

COMMISSION DES DROITS
DE L'HOMME DU CAMEROUN

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DE L'HOMME

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CAMEROON HUMAN
RIGHTS COMMISSION

SUB-COMMISSION IN CHARGE
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STATEMENT BY THE CAMEROON HUMAN RIGHTS COMMISSION
TO MARK THE 31st INTERNATIONAL DAY OF PERSONS
WITH DISABILITIES

Theme: - *Transformative solutions for inclusive development – the role of innovation
in fuelling an accessible and equitable world*

3 December 2022

The Cameroon Human Rights Commission (hereinafter “the Commission”), established by Law No. 2019 / 014 of 19 July 2019 and set up on 29 April 2021, following the swearing-in of the members before the Supreme Court, sitting in chambers,

Considering that the Convention on the Rights of Persons with Disabilities was adopted by UN General Assembly Resolution A/61/611 on 13 December 2006, it entered into force on 3 May 2008 and Cameroon ratified it on 28 December 2021,

Bearing in mind that it was through its Resolution 47/3 adopted in 1992 that the UN General Assembly proclaimed 3 December of each year as the International Day of Persons with Disabilities. Whereas this celebration is an opportunity to pause and assess the progress made towards the development of persons living with disabilities, to identify the difficulties encountered and look ahead, taking on board the new challenges,

Considering that this year’s theme, Transformative Solutions for Inclusive Development: The Role of Innovation in Fueling an Accessible and Equitable World, calls for the inclusion of disability as an essential aspect of respect for human rights, sustainable development, peace and security, and such inclusion is essential to the 2030 Agenda for Sustainable Development’s promise to “leave no one behind”,

Recalling that the same Convention, in Article 3, sets out eight general principles that are:

- i) non-discrimination
- ii) full and effective participation and integration into society
- iii) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

- iv) equal opportunities
- v) accessibility
- vi) gender equality
- vii) respect for the capacity building of the child with a disability and
- viii) respect for the right of children with disabilities to preserve their identity¹,

Reiterating that the objective of this Convention is to create the conditions necessary for persons with disabilities to enjoy the same rights as other members of society, in an inclusive approach,

Bearing in mind that the Rights of Persons with Disabilities are specifically recognized and protected at the national, regional and international levels, mainly because of their vulnerability and social difficulties,

Considering the Preamble to the Constitution of January 18, 1996, which states that “*the Nation shall protect the disabled*”, and such protection consists in granting them the benefits of equality by law, replacing abstract equality with concrete equality,

Recalling that Cameroon is a party to the African Charter on Human and Peoples' Rights which it signed on 23 July 1987 and ratified on 20 June 1989, an instrument whose Article 18 (4) states that “*The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs*”,

Noting that, within the meaning of the provisions of Article 2 of Law No. 2010/002 of 13 April 2010 relating to the protection and promotion of persons with disabilities, as well as of its Implementing Order No. 2018/6233/PM of 26 July 2018, the person with a disability, means “*any person who is incapable of providing for himself all or part of the necessities of a normal individual or social life, whether due to a physical or mental disability, congenital or not*”. Disability, in turn, is defined by the same law as “*a limitation on the ability of a person with a disability to participate fully in an activity in a given environment*”.

Noting that the previous definition of persons with disabilities refers to that given by the World Health Organization, according to which, a person with a disability is any person whose physical or mental integrity is temporarily or permanently impaired, either congenitally or under the effect of age or accident, so that his autonomy, their ability to attend a school or work is compromised”².

Asserting that persons with a visible or invisible disability do not always benefit from the kindness of other members of society, they encounter daily difficulties,

Noting the findings of the Cameroon Deaf Empowerment Organisation (hereinafter: “CDEO”) that most deaf and hard of hearing people drop out of school at the primary education level, few manage to obtain their *Certificat d'Études primaires (CEP)* or First School Leaving

¹ Article 3 of the UN Convention on the Rights of Persons with Disabilities.

² Comité national coordination action handicap, *les différents types de handicap*, published on the site www.ccah.fr/CAAH/Articles/Les-differents-types-de-handicap, consulté le 12 mars 2022 à 10 heures.

Certificate (FSLC), only a handful pursue secondary education and barely 0.01 per cent attain higher education³,

Aware that the situation of persons with disabilities remains a major concern in the world, especially in Cameroon, considering the daily difficulties they encounter, such as:

- i. illiteracy
- ii. sub-education
- iii. stigma
- iv. lack of training and skills
- v. lack of access to decent jobs
- vi. lack of disability-friendly means of communication
- vii. lack of persons with disabilities in decision-making bodies
- viii. the systematic rejection of applications of persons with disabilities from competitive entrance examinations and recruitment in certain schools⁴
- ix. lack of access to subsidies for self-employment of persons with disabilities
- x. lack of appropriate public transportation for persons with disabilities.

Determined that the rights of persons with disabilities should be promoted, protected and achieved to enable them to thrive in society,

The Commission recalls that the Committee on the Rights of Persons with Disabilities, in its General Comment No. 6 (2018) of 26 April 2018 on equality and non-discrimination, states that “[States Parties are under the obligation to respect, protect, fulfil the rights of persons with disabilities]” and that they have to integrate them in the inclusive and participatory research process, to harness their experiences, identify their real needs and assess Government achievements⁵,

The Commission commends Government efforts and those of partners to strengthen the legal-institutional framework for the rights of persons with disabilities since the last International Day of Persons with Disabilities on 3 December 2021, including:

- signing Decree No. 2021/250 of 27 April 2021 to Ratify the Marrakech Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled
- endorsing special draft laws provided for by Decree No. 2018/6233/PM of 26 July 2018 to lay down detailed rules for the implementation of Law No. 2010/002 of April 13

³ Information obtained from the President of the CDEO on 23 November 2022.

⁴ Concerning this role, the CHRC was recently informed on 6 September 2022 through a report on social media of allegations of violation of the right to work of a young Cameroonian with a physical disability, implicating some agents of the Ministry of Public Service and Administrative Reform (MINFOPRA). The CHRC took up the matter automatically and the actions carried out by the Observation, Investigation and Alert Unit within the Promotion and Protection Division led to the consideration of the application of this disabled person. This was done with the active collaboration of the Directorate for the Protection of Persons with Disabilities and the Elderly of the Ministry of Social Affairs (MINAS). The name of the person with disabilities was included in the list of candidates authorised to take the physical fitness examination on 20 and 21 September 2022. After further Commission action following his failure in the competition entrance exam, he was admitted as a free candidate. He is among the best in his class.

⁵ <https://www.ohchr.org/fr/treaty-bodies/crpd>, accessed on 27 November 2022.

2010 on the protection and promotion of persons with disabilities during the meetings of the National Committee for the Rehabilitation and Socio-Economic Reintegration of Persons with Disabilities (hereinafter referred to as "NCRSED"), held in Yaounde on 11 and 12 August 2021

- signing Decree No. 2021/751 of 28 December 2021 to ratify the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006
- signing Decree No. 2021/753 of 28 December 2021 to ratify the Protocol to the African Charter on Human and Peoples Rights on the Rights of Persons with Disabilities in Africa, adopted on 29 January 2018
- the inclusion in the General tax Code edited on the 1st January 2022 of the decision N° 00000340/MINFI/DGI/LRI/L of 7 May 2019 establishing the list of specialized materials and equipment for persons with disabilities benefiting from the value added tax exemption under the provisions of the article 128(21) of the same General Code.

There are, by type of handicap :

- i) specific educational materials for visually impaired children
 - ii) specific educational materials for hearing impaired children
 - iii) specific educational materials for children with motor and cerebral disabilities and for children with intellectual disabilities
 - iv) materials for multipurpose functional rehabilitation, occupational therapy and psychomotor therapy for disabled children
 - v) specific sports equipment for disabled persons.
- signing Order No. 040/PM of 19 May 2022 to lay down terms and conditions for granting age exemption to persons with disabilities during competitive entrance examinations and recruitment into public service
 - *Association plaidoyer et charité pour les personnes à mobilité réduite* distributing gifts in terms of rolling stock to the Cardinal Paul Émile LEGER National Centre for the Rehabilitation of Persons with Disabilities, (hereinafter: "NCRHP") on 8 April 2022⁶
 - the commitment made by the Minister of Public Health, the Minister of Social Affairs and the representative of the WHO on 21 July 2022 to improve the technical facilities of the NCRHP⁷ ;
 - holding the 2022 session of the National Committee for the Rehabilitation and Socio-Economic Reintegration of People with Disabilities (hereinafter: "NCRSED") on 13 September 2022, aimed at assessing the level of stakeholder mobilisation, inclusive actions and multi-sector perspectives to implement Government policy for persons with disabilities⁸ .

The Commission deploras that despite the continuous development of legislative and regulatory frameworks for the protection and promotion of the rights of persons with

⁶Source.- journal de 20 heures 30, *CRTV WEB*, of 1 August 2022.

⁷ <https://www.minsante.cm/site/?q=fr/content/centre-de-r%C3%A9habilitation-des-handicap>, accessed on 23 November 2022

⁸ <https://www.cameroon-tribune.cm/article.html/51042/fr.html/promotion-droits-personnes-handicapees-le-cameroun>, accessed on 23 November 2022.

disabilities, the provisions therein are hard to implement, and worse the majority of persons with disabilities are unaware of the laws and remain, passive actors,⁹,

The Commission is pleased with the series of activities it organised before the celebration of the International Day of Persons with Disabilities, on the protection and promotion of the rights of the vulnerable groups of persons listed in the provisions of Article 1 of Law No. 2010/002 of 13 April 2010 (prevention of disability, rehabilitation and psychological, social and economic inclusion of persons with disabilities, and the promotion of national solidarity with persons with disabilities).

Such activities are carried out:

- as part of disseminating the psychological, social and economic inclusion of persons with disabilities. The Commission focused on the accessibility of public facilities for persons with disabilities, through a capacity-building workshop on measures to monitor persons with disabilities' access to public facilities. This workshop took place from 22 to 25 November 2022 and concerned Commissioners and staff members of the CHRC. It was followed by visits conducted by monitoring teams to public facilities across the country
- as part of disseminating the prevention of disability and the rehabilitation of persons with disabilities. The Commission organised the official launching ceremony to mark the International Day of the Rights of Persons with Disabilities, at the NCRHP on 29 November 2022. The activity focused on a roundtable on the theme of the Day, with several stakeholders from public administrations and Civil Society Organisations.

The Commission is strongly concerned about promoting national solidarity and urges everyone to adopt the disability approach, given that disability is not inherently related to human nature. The Commission is committed to reducing the factors of exclusion based on the three principles of exclusion, discrimination and accessibility for persons with disabilities.

The Commission further commends Government actions to enable persons with visual and hearing impairments to have access to information, especially by translating speeches delivered during official ceremonies into sign language.

The Commission commends the strong desire of certain media to translate television programmes such as news broadcasts, educational documentaries and videos into sign language.

The Commission further commends the multi-sector efforts of development partners and Civil Society Organizations working tirelessly to promote and protect the rights of persons with disabilities in Cameroon, such as through:

- a workshop on legal instruments to promote and protect the rights of persons with disabilities organised by the Cameroon National Association of Blind People (ANAC),

⁹ Compendium of legal texts concerning the promotion and protection of the rights of persons with disabilities in Cameroon, MINAS, 2021, p. 5.

as part of a capacity-building workshop on the knowledge of the legal framework for promoting and protecting their Rights, at the Hilton Hotel and Meumi Palace Hotel respectively, from 21 to 22 September 2022

- awareness-raising campaigns in schools and on media in the West Region by the association *Solidarité des personnes handicapées pour le développement* (SOPHAD) for considering disability in education, information and socio-economic development
- disseminating and teaching sign language to the public by the CDEO in the Centre Region, to reduce or even eliminate the stigma of deaf persons
- sharing school supplies to students and persons with disabilities in the North Region by the *David Smetanine Handisport Foundation* on 27 August 2022.

The Commission reiterates that the Preamble of the Constitution of Cameroon states that “*all persons shall have equal rights and obligations*” and recalls that Article 27(3) of Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities provides that the socio-economic integration of persons with disabilities includes:

- *access to education and vocational training*
- *access to information and cultural activities*
- *access to infrastructure, housing and transport*
- *access to sports and recreation*
- *access to employment.*

The Commission is convinced that the search for substantive equality protected under the Constitution now requires a focus on differential equality. The Commission insists that special measures for persons with disabilities be considered as special applications of the equality principle in its new and pluralistic meaning because they aim to establish substantive, rather than merely formal, equality between the rest of the people and persons with disabilities.

The Commission, therefore, recommends that the public authorities adopt the Rawlsian concept of “*fair equality of opportunity*”¹⁰ and take even more exceptional measures to facilitate the socio-economic integration of persons with disabilities, whose contribution to our country's development is undeniable.

The Commission recommends that public authorities take necessary steps to enable persons with disabilities to take an active part in local meetings and events.

To ease access to services for persons with disabilities, **the Commission recommends** that public authorities take the necessary measures considering disability in the construction of public and private buildings, and adapt those that have already been built without considering the disability approach.

The Commission recommends that the Ministry of Public Procurement and the Public Contract Regulatory Agency ensure that the disability approach is systematically taken on

¹⁰ See John Rawls, *Justice as Fairness, A Restatement of the Theory of Justice* (original title: *Justice as fairness, A Restatement*, The Belknap Press of Harvard), trans. Bertrand Guillaume, Paris, La Découverte/Nouveaux Horizons, 2003, pp. 68, 69 and 70-71.

board in preparing tender documents (DAO) for the construction of infrastructure in Cameroon. Such action should be established as a qualifying criterion in the context of public contracts, as per the provisions of Joint Circular No. 002/LC/MINMAP/MINTP/MINH DU/MINAS of 16 July 2013, relating to the Facilitation of Accessibility for People with Disabilities or Reduced Mobility in the Built Environment.

The Commission recommends that the Ministry of Decentralisation and Local Development, through the regional and local authorities, ensure that disability is considered at the local level by making access to municipalities and transportation possible, and providing signs adapted to persons with disabilities.

The Commission recommends that the Ministry of Higher Education implement the provisions of the Joint Circular No. 08/0006/LC/MINESUP/MINAS of 9 July 2008 on strengthening the admission and supervision of vulnerable persons or students with disabilities in Cameroon state universities.

The Commission recommends that the Ministry of Transport take the necessary measures to strengthen the existing provisions enabling access to public transport for persons with disabilities.

The Commission calls on the Government and all actors in communication to set up teams of sign language interpreters on all national television channels for access to information for the deaf and hard of hearing.

The Commission, for its part, will spare no effort to continue promoting and protecting the rights of persons with disabilities through training workshops, awareness-raising campaigns, advocacy, visiting detention facilities, fact-finding missions, handling complaints and self-initiated investigations.

The Commission also encourages anyone who is a victim or witness of human rights violations and especially of the rights of persons with disabilities to contact it, including through its **toll-free number, 1523.**

Yaoundé, on..... :- 2 DEC 2022

Pour le Président
et par Ordre


Raphaël
Ralega Gana Raphaël
Ministre Plénipotentiaire Hors Echelle