women’s inferiority.

**Article 6: Prostitution and human trafficking**

The state must work to stop the trafficking of women and the sexual exploitation.

**Article 7: Protection from discrimination in public and political life**

The state must end discrimination in public and political life. Women have the right to participate in making and implementing government policy, to hold public office, to perform public functions at every level.

**Article 10: Education**

The state must ensure that women have equal access to all levels of education and also reduce the rate of female drop-out.

**Article 11: Eliminate discrimination in the workplace**

The state must eliminate discrimination in the workplace. Women have the same employment rights as men. The states must ensure that women have equality with men regarding the right to work, choice of profession, promotion, job security and benefits, vocational training, social security and paid leave, as well as equal salaries.
Article 13: Rural women

The state must ensure rural women’s rights to participate in development planning of the community, decision making at home and in the community.

Article 16: Marriage and family life

The state must ensure that men and women enjoy the same rights in the areas of entry into marriage, choice of spouse and consent to marriage, responsibilities during marriage, divorce, parental rights and responsibilities, decisions on the number and spacing of children, guardianship and adoption, choice of family name, and property ownership. The state must ensure that marriages are officially registered.

(3) BEIJING DECLARATION

In September 1995 the United Nations convened the forth World Conference on Women, it is at this conference that the Beijing Declaration was put in place. Its was aimed at achieving equality and opportunity for women, empowering women in relation to human rights, decision making, domestic violence, girl abuse etc. In this declaration women are convinced that:
- Women’s rights are human rights
- Women’s empowerment and their full participation in decision making, access to power are important for the achievement of equality, development and peace
- Men and women possess equal rights, opportunities and equal sharing of responsibilities at the level of the family.
- Women have the right to control every aspect of their health, particularly their fertility

(4) Declaration on the Elimination of violence against women (1993)
The Declaration on the Elimination of violence against women was adopted by the United Nations Assembly in 1993. This declaration aims at promoting the rights of women by eliminating every form of violence against them. 53 state parties are signatories to this declaration, with Cameroon inclusive.

**Article 1** of this declaration defines violence against women as any act of gender based violence that result in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, total refusal of freedom whether in public or private life.

**Article 3: Rights of women**
Women are entitled to equal enjoyment and protection of human rights at every level of life. These right includes:
- the right to life
- the right to equality
- the right to liberty and security of person
- the right to equal protection before the law
- the right to be free from all forms of discrimination
- the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment

**Article 4: Protection from every form of violence**
The state should condemn violence against women and should not allow any custom or tradition which could promote violence against women.

5) **International Covenant on Civil and Political Rights**
This covenant was adopted by the United Nations General Assembly on the 16th December 1996 and into force on the 23th March 1976. Cameroon ratified this convention in 2001.

**Article 3:** Right to equality between men and women in the enjoyment of their civil and political rights
Article 7: The right to freedom from inhuman or degrading treatment or punishment

Article 14: The right to equality before the law, the right to presumed innocent until presumed innocent until proven guilty and have a fair and public hearing by an impartial tribunal

Article 16: The right to be recognized as a person before the law

Article 17: The right to privacy and its protection by the law

Article 18: The freedom of thought, conscience and religion

Article 23: The right to marry and find a family

Article 26: The right to equality before the law and equal protection

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948 in Paris. The Universal Declaration of Human Rights are rights to which all human beings are entitled to. All human beings are born free with equal and undeniable rights and freedom.
About SIRDEP

SIRDEP was founded in 1992 and is one of the oldest indigenous NGOs in the North West Region of Cameroon. It is a non governmental, not-for-profit organization operating in Cameroon with Headquarters in Bamenda. She has as mission: to improve the standard of living of the poor and needy in Cameroon by building on their potential through strategies and efficient management of resources. The organization has ten areas of intervention, one of which is on Human Rights.

SIRDEP has a Social Development Component which has as objective to enhance social development and community actions. Her target groups are women and children whom SIRDEP is ensuring the promotion and protection of their Human Rights. This handbook has been prepared to create awareness on the inherent rights of women and children.