

An Evaluation of The Legal Mechanisms Put in Place to Protect the Rights of Women with Special Needs in Cameroon

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Abstract

Over the past years, protection of the rights of the vulnerable such as women with special needs has been the concern of most international human rights treaties and institutions. In 2008, the UN adopted the Convention on the Rights of Persons with Disability; mandating state parties to take positive measures to ensure proper and effective protection of the rights of the PWDs including women. Cameroon being a party to this treaty hid to the call of the UN put in place legal measures for effective enforcement of the rights of these persons. One of the most important law put in place was the 2010 law protecting this category of persons in Cameroon. Despite the measures taken by the state of Cameroon, it is found that women with special needs still face gross violation of their rights which is a major criticism to the measures taken.

Key words: Women with special needs, vulnerable, Disability, Protection, Rights.

Introduction and Background

One of the hallmarks of a human rights approach is the commitment to protecting the rights of all especially vulnerable persons including women with special needs.¹ Women with special needs exist in all parts of the world, in both developed and developing countries. Vulnerable persons especially women with special needs are human beings like all others who can direct their lives and actively participate in all societal activities and development.² Yet they remain marginalized, discriminated against, stigmatized and ostracized with abject poverty and sometimes at the mercy of others.

It has been indicated that, on an average, and as a group, women with special needs are more likely to experience adverse socio-economic conditions such as lower educational attainment, poorer health outcomes, lower employment and higher rates of poverty than persons without special needs³. The capacities of WWSN's, assets and entitlements are limited by disability – especially where disability intersects with class, sexual orientation, race, gender, and level of education. While situations WWSN's depend on the type of disability, and statuses: class, race and employment history, a majority these women particularly in rural areas languish in poverty.⁴ As a consequence, they are more likely to have limited access to safe housing, food, and health.

The United Nations in order to protect all persons with special needs including women with special needs adopted the Convention on the Right of Persons with Disability⁵. Per it Article 1, the purpose of this convention was to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent rights.

¹Audrey C., "Human Rights protection for Vulnerable and Disadvantaged Groups: The contributions of the U.N Committee on Economic, Social and Cultural Rights", *Human Rights Quarterly*, August 2011, P 683, accessed on the 1 January 2020.

²*Ibid.*

³ Maxwell P. Opoku et al, "Lives of Persons with Disabilities in Cameroon after CRPD: Voices of persons with disabilities in Buea Municipality in Cameroon", *Int J Disabil Hum, Dev*, 2016. P 4.

⁴ Cowen D., "Advancing the Rights of Rural Women with Disabilities in Zimbabwe: Challenges and opportunities for the Twenty First Century", Published PhD Thesis, Faculty of Law, university of South Africa, 2018, p 1.

⁵The 2008 Convention on the Rights of Persons with Disabilities and Optional Protocol.

The Convention on the Rights of Persons with Disability is specific to women and children living with disability. Per Article 6 and 7⁶ states parties must recognize that women, girls and children with disabilities are subject to multiple discrimination, and in this regard must take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

The CRPD is also the first human rights treaty that obliges State parties, including Cameroon to ensure that the human rights of all persons with special needs are respected in the same way as persons without special needs. Per Article 4(1) of the convention⁷ states parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

In response to the call of the UN, Cameroon ratified the CRPD and its Optional Protocols on the 1st of October 2008. As provided in the Cameroon's Constitution of 1996⁸ as amended, the Disability Law No. 2010/002 of April 13, 2010; the Prime Ministerial Decree of July 26, 2018⁹ and other legal provisions, the state offers protection and support in health, social welfare and educational services to people with different categories of disability or special needs in Cameroon: ranging from disadvantaged minority groups; vulnerable women, men, elderly people and children; people at risk of developing or already living with disabilities.¹⁰

Cameroon being a signatory to many international human rights covenants has hid to the call of these conventions and thus taken legal measures for the protection of vulnerable persons particularly women with special needs who have been labelled the most vulnerable in most jurisdictions. This article draws strength from the triple pronged¹¹, and the theory of justice and equality¹² which hold that the state must take all necessary measures to ensure justice and equality within their states while fulfilling it responsibility to protect, respect and fulfil the rights of it citizens. As a follow up of these theories, this article examines the legal measures adopted by the state of Cameroon to protect women with special needs.

Legal Mechanisms Protecting Women with Special Needs in Cameroon

All Persons with disabilities including women must be able to fully enjoy their rights without exemption, distinction or discrimination. These rights have to be recognized and guaranteed by texts and their implementation must be followed by strong and adequate policies, structures and facilities. How is the situation here in Cameroon? This question will be answered through the examination of national law on the protecting persons with disabilities in Cameroon.

Law No. 2010/002 of 13 April 2010.

The provision of this law repeals Law No 83/13 of 23 July 1983 on the protection of disabled persons. Per section 1, this law relates to the protection and welfare of persons with disabilities and aims at:

- The prevention of disabilities;
- Social, economic and psychological rehabilitation and integration of persons with disabilities;
- Promotion of solidarity in favor of persons with disabilities.¹³

The 2010 law in order to better conceptualise protection for persons with disability defines disability and person with disability respectively as:

Disability: limitation of a person's disability, due to a deficiency, to fully participate in an activity in a given environment;

⁶ *Ibid*

⁷ *Ibid.*

⁸ Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June, 1972.

⁹ This Decree lays down the procedures for implementing Law No. 2010/02 of April 13, 2010 on the protection of persons with disabilities and older persons.

¹⁰ Shey P. F., "Education in Cameroon: Students' with Disabilities Perceptions on Inclusive Practices at the University of Buea, Cameroon", *Greener Journal of Education and Training Studies*, Vol. 4 (1), 2018, pp. 19-28.

¹¹ This theory is postulated by Henri Shue who imposes the duty to protect, respect and fulfil human rights of citizens on the state.

¹² John Rawls and Dworkin hold that each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.

¹³ See Law No. 2010/002 of 13 April 2010.

Person with disability: any person who is unable to fulfil by themselves all or part of the requirements of a normal personal or social life, as a result of a physical or mental disability, be it of birth or otherwise.¹⁴ As stipulated by Section 3¹⁵, the term “person with disability” shall apply to persons with physical, mental and multiple disabilities .

This law makes provision for rehabilitation of persons with disability; by holding that rehabilitation shall be aimed at enabling persons with disabilities to attain or maintain an optimal physical, sensory, intellectual and psychological functional level and, as such, at providing them with the means to acquire greater autonomy.¹⁶

Looking at how good the above provision is framed, one can only wish that it is implemented as stated. However, a telephone interview with Ambe Wilta a woman with physical disability revealed the contrary. She stated that ‘ ‘ in my entire life I am a physical challenged person I have never head of social workers coming give us any psychological or social support . We only hear of such on TV and other communication Medias’’. Wilta who has an LLB in Law from the University of Bamenda sounded very bitter as she concluded that little or nothing is done by the state to cater for women with special needs.

The 2010 Law further provides that persons with disabilities in extreme poverty who cannot live lives and who require medical supervision and ongoing treatment for their health condition shall receive disability benefits. To buttress this, the law provides that the family of persons mentioned in section 19(1) shall be entitled to social and technical assistance.¹⁷

Notwithstanding this provision which seems very attractive on the face of it, the observations of the researcher when carrying out field work proved the contrary. The researcher visited a number of women with special needs in several quarters in Bamenda and their environment were not the best. The researcher observed an environment that lacks virtually in all aspect of their lives; food and other basic necessities. The sanitation of these areas were not the best. An interview with many of them was contrary to the provision of section 19(1). Madam Anna a woman with cerebral palsy revealed that they had never received any allowance as purported by the law. She said they often receive such support from individual well-wishers not the government.

The plight of students with Disability are enormous and it is important for the state to take proper measures to ensure their proper and complete integration into the educational system.

The law makes a huge proclamation mandating all buildings whether public or private to be constructed taking into the account the needs of persons with special needs. The state when carrying out renovation or major transformation works on buildings, existing government or private buildings and facilities open to the public to facilitate access and use by persons with disabilities.¹⁸

The sad thing about a number of laws in Cameroon is that there are hardly implemented. Observations from many universities in Cameroon prove contrary to this provision. Classrooms in the University of Buea and Bamenda are not constructed in a way that it is accessible to persons with special needs. Many students with special needs cry out on the daily basis on the inaccessibility of classrooms in Cameroon yet nothing is being done to remedy the situation. “Accessing classrooms in the University of Bamenda is a big problem to me. Many times I failed to attend classes because I could not access the classrooms. With that I fail to earn many attendance marks given by the lecturers. The worst of it all is that lecturers do not listen when you try to explain”.¹⁹ Persons with disability have simply been abandoned to themselves said Ambe Wilta a lady with physical disability. Observations from many universities in Cameroon prove contrary to tis section. Classrooms in the University of Buea and Bamenda are not constructed in a way that it is accessible to women with special needs. Many students particularly women with special needs cry out on the daily basis on the inaccessibility of classrooms in Cameroon yet nothing is being done to remedy the situation. Persons with disability have simply been abandoned to themselves.²⁰

¹⁴ See Section 2 of Law No 2010\002 of 13 April 2010, Relating to the protection and Welfare of Disabled Persons.

¹⁵ 2010 Law. *Op cit*.

¹⁶ Section 18 of the 2010 Law.

¹⁷ See section 19(1) (2) (3) of the 2010 Law.

¹⁸ See section 33(1) (2) (3) of the 2010 law.

¹⁹ Interview with Mafo Gloria, a student with vision impairment, University of Bamenda.

²⁰ Interview with Ambe Wilta a woman with Physical Disability.

Not just in the educational sector, but many public buildings in Cameroon such as hospitals are inaccessible to persons with disability.

The 2010 lays more emphasis on the education of persons with special needs by providing that they shall be entitled to preferential treatment, in particular through an age waiver during recruitment into government or private jobs when competing with non-handicapped persons, where the position is compatible with their condition. With equal qualifications, priority in recruitment shall be given to persons with disabilities. The law also provides that disability shall be no reason for rejecting their application or discriminating against persons with special needs in general²¹

Irrespective of this provision, women with disability face the greatest challenges in the employment sector. One interviewee revealed that:

“many times when I go for an interview, I find it difficult to access the building and end up not attending the procedure. I have not been able to secure a job since I graduated because of my condition. Employers look at my disability as an inability to function as an abled person. This situation is really deteriorating”.²²

Women with special needs are often being abused when seeking for a job. A woman with physical impairment reported that:

“one time I applied to volunteer in one office in Bamenda and was called for interview. When got to the office, first I could only access it with the help of a security guard who was present as the hall had stairs. When I got in the manager locked the door behind me and wanted to sexually harass me but God being so kind the guard knocked the door to collect a broom. The manager openly told me if I must secure the position I had to agree to his demands”.²³

Decree No 2018/5233 of 26th July 2018

Fixing the procedures for the application of Law N° 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities in Cameroon.

This decree lays down the procedures for the application of Law N°. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities.²⁴As stipulated in Article 2²⁵, the provisions of this decree only apply to persons with disabilities holding a National Disability Card and justifying a Permanent Potential Incapacity Rate (IPP) of at least fifty percent (50%).

According to this Decree, the State promotes inclusive education and vocational training for people with disabilities through:

- Introduction to appropriate communication methods allowing them to access normal schooling and vocational training programs
- the development of standards in school, university and vocational training programs for teachers to learn sign language and braille
- the development of traditional public institutions to facilitate access for pupils and students with disabilities in classrooms.²⁶

Article 2 emphasizes that disability is not, in any case, a reason for refusing the admission or registration of a student in a conventional institution or training center.

Per Article 9(1), poor and needy persons with disability shall receive support for education and vocational training through;

- total or partial exemption from school and university fees
- the granting of scholarships;
- the granting of subsidies for the purchase of didactic equipment for the supervision of disabled people with special educational needs.

²¹ Section 33(1) (3) of the 2010 Law.

²² Interview with Ngeh Juliet a women with physical impairment.

²³ Interview with Amba Wilta, a woman with physical impairment.

²⁴ Article 1 of Decree no 2018/5233 of 26th July 2018 fixing the procedures for the application of Law n° 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities in Cameroon.

²⁵ Decree no 2018/5233, *Op cit.*

²⁶ Article 1 of Decree no 2018/5233 of 26th of 26th July 2018.

Such assistance shall also be extended to pupils and students born to poor and needy disabled persons.²⁷

In case of recruitment, the Decree provides that priority shall be granted to disabled persons; and disability shall in no circumstance be the basis for rejecting a job seeker.²⁸ Article 15 further provides that no worker who suffers from a disability that may hinder the continuation of his or her work should be dismissed. The employer should reassign him to a different duty that suits his or her disability.

According to this Decree, the State shall take all necessary measures to facilitate the accessibility of people with disabilities to public and private buildings and institutions opened to the public.²⁹

At the time of renovation or maintenance, existing buildings and facilities, public or private, open to the public, shall be re-designed to facilitate access and use by persons with disabilities.³⁰

Irrespective of the provisions of this law, observations proof that majority of women with special needs are unemployed. From the various interviews conducted, the study noted most women with special needs were unemployed and survived on incomes gotten from begging, petty businesses, and assistance from relatives and well-wishers. Simo³¹ revealed that 75.52% of PWD in Cameroon are in self-employment despite being economically viable. While in self-employment, women with special needs face challenges of stigma and prejudice which largely prevent customers from using their services.³² In addition, the researcher uncovered varied factors that result in high numbers of unemployed women with special needs. One factor behind this remains their limited education and professional skills. One woman with special needs explained that:

I have never worked in a professional job myself, because I am not educated... I dropped from school in class 7 due to my parents failing to pay school fees and ... So, I don't expect to get a professional job because I don't have a profession.³³

Most women with special needs have low levels of education as their parents were unable to send them to school. To some of these parents, those children will not be able to give the family a better living by getting good jobs in the future. Some of these women reported that their parents were overprotective of them to the level that they were not allowed to go to school. These parents thought their girls with special needs are most vulnerable, thus they were not sent to school in the pretext of protecting them from widespread stigma in such institutions of learning. Women with special needs are less likely to be referred for vocational training and universities for professional training.³⁴ These sentiments were revealed by a woman with special needs who uttered that:

"I had four subjects at the ordinary level, but my parents had no money for me to continue to high school. I tried looking for scholarships, but could not get one."³⁵

Other studies on rights of persons with special needs indicate that youths with disabilities find it particularly difficult to be enrolled for professional trainings and apprenticeships³⁶. Without professional training, the opportunities of women with special needs are limited in society and they end up relying on begging, support, and donations from government and well-wishers. Thus, persons with special needs especially women lose on the chance to develop to their full potential and fail to integrate into society.³⁷

Even in some few cases where women with special needs have the required skills and qualifications, they find it difficult to be employed owing to explicit and implicit discrimination and misconceptions by employers.³⁸ Indeed, most employers doubt the capabilities. Worst still, these women face inaccessible work environments, limited employment opportunities, and face challenges in accessing job adverts and other job-

²⁷ Article 9(2), *Op cit*.

²⁸ See Article 14(1)(2), *Op cit*.

²⁹ See Article 18(1), *Op cit*.

³⁰ Article 18(2).

³¹ Simo F.A, "Disability and Labour force participation in Cameroon", 2012, accessed on the 20th of March 2021.

³² *Ibid*.

³³ Interview with Akwo Blessing a woman with hearing impairment.

³⁴ ILO, Global Employment Trends for Women, 2007.

³⁵ Interview with Tetsu Fanny, a woman with physical impairment.

³⁶ Groce et al, "Disability and Poverty: the need for a more nuanced understanding of implications for development policy and practice", 2011.

³⁷ Cowen D., "Girls with Disabilities in Zimbabwe's Inclusive Rural Schools: Challenges and Possibilities", 2013, p. 6.

³⁸ *Ibid*.

related information in disability-friendly formats.³⁹ Employers tend to view disability as a biological condition, rather than looking at the disabling working environments which are part of the social environment. Based on this medical model, employers are not concerned with improving the work environment for women with special needs to be effective workers but rather exclude them as useless workers.⁴⁰ An interview with Glory revealed the problem of limited opportunities:

“I hold a Degree in History, but it has been 3 years now and I am yet to get a job in either a private or a government school... several attempts to get a teaching positions in various schools have failed.....yet half of my sighted classmates are now working.”⁴¹

Most women with special needs in Cameroon are poverty-stricken and face adversity due to geographic isolation and the lack of economic activity. Cameroon has been going through socio-economic and political crisis in recent years as a result of poor governance. These crisis has resulted in the shutdown of many companies and industries that used to employ people in both rural and urban areas. These crisis has also resulted to recruitments being frozen. This freezing of recruitment in civil service has increased the level of unemployment. In 2019, Cameroon’s unemployment level was estimated at 3.34%⁴². With the increase in graduates every year, it becomes more difficult for women with special needs graduates to compete in the labour market. Evidence from a survey carried out in 51 countries shows low employment rate of 19.6 percent for this category of women as compared to 29.9 percent for non-disabled women⁴³. Without policies that emphasis on inclusion of this group will continue to face challenges in the employment sector

Decree No 2010/0243 / PM of the 26th of February 2010.

This law lays down conditions for the exercise of powers transferred by the State, to councils relating to the allocation of aid and relief to the underprivileged and the needy. Per Article 1 this decree determines the manner in which councils exercise, beginning from the fiscal year 2010, the powers transferred to them by the State relating to the allocation of aid and relief to the underprivileged and the needy. The role shall be exercised by councils in strict compliance with applicable legal and regulatory provisions.⁴⁴

According to Article 5 Councils allocate, as the case may be, two (02) types of aid and relief:

1. Aid and first-aid related to meeting the needs arising from any situation calling for immediate or one-time public welfare support;
2. Durable aid and relief related to social cases requiring sustained public support.

The allocation of aid and relief to the destitute in the community is subject to prior social inquiry conducted by a social worker from the social center or from the social action service located in the jurisdiction of the council.⁴⁵ Per the 2010 Decree, the following are considered poor and needy:

1. People with physical, mental, visual, phonetic and hearing disabilities;
2. Persons living with multiple disabilities.

As stipulated by Article 11, the State has the duty to ensure the survival, control and evaluation of the exercise of powers transferred to councils relating to the allocation of aid and relief to the underprivileged and the needy. This is to ensure that the funds or material adds are not misused, mismanaged or misappropriated. The state checks all activities carried out by councils in the regard to ensure accountability.

Although Per the Decree of 2010⁴⁶ and Article 19 of the 2010 law⁴⁷, the state offers aid and relief to the poor and needy persons with disability and their families, both long term and short term relief which to the researcher’s understanding means offering financial and other support to better the life women with special needs and their families, the poverty levels of women with disability in Cameroon is at its peak. Destitute

³⁹ Mizunoya S. and Sophie Mitra, “ Is there a Disability Gap in Employment Rates in Developing Countries?”, 2013. *World Development*, vol. 42, issue C, 28-43.

⁴⁰ Cowen D, *Op cit*.

⁴¹ Ntoh Sharon, a women with hearing impairment.

⁴² Plecher H., Unemployment rate in Cameroon, February 2020, accessed on the 23rd of March 2021.

⁴³ Cowen D, *Op cit*.

⁴⁴ Article 3(1) of Decree No 2010/0243 / PM of the 26th of February 2010

⁴⁵ Article 4(1), *Ibid*.

⁴⁶ *Ibid*.

⁴⁷ Law No. 2010/002 OF 13 April 2010.

women with disability as the law puts it live in abject poverty with no sign of support coming from anywhere; not from the government and not from individuals. The situation of these group of persons is a sad one.

Mami Caro a woman with disability in Bamenda said:

“Because of poverty I no be fit go school or even do some small business for take care of myself and my family”.

From observation, Mami Caro lived in a very deserted and isolated environment with her four kids and no sign of hope for a better future. This is just proved that poverty is one of the many problems faced by women with disability in Cameroon notwithstanding the existence of many laws and institutions which provide for the protection of this category of persons.

Conclusion

After a critical examination of the legal measures taken to protect the rights of women with special needs in Cameroon, one conclusion can be arrived at; that these women live in total disregard of their rights, they are being marginalized and discriminated against due to their sex and their conditions of disability. They experience adverse socio-economic conditions such as lower educational attainment, poorer health outcomes, lower employment and higher rates of poverty than persons without special needs⁴⁸.

The failure to properly protect women with special needs in Cameroon is occasioned by Challenges or shortcomings that explicitly or indirectly influence the proper application of laws and regulations. One of these challenges which has been widely criticized by authors include weak human rights language. The language used by international conventions such as the ICESCR has been criticized for being weak and void with scepticism.

Protection of the rights of the vulnerable is an important issue at the international level. Despite being mandated to take measures, findings reveal that the legal mechanisms adopted in Cameroon to protect women with special needs have failed to live up to expectation.

Recommendation

It is recommended that the compliance of all disability-related legislation with the CRPD and the Constitution be reviewed (monitored and evaluated) on an annual basis. This requires a frequent analysis of the Disability Law No. 2010/002 of April 13, 2010⁴⁹ and other laws which should include relevant provisions on the rights of women with special needs, most importantly, a human-rights-based approach to disability. Similarly, the laid down laws on disability should protect WWSNs' economic, social, and political rights and freedoms, such as the right to education, health needs and services, knowledge, and opportunities for involvement in society, as well as protection from abuse.

It is also recommended that both state and non-state actors should be involved in the implementation of disability policies to ensure and facilitate a drastic and significant shift from the harmful and obsolete charity and medical models of disability. The human rights approach and the feminist approach to disability places the burden of disability on the person and considers WWSN's as equal human beings with rights. The human rights and feminist disability strategy, in theory, empowers WWSN's and allows it to move forward. There is also the need to raise awareness on disability rights throughout the nation. In addition, it is important to educate the entire community, including schools, churches, and traditional leaders to see women with special needs as human beings whose rights must be protected and respected. These efforts can aid in improving society's acceptance of WWSN's as equal human beings whose dignity is also of importance.

⁴⁸ Maxwell P. Opoku et al, “Lives of Persons with Disabilities in Cameroon after CRPD : Voices of persons with disabilities in Buea Municipality in Cameroon”, *Int J Disabil Hum, Dev*, 2016. P 4.

⁴⁹ This Decree lays down the procedures for implementing Law No. 2010/02 of April 13, 2010 on the protection of persons with disabilities and older persons.

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