

AFFIDAVIT OF MARSHA A. FREEMAN

I, Marsha A. Freeman, Ph.D., J.D., submit the following in the case of

1. I am the Director of the International Women's Rights Action Watch (IWRAP) program, a women's human rights resource center located at the Humphrey Institute of Public Affairs, University of Minnesota. IWRAP provides technical assistance, information, and expert advice on the content and implementation of international law relating to women's human rights. IWRAP serves United Nations treaty experts, scholars, government officials, and nongovernmental organizations. I have been the director of the IWRAP program since 1993. Prior to that I was staff attorney and Deputy Director. IWRAP was established in 1985, to promote women's human rights as a matter of international law. At that time it was the only organization in the world with this focus. It remains the only organization focusing specifically and consistently on implementation of women's human rights under international human rights treaties.

2. I have worked directly with the following United Nations human rights bodies and agencies, to assist them in monitoring government obligations with respect to women's human rights, and in developing policy formulations for international standards on women's human rights:

- a) The United Nations Committee on the Elimination of Discrimination against Women, the body that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.
- b) The United Nations Committee on Economic, Social and Cultural Rights, the body that monitors implementation of the International Covenant on Economic, Social and Cultural Rights.
- c) The United Nations Division for the Advancement of Women.
- d) UNICEF, the United Nations Children's Fund.
- e) The Office of the High Commissioner for Human Rights, Geneva.
- f) The United Nations Development Program.

3. I have served as an expert resource in many international conferences and symposia on women's human rights, have provided training and technical assistance to nongovernmental organizations and government officials from more than fifty countries, and have published numerous articles on the subject. My c.v. is attached.

4. I have published several articles on the status of women in sub-Saharan Africa and have worked directly with nongovernmental activists and experts from sub-Saharan Africa on numerous research projects and conferences. I provided essential information

and technical assistance resources for the African Regional Preparatory Meeting for the Fourth World Conference on Women (Dakar, Senegal) and have served as an expert resource, trainer and presenter on African women's human rights issues at conferences in South Africa, Ghana, Tanzania, Botswana, Zimbabwe, and Swaziland. I also teach in the area of women's human rights and have kept up to date on developments in Africa because I use the material in my courses.

5. I have been asked to render an independent opinion regarding application for asylum. I have studied the declared facts in Ms. _____ case. My conclusions, which follow, are based on those facts.

6. Based on my expertise and experience in women's human rights, I conclude that the applicant _____ is in grave danger of persecution and possible death if she returns to _____ Ms. _____ as been married since 1975 to _____, a member of the _____ and a _____ Ms. _____ has suffered severe physical violence at his hands for many years and cannot obtain protection from the security authorities. Mr. _____ has threatened to kill her, and his police colleagues also have threatened her and, since she left the country, have continued to make threats through her immediate family.

7. Legal prohibition of violence against women in Cameroon is close to nil, and the lack of protection is clear. Cameroon is responsible under the Convention on the Elimination of All Forms of Discrimination against Women,¹ the Convention against Torture,² the Convention on the Rights of the Child,³ the International Covenant on Civil and Political Rights,⁴ and the International Covenant on Economic, Social and Cultural Rights,⁵ to all of which it is a party, to eliminate discrimination against women and to address violence against them. However, the government has not, to date, provided any significant level of protection from violence against females of any age. The United Nations bodies that monitor implementation of obligations under the treaties listed here have all cited the government's failure to deal legally and programmatically with domestic violence.⁶

¹ Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987.

³ Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990.

⁴ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.

⁵ International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976.

⁶ Committee on the Elimination of Discrimination against Women, Concluding Observations: Cameroon. 26/06/2000 (A/55/38, paras. 30-66); Concluding Observations of the Committee against Torture: Cameroon. 06/12/2000 (A/56/44, paras. 60-66); Concluding Observations of the Committee on the Rights of the Child: Cameroon. 06/11/2001 (CRC/C/15/Add.164); Concluding Observations of the Committee on Economic, Social and Cultural Rights: Cameroon. 08/12/99 (E/C.12/1/Add.40).

8. The UN Committee on Elimination of Discrimination against Women stated with clarity in its 2000 review “that, despite some efforts, there is no holistic approach to the prevention and elimination of the various forms of violence against women and girls, in particular . . . domestic violence” and recommended that the government provide for legal remedies, medical and counseling services, and police training to deal with the problem.⁷ Five years later, the United States Department of State reported that “domestic violence against women [is]common” and “widespread” and that the law still does not specifically prohibit it or provide remedies; “during the year [2005] there were no reports of any convictions [under the general assault laws], or of any action by the government to combat domestic violence.”⁸

9. Only a few nongovernmental organizations exist, funded by foreign donors, to deal with violence against women. The country lacks shelters or other resources for women attempting to flee domestic violence.⁹

10. Cameroon’s highly traditional cultural setting reinforces the lack of legal protection against violence. In its most recent report to the UN Committee on the Elimination of Discrimination against Women, released to the public in 2006, the Government of Cameroon acknowledged that custom continues to undermine women’s status, particularly in the family.¹⁰ Despite having a formal constitution, statutory regulation of certain sectors (including registration of marriage), and a recognizable parliamentary system, most people conduct their private and family life according to the custom of their ethnic group and hold very traditional views that reinforce women’s low status. Husbands are the head of the household and the primary authority within the household. A wife’s defiance of her all-powerful husband is humiliating to him.

11. Wife-beating is accepted as a husband’s right and sometimes seen by women as a mark of acceptance instead of abuse. A recent study by UNESCO of domestic violence in Cameroon found that 90% of the surveyed women stated they had suffered at least one incident of aggression at the hands of their husbands or partners, and 75% of the women stated that they had been subject to forced sex with their husbands or partners. At the same time, 52% of the surveyed women said they had not been victims of violence.¹¹ In other words, violence in the home is so common as a way of life that it is felt—and

⁷ Concluding Observations of the Committee on the Elimination of Discrimination against Women: Cameroon (A/55/38, paras. 30-66), 26/06/2000.

⁸ US Department of State, Country Reports on Human Rights Practices 2005: Cameroon. <http://www.state.gov/g/drl/rls/hrrpt/2005/61558.htm>.

⁹ News reports indicate the existence of several nongovernmental organizations (Femmes de Douala contre le viol; le Divas; l’Association de lutte contre les violences faites aux femmes), but they are small and do not operate shelters. See, e.g., Marion Obam, “Cameroun: Viol: le tir groupé des femmes,” *le Quotidien Mutations* (Yaoundé), 10 March 2006, <http://fr.allafrica.com/stories/200603100439.html>.

¹⁰ Marguerite Estelle Etoa, “Cameroun: Les discriminations contre les femmes persistent,” *Cameroon Tribune* (Yaoundé), 9 Mai 2006. <http://fr.allafrica.com/stories/200605090656.html>.

¹¹ “Violences a l’égard des femmes: les realites camerounaises mises a nu par l’Unesco. *Le Potential* (Kinshasa), originally published in *Le Messager* (Yaounde), 6 April 2005. <http://fr.allafrica.com/stories/200504060070.html>.

forgotten—as normal rather than understood and recalled as an abnormal occurrence.¹² Between the strength of the cultural norms and the lack of legal and practical infrastructure to protect her, any woman in Ms. [redacted] marital situation would be very likely to stay until threatened with death because other possibilities would be unimaginable or foreclosed.

12. Ms. [redacted]'s situation was and remains exacerbated by the impact of her husband's status as a [redacted] member [redacted]. The government of Cameroun has been severely criticized by a number of credible observers for abuses against individuals perpetrated by the security forces, particularly the police and the [redacted] which remain largely unaccountable for everything from petty extortion of motorists¹³ to massive torture of prisoners.¹⁴ As of 2005 Cameroon ranked worst in the world with respect to police corruption.¹⁵ Government pronouncements on dealing with corruption are generally dismissed by informed observers as rhetoric, and indeed a culture of impunity for both corruption and physical abuse by security personnel prevails.¹⁶ With respect to her own situation, Ms. [redacted] has particular reason to fear for her safety as she has knowledge of instances in which members of the [redacted] have killed their wives and punished only minimally. In these circumstances Ms. [redacted] cannot look to the state for protection from harm at the hands of her husband.

13. [redacted] belief that she should not be subjected to severe beating and threats of death is supported by international law but not by the culture and law of Cameroon. There is no place in Cameroon where she can be safe. Her husband and his [redacted]

¹² "Toute discrimination ne mène pas à la violence, cependant parce qu'elle est souvent cachée, banalisée, intégrée dans les normes et les pratiques du fonctionnement social . . ." M.E. Etoa, "Cameroun: Les discriminations . . ." cited in fn. 11 above.

¹³ See, e.g., "Travel Advice: Cameroon," Australian Department of Foreign Affairs (2006), <http://www.smarttraveller.gov.au/zw-cgi/view/Advice/Cameroon>. The US State Department Bureau of Consular Affairs Country Report on Cameroon (2007) states: "security personnel may request persons to show their passport, residence card, driver's license, and/or vehicle registration at random checkpoints. Security personnel have been known to ask for bribes and may hurt citizens who refuse to pay." http://travel.state.gov/travel/cis_pa_tw/cis/cis_1081.html

¹⁴ See U.S. Department of State Country Reports on Human Rights Practices, 2005: Cameroon (<http://www.state.gov/g/drl/rls/hrrpt/2005/61558.htm>); Concluding Observations of the Committee against Torture: Cameroon. 06/12/2000 (A/56/44, paras. 60-66).

¹⁵ Chris Mbunwe, "Cameroon Police Top World Corruption Chart," *Post News* (Cameroon), 2005 (http://www.postnewsline.com/2005/12/cameroon_police.html). In this atmosphere "jungle justice"—lynching—is an ordinary occurrence, with citizens assuming that a criminal can bribe his way out of an arrest regardless of the nature of the crime. See Tanso Musa, "'Jungle Justice' on the Rise in Cameroon," Reuters, July 21, 2006, American Renaissance, http://www.amren.com/mtnews/archives/2006/07/jungle_justice.php.

¹⁶ See, for example, Transparency International Country Reports 2006: Cameroon, (http://www.transparency.org/content/download/4822/28521/file/Part%202_8_countries%20A_K.pdf); "Cameroon: New Anti-corruption drive leaves many skeptical," IRIN News, 27 January 2006, http://www.irinnews.org/report.asp?ReportID=51385&SelectRegion=West_Africa&SelectCountry=CAMEROON.

colleagues have been persistent in tracking down her and her family throughout the country and in conveying the clear message that her husband will kill her if she returns.

14. It is my opinion that _____ if forced to return to _____, will be in extreme danger of physical harm and possibly death, with no protection by the State.

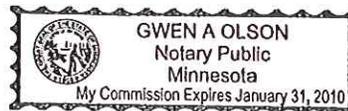
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Marsha A. Freeman
Marsha A. Freeman, J.D., Ph.D.

Jan 10/2007
Date

Subscribed to and sworn before me this 10 day of January, 2007

Gwen A. Olson
Notary Public



County of Hennepin
State of Minnesota

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PROFESSIONAL EXPERIENCE

**Senior Fellow, University of Minnesota Human Rights Center (Law School).
Senior Fellow, Humphrey Institute of Public Affairs, University of Minnesota, 1990-2006.**

**Director, International Women's Rights Action Watch program, 1993-present. Staff Attorney
and Deputy Director, 1986-93.**

Expertise: International human rights law and process; use of international human rights treaties to monitor and promote women's human rights on national and international levels; gender, human rights, and development; multiple legal systems—relationship of custom, religion and law in developing countries, particularly Africa; philanthropy and public policy.

Key Accomplishments:

- Played a critical role in the establishment of women's human rights as an international policy field.
- Established IWRAW as a preeminent global resource for international women's human rights nongovernmental organization capacity building and advocacy.
- Pioneered the provision of independent information (shadow reporting) on women's human rights issues to the United Nations human rights treaty monitoring bodies, particularly the UN Committee on Elimination of Discrimination against Women (CEDAW) and the UN Committee on Economic, Social and Cultural Rights (CESCR).

**Associate Director, Center for Leadership of Nonprofits, Philanthropy and the Public Sector,
Humphrey Institute of Public Affairs, 2003-2005.**

Practicing Attorney: Leonard, Street and Deinard, 1983-84; Fredrikson & Byron, 1977-80.

**Law Clerk: Hon. Earl R. Larson, United States District Court for the District of Minnesota,
1975-76.**

EDUCATION

J.D. *cum laude*: University of Minnesota Law School, 1976.

Ph.D.: University of Pennsylvania, Philadelphia, PA, (English and American literature), 1975.

B.A. *summa cum laude*: University of Minnesota, 1968.

REPRESENTATIVE PUBLICATIONS

“Women’s Human Rights in the Twenty-First Century.” Forthcoming in *Human Rights in Crisis* (2007).

Promoting Women’s Economic, Social and Cultural Rights: A Manual on Using the International Covenant on Economic, Social and Cultural Rights to Monitor and Implement Women’s Human Rights (author and editor) December 2004.

In process: “From Activism to Policy: The Role of US-based NGOs in Establishing Women’s Human Rights” (working title). An examination of the role of American NGOs, American philanthropy, and the current and future role of international NGOs in the women’s human rights field. Supported by the Catharine A. Cram International Women’s Human Rights Fund.

“State Party Obligations under CEDAW Articles 1-5 and 24.” *Proceedings* of the Expert Workshop on the CEDAW Convention and Its Optional Protocol. German Institute for Human Rights, Berlin, March 2003.

“CEDAW Article 4.1: What is Temporary? And What is Special?” *A Guide to Temporary Special Measures to Accelerate de facto Equality under the CEDAW Convention* (proceedings of the Expert Group on CEDAW Article 4.1, University of Maastricht, Netherlands, October 2002). 2003.

Equality and Rights: The International Covenant on Economic, Social and Cultural Rights, Article 3. Keynote paper presented at the United Nations at Geneva, May 2002. Translated by the United Nations into French, Spanish, Russian for distribution and posting on UN Web site.

“Mainstreaming and Other Measures for an Accelerated Implementation of the [CEDAW] Convention,” in *Proceedings* of the IAW European Regional Conference on CEDAW, Odense, Denmark, November 2001.

“Women, Law, Religion, and Politics in Israel: A Human Rights Perspective,” *Jewish Feminism and Politics in Israel*, ed. Kalpana Misra and Melanie Rich (University Press of New England: forthcoming 2002). I am the only non-Israeli chapter author.

The CEDAW Convention and the Beijing Platform for Action: Reinforcing the Promise of the Rights Framework. With Kristen Timothy. IWRAW 2000.

"International Institutions and Gendered Justice," *Journal of International Affairs*, Vol. 52, No. 2 (Spring 1999), pp. 513-532.

"Litigating Women's Rights at the Domestic, Regional and International Level," *Africa Legal Aid Quarterly*, April-June 1999, 15-16.

"The Human Rights of Women under the CEDAW Convention: Complexities and Opportunities of Compliance." *Proceedings of the 91st Annual Meeting, American Society of International Law* (April 1997), pp. 378-382.

"Human Rights in the Family: Issues and Recommendations for Implementation of the Women's Convention." In *Women's Rights: International Feminist Perspectives*, ed. J. Peters and A. Wolper. Routledge, 1995.

"Women, Law and Land at the Local Level: Claiming Women's Human Rights in Domestic Legal Systems." *Human Rights Quarterly*, V. 16, No. 3 (August 1994).

"Implementing the Women's Convention: Development with Justice." In *Ours by Right*, ed. Joanna Kerr, Zed Books 1993.

"Measuring Equality: Women's Legal Capacity in Five Commonwealth Countries," *Berkeley Women's Law Journal*, Spring 1990.

Edited Reports and Guides

Women's Human Rights in the United States under the International Covenant on Civil and Political Rights. Shadow report to the U.N. Human Rights Committee. May 2006.

Women's Human Rights in Turkmenistan. Shadow Report to CEDAW Committee, May 2006.

Assessing the Status of Women: A Guide to Reporting under the Convention on the Elimination of All Forms of Discrimination Against Women. Third edition, 2000. Current edition adopted and published by the United Nations. Translated into French, Spanish, Russian, Chinese, Arabic, Georgian.

Culture, Custom and Women's Human Rights: CEDAW Convention Article 5 (Ed.). Report of the IWRAW Consultation, January 1999.

Women, Children and Human Rights: An IWRAW Consultation on using the CEDAW Convention and the Convention on the Rights of the Child (Ed.). Report of the Consultation, January 1998.

Achieving the Rights Result: Affirmative Action and the Women's Convention (Ed.).
Report of the IWRAW Consultation, January 1997.

PRESENTATIONS AND KEYNOTES

“Observations on the High Commissioner’s Proposal for a Unified Treaty Monitoring Body,” prepared at the request of the UN Committee on Elimination of Discrimination against Women, May 2006; presented at Fifth Inter-Committee Meeting, Office of the High Commissioner for Human Rights, Geneva, June 2006.

“Reweaving the Fabric: Old Patterns or New?” Conference presentation, Women and Human Rights: Conflict, Transformation and Change, Belfast, Northern Ireland, Transitional Justice Institute, University of Ulster, May 2005.

“Women’s Human Rights in the Twenty-First Century.” Conference presentation, Human Rights in Crisis, Atlanta, Georgia Tech University, February 2005.

Promoting Women’s Economic, Social and Cultural Rights. Workshop leader and presenter, Beijing + 10 Review Sessions, New York, March 2005.

“Women’s Human Rights at the United Nations.” New York, New York Women’s Bar Association, January 2005.

“State Party Obligations under CEDAW Articles 1-5 and 24.” Expert Workshop on the CEDAW Convention and Its Optional Protocol. German Institute for Human Rights, Berlin, March 2003.

“CEDAW Article 4.1: What is Temporary? And What is Special?” Expert Group on CEDAW Article 4.1, University of Maastricht, Netherlands, October 2002.

Keynote, Equality in the International Covenant on Economic, Social and Cultural Rights, Day of General Discussion, Office of the High Commissioner for Human Rights, Geneva, May 2002.

Temporary Special Measures for Accelerated Implementation of the CEDAW Convention. Expert Group on CEDAW Article 4.1, Maastricht, Netherlands, October 2002.

Keynote, Human Rights Aspects of Domestic Violence in Immigrant Communities, Symposium on Violence in the Community, Minneapolis City Attorney, September 2001.

“Using International Treaties in Domestic Courts,” Canada Insititute for Judicial Education. Montreal, November 2001.

“Using International Treaties in American Courts,” National Association of Women Judges (US) annual meeting, Los Angeles, October 2000.

Keynote, "Women on the Edge." International Association of Women Judges Biennial Conference, Buenos Aires, Argentina, May 2000.

Litigating Economic and Social Rights in Africa. Conference resource and presenter, Accra, Ghana (Sponsor: Africa Legal Aid, University of Maastricht), April 1999.

Keynote, International Law and Women's Status in Israel. Women's Forum Kinneret, Tiberias, Israel, February 1999.

Symposium , The Sumitomo Cases (employment discrimination test case), Osaka, Japan 1999. Wrote *amicus* brief for submission to the Osaka District Court.

UN Committee on Elimination of Discrimination against Women, UN Committee on Economic, Social and Cultural Rights. Regular presentations on country specific information for use by Committees in their deliberations, 1992-2003.

REPRESENTATIVE ADVISORY AND TRAINING ACTIVITIES

Expert Group on the Unified Treaty Monitoring System, University of Nottingham Human Rights Center, UK, February 2006.

Expert resource for drafting of General Comment on ICESCR Article 3 (equality), UN Committee on Economic, Social and Cultural Rights. Geneva, May 2004.

Using the International Covenant on Economic, Social and Cultural Rights to Promote and Protect Women's Human Rights. Workshop leader for nongovernmental organizations from eight developing countries and Eastern Europe. Geneva, November 2003.

Oxfam Great Britain, review of gender policy implementation and incorporation of the CEDAW Convention and the Beijing Platform for Action in Oxfam planning and projects, 2001-2002.

The World Bank, Review and revision of World Bank report on Gender and Justice in Argentina, 2002.

Advisor, Moldova site visit, United Nations Committee on Elimination of Discrimination against Women (United Nations Development Program). Consultations with government officials and civil society representatives. May 2000.

Use of CEDAW and other human rights treaties to reinforce Platform for Action. Consultations with Chilean parliamentarians and Ministry for Women (SERNAM), Santiago, Chile, May 2000.

Global to Local: Annual one-week training on CEDAW Convention and guided observation of the Committee. New York, annually 1998-2001.

Using Human Rights Treaties to Protect and Promote Women's Human Rights. Training for lawyers, government officials, civil society representatives. Tanzania, 1999.

Use of International Law in Preventing Violence in the Family. Consultation for civil society representatives, CEDAW and CRC experts, and UN agency staff: Co-convener with UNICEF, Save the Children-Sweden, United Nations Division for the Advancement of Women. Geneva, October 1998.

Using the Convention on the Elimination of All Forms of Discrimination against Women. Training for Egyptian and South African participants. Cairo, 1997.

Convention on the Elimination of All Forms of Discrimination against Women and its relationship to the Convention on the Rights of the Child. UNICEF (annual gender officers training, all regions), 1997.

Expert Group on Mainstreaming Gender Perspectives into the Work of the United Nations Centre for Human Rights. Convened by the Office of the High Commissioner for Human Rights, Geneva, 1995.

COURSES TAUGHT, Humphrey Institute of Public Affairs. All graduate level.

Legal Environment of Public Affairs

Women, Law and Policymaking

Rights and Resources

Financing Nonprofits: Philosophies and Realities

Guest lecturer, University of St. Thomas; University of Minnesota Law School; UMN School of Social Work; University of Hong Kong Faculty of Law

PROFESSIONAL AND COMMUNITY SERVICE

Reporter, Minnesota Supreme Court Task Force for Gender Fairness in the Courts.
Appointed by the Supreme Court of Minnesota. 1987-89.

President, Minnesota Women Lawyers, Inc., 1983-84. Officer and Director, 1980-85.
Minnesota State Bar Association Committee on Women in the Legal Profession. 1988-90.

Adath Jeshurun Synagogue, Board of Directors, 1999-2002. Task Force on Outreach, 1989.

Clearsprings Homeowners Association, Board of Directors, 2002-2005; President, 2002-2004.