



GRIFFITH COLLEGE DUBLIN

**LLM Dissertation Submission Cover Sheet**

**Student name:** Anjeh Kelton Fongang

**Student number:** 3120804

**Dissertation title:** The Protection of the Rights of Persons with Impairment in the NW and SWR of Cameroon: An Evaluation of the Legal Frameworks

and the Impact of Terminological Shifts from 'Disability' to 'Impairment' on Social Perception, Policy, and Inclusion Practices

**Supervisor's name:** Dr. Jean Molloy

**Supervisor's signature:** 

**Plagiarism disclaimer:**

*I understand that plagiarism is a serious offence and have read and understand the college's policy on plagiarism and that my dissertation will be checked for plagiarism through TURNITIN. I also understand that I may receive a mark of zero if I have not identified and properly attributed sources which have been used, referred to, or have in any way influenced the preparation of this dissertation, or if I have knowingly allowed others to plagiarise my work in this way.*

*I hereby certify that this dissertation is my own work, based on my personal study and/or research, and that I have acknowledged all material and sources used in its preparation. I also certify that the dissertation has not previously been submitted for assessment and that I have not copied in part or whole or otherwise plagiarised the work of anyone else, including other students.*

**Signature of student:**  **Date:** 07/08/2024

**Note to LLM students:** You **MUST** submit TWO HARD-BOUND COPIES + A COPY ON MOODLE. You **MUST** retain the receipt issued to you as proof of submission.

**FOR OFFICE USE ONLY:**

**No. of copies received (please tick):** 2 x hard-bound \_\_\_\_\_

**Confirmation from student that soft copy submitted on Moodle:** Yes \_\_\_\_\_

**Date:** \_\_\_\_\_

**Received by: Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Page Title**

The Protection of the Rights of Persons with Impairment in the NW and SWR of Cameroon:  
An Evaluation of the Legal Frameworks and the Impact of Terminological Shifts from  
'Disability' to 'Impairment' on Social Perception, Policy, and Inclusion Practices.

Research dissertation presented in partial fulfilment of the requirements for the degree  
of LL.M in International Human Rights Law (QQI)

Law School, Griffith College Dublin

**Fongang Anjeh Kelton**

LL.B (Hons) Law

Post Graduate Diploma International Law University Of Yaounde II( Soa)-Cameroon

LL.M Human Rights and Development University of Buea-Cameroon

2024



## **Acknowledgment**

My profound gratitude goes to the following personalities:

The Government of Ireland for awarding me with a Scholarship opportunity (GOI-IES).

My supervisor Dr. Jean Molloy for her relentless support throughout this thesis. I must confess that it was a great privilege to have been supervised by one of the most erudite law lecturers of her caliber; it was indeed a rare honor working with her for she took upon herself to read my work on several occasions and made valuable suggestions thereto.

Dr. Ruhi Anan, for all her advice on career growth and encouragement

My fantastic study group mates Gweiman, Murphy, Fatima and Anita

My sincere gratitude to the entire Law Department for all their assistance and exposure. I say Thank You.

Lastly to my amazing Family, especially my Lovely Mom: Anjeh Deborah, Fongang Milton, Fongang Landis, Fongang Vatis and Fongang Caston.

## TABLE OF CONTENTS

<b>Page Title .....</b>	<b>i</b>
<b>Candidate Declaration.....</b>	<b>ii</b>
<b>Acknowledgements .....</b>	<b>Error! Bookmark not defined.</b>
<b>LIST OF ABBREVIATIONS .....</b>	<b>vii</b>
<b>ABSTRACT: .....</b>	<b>viii</b>

### CHAPTER ONE

1.0 INTRODUCTION .....	1
1.1 The Title of the Research Topic .....	1
1.1.1 Central Research Question.....	1
1.1.2 Specific Research Questions .....	1
1.2 Aims and Objectives .....	2
1.3 Methodologies .....	2
1.3.1 Socio-Legal Research.....	2
1.3.2 Doctrinal Research Methodology.....	3
1.4 Academic Literature .....	3
1.5 Structure of the Research.....	5
1.6 Contribute to Existing Knowledge .....	6

### CHAPTER TWO

#### **Disability and Impairment: A Separate Concept to Determine a Change of Terminology from Disability to Impairment**

2.0 INTRODUCTION .....	7
2.1 Overview of Disability and Impairment and the Importance of Understanding the Historical and Contemporary Perspectives.....	7
2.2 Historical Usage of Disability .....	8
2.2.1 The medical model of disability (MMD). .....	10
2.3 Contemporary Usage of Disability.....	12
2.3.1 Social Model of Disability (SMD) .....	12
2.3.2 Human Rights-Based Approach to Disability .....	15
2.4 Justifiable Facts of Terminological Shift from 'Disability' to 'Impairment' drawn from Comparable Analysis by Scholars of Disability and How it Influences an Inclusive Society for Persons with Impairment.....	15

2.4.1 Redefining Disability .....	15
2.4.2 Criticism of Social Model. ....	18
2.5 Potential Benefits Potential Benefits of Terminological Change from Disability to Impairment.....	20
2.5.1 Reduced Stigmatization.....	20
2.5.2 Fostering Inclusivity and Equality .....	20
2.5.3 Facilitate Policy Development to Improve Access to Information in Educational Curriculum .....	20
2.5.4 Support for Human Rights-Based Approach .....	21
2.6 Implications of Shifting Terminology from 'Disability' to 'Impairment' in Legal, Policy, and Social Contexts .....	21
2.6.1 Legal Implications:.....	21
2.6.2 Social Implications:.....	21
Conclusion .....	22

### **CHAPTER THREE**

#### **The Legal Frameworks For The Protection of the Rights of Persons With Impairment.**

3.0 INTRODUCTION .....	23
3.1 International Legal Framework Protecting Persons with Impairment.....	23
3.1.1 Convention on the Rights of the Child 1989.....	23
3.1.2 Convention on the Rights of Persons with Disability (CRPD) 2006 .....	24
3.2 Regional Legal Framework Protecting Persons With Impairment.....	31
3.2.1 African Charter on Human and Peoples' Rights 1986 (ACHPR).....	31
3.2.2 The African Charter on the Rights and Welfare of the Child 1999 .....	31
3.2.3 The Protocol to the African Charter on Human and Peoples' Rights of Women in Africa 2003.....	32
3.2.4 The African Youth Charter 2006 .....	33
3.3 National Legal Framework Protecting Impaired Persons.....	33
3.3.1 The Cameroon Constitution .....	33
3.3.2 Law No 2016/007 of 12 July 2016 relating to the Cameroon's Penal Code.....	34
3.3.3 Law No 2010/002 of 13 April 2010 on the Promotion and Protection of the Rights of Impaired Persons .....	35
3.3.4 Decree No 2018/6233 of 16 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 Impairment in Cameroon. ....	36
Conclusion .....	38

## **CHAPTER FOUR**

### **The Socio-Political and Economic Challenges faced by Persons with Impairment Through the Violation of their Rights in Achieving an Inclusive Society in the NW/SWR of Cameroon.**

4.0 INTRODUCTION .....	39
4.1 Systemic Challenges .....	39
4.1.1 Infrastructural Challenges and Societal Attitudes Towards PWI.....	39
4.1.2 Challenges Faced in Public Transportation.....	41
4.1.3 Exposure to Low Living Standard .....	43
4.1.4 Stigmatization from family members- Lack of Family Support. ....	45
4.1.5 Challenges Related to Employment .....	46
4.1.6 Emotional Challenges .....	48
4.1.7 Gender Inequalities and Unique Challenges of Women with Impairment .....	50
4.1.7.1 Sexual Assault and Exposure to HIV .....	50
4.1.8 Barriers to Accessing Education .....	51
4.1.8.1 Challenges Faced by Learners with Mobility Impaired (LWMI).....	53
4.1.8.2 Failure to Provide Accessible Education for Learners with Hearing Impairment	54
4.1.8.3 Failure to Provide Accessible Education to Visually Impaired Students .....	55
4.1.9 Public Information and Communication Barriers .....	56
Conclusion .....	57

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION**

5.0 INTRODUCTION .....	58
5.1 SUMMARY OF FINDINGS .....	58
5.3 RECOMMENDATIONS.....	60
BIBLIOGRAPHY.....	65

## **LIST OF ABBREVIATIONS**

ACHPR	African Charter on Human and Peoples' Right
ACRWC	African Charter on the Rights and Welfare of the Child
AYC	African Youth Charter
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labor Organization
IWI	Individuals with Impairments
LWI	Learners with Impairment
MIPs	Mobility Impaired Persons
MMD	Medical Model of Disability
NW	North West
PWI	Persons without Impairment
SMD	Social Model of Disability
SWR	South West Region
WHO	World Health Organization
WWI	Women with Impairment
YPWI	Young Persons with Impairment

## **ABSTRACT**

In Cameroon, the level of discrimination accorded to people with impairments by those without impairments is alarming, which has called for concern. However, the protection of the socioeconomic and political rights of people with impairments is critically examined in this thesis. These rights are protected by several international, regional, and local Legal frameworks. In addition, the numerous difficulties faced by this vulnerable population have worsened due to the ineffectiveness of the laws, which further reduces the level of protection that is granted to people with impairments in Cameroon and the North West and South Regions (NW and SWR) in particular. Moreover, this dissertation aims to evaluate the current legal protections for persons with impairment in Cameroon while examining how violation of their rights creates barriers that challenge their daily activities and make them appear vulnerable. In addition, the findings of this research reveal the negative attitude, that society has toward “Persons living with Disability” is because of the term ‘Disability’, judging from the definition drawn by the Social Model of Disability to mean “Inability”, which is why the public feels reluctant to safeguard the respect of their dignity. For this reason, the research proposes a more inclusive terminology (Impairment). A term that was commonly used by the Medical, Social, and scholars of Disability. This is why the research analyzed concrete distinctions between Impairment and Disability, treating them as separate concepts. This inclusive strategy will help transform people’s attitudes towards Persons who are living with temporal or permanent impairment and strengthen cordial relationships between impaired and non-impaired individuals. This will be a positive force to reduce discrimination, and stigmatization and enhance the integration of persons with impairments in various societal sectors. Thus, the thesis did employ both primary and secondary sources of information, with the use of textbooks, journal articles, case law, and legislation to provide a concrete analysis of the research.

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

This chapter will provide an overview of the research topic, outlining the significance of protecting the rights of persons with impairments in Cameroon. It will include 1.1 The Title of the Research Topic, 1.2 Research questions where questions will be raised on the evolution of disability terminology, the distinction between 'disability' and 'impairment,' and a possibility for a shift from disability to impairment, the legal framework protecting their rights, and the barriers that challenge their inclusion when those rights are violated. The chapter will also establish the research methodology, Aims, and objectives of the dissertation, the structure of the research, and how the research is going to impact society positively.

### **1.1 The Title of the Research Topic**

The Protection of the Rights of Persons with Impairment in the NW and SWR of Cameroon: An Evaluation of the Legal Frameworks and the Impact of Terminological Shifts from 'Disability' to 'Impairment' on Social Perception, Policy, and Inclusion Practices.

#### **1.1.1 Central Research Question**

‘To what extent will the Legal framework and a change of terminology (Disability to Impairment) influence the protection of the rights of Persons with Impairment despite the environmental challenges in NW and SWR of Cameroon?’

#### **1.1.2 Specific Research Questions**

- Firstly, Will the distinction between Disability and Impairment help determine a Change of Terminology from Disability to Impairment?
- How effective are the legal Frameworks for the protection of the Rights of PWIs in Cameroon?
- What constitutes the Socio-political and Economic challenges faced by Persons with Impairment in achieving an inclusive society in the NW/SWR of Cameroon: Are the Violation of their Rights a reason for these Barriers?
- Which proposed measures should be set up to ameliorate the difficulties faced by PWIs in Cameroon?

## **1.2 Aims and Objectives of the research**

This project intends to recognize and identify the distinction between impairment and disability and showcase the stereotypical nature behind the term “disability and how it has encouraged discrimination by persons without impairment. The research also investigates the practical implementation of laws and policies intended to safeguard the rights of individuals who have impairments in Cameroon. At the same time emphasizes the effectiveness and availability of enforcing mechanisms in place to ensure the practical implementation of laws protecting the rights of persons with impairments. Next, this thesis also identifies and analyzes the reason for the barriers that challenge their daily activities faced by persons with impairments in accessing social integration, including discrimination, lack of awareness, and inadequate support services to ease their integration by creating accessible means of transportation, education, and employment opportunities. Lastly, the thesis will propose strategies to promote public awareness and advocacy for the rights of persons with impairments, aiming to reduce stigma, and discrimination, and promote a more inclusive society for everybody.

## **1.3 Methodologies**

The research adopted the qualitative research methodology and the method that applies are Socio-Legal Research and Doctrinal Research Methodology.

### **1.3.1 Socio-Legal Research.**

Through this methodology, the research was able to understand the social reality of PWIs when it comes to the violations of their rights. This aids in examining the interaction between legal rules and social factors, aiming to understand how the law operates in practice and its impact on the lives of persons with impairments and society in general. Again, the thesis analyses the prevailing stereotypes behind the term “Disability”, and a clear difference with Impairment, a detailed examination of the social context of Impairment in Cameroon to create a comprehensive understanding of the challenges and opportunities for enhancing the protection of their rights in the aforementioned two regions in Cameroon. To know how societal attitudes, cultural norms, and power relations shape the experiences of persons with impairments in my country.

Thus, the thesis desires to contribute to the development of sustainable policies that address the evolving needs and challenges faced by persons with impairments in Cameroon to build an inclusive society.

### **1.3.2 Doctrinal Research**

Through this research methodology, the thesis assessed the legal and institutional framework concerning the rights of persons with impairments at the Global, Regional, and National levels. Thus, the thesis presented a broad and impartial viewpoint using textbooks, journal articles, case laws, and legislation, clearly understanding the rights enshrined in these legal and institutional frameworks guaranteeing their protection. The research further measured a thorough knowledge of the legal rights and obligations related to the well-being of persons with impairments in the NW and SWR of Cameroon, which will enable the researcher to identify the prevailing gaps, ambiguities, and inconsistencies in the legal framework and practical measures.

### **1.4 Academic Literature**

Michael Oliver's<sup>1</sup> book is a comprehensive exploration of disability issues. It delves into both personal experiences and theoretical understandings, addressing key themes that have emerged over the past two decades. Such that, the book examines the core principles underlying disability, shedding light on its practical and political challenges. Furthermore, Oliver discusses the social model of disability, emphasizing the impact of societal structures and attitudes, and urges for a perspective on creating an inclusive society through education. This material is relevant to this work as it focuses on the fact that the social barrier causes challenges to PWI but goes further to express that the barriers are not just the reasons for social exclusion rather, the public has refused to implement the laws that protect the rights of PWI. Thus, each violation generates a barrier.

In addition, Dimitris Anastasiou and James Kauffman<sup>2</sup> In their work "The Social Model of Disability: Dichotomy between Impairment and Disability," according to the critique of the social model of disability, their work makes a clear distinction between "impairment" (physical or mental conditions) and "disability" (the social barriers and oppression faced by people with impairments). Supporters of the social model argue that society is the main cause of disability because it isolates and excludes people with impairments. Anastasiou and Kauffman argue that this model focuses too much on social issues and does not pay enough attention to the actual physical or mental conditions that people have. This thesis also reiterates on the difference

---

<sup>1</sup> Micheal Oliver, *Understanding Disability: From Theory to Practice* (2nd edn Basingstoke: Palgrave Macmillan 2009).

<sup>2</sup> Dimitris Anastasiou and James Kauffman, 'The social model of disability: dichotomy between impairment and disability. (2013) 38(4) *Journal of Medicine and Philosophy* 441.

between impairment and disability, but the author desires such distinction to establish a reason for a change of terminology from Disability to Impairment.

Micheal Oliver<sup>3</sup>, The author is elucidating the social model of disability, a paradigm they pioneered and introduced globally. The model has exerted significant influence, however presently, individuals predominantly engage in discussions about it without implementing tangible measures. with periods of economic prosperity, this was not a significant problem. However, with the current economic recession, numerous individuals classified as "disabled" are experiencing a loss of their benefits and services. The research's objective is to elucidate the definition and advantages of the social model for individuals with disabilities. In addition, they discuss the unjust critiques of the paradigm and the detrimental effects they have had on "individuals with disabilities".

Similarly, this thesis was inspired to propose a change of terminology and properly investigate the reason why PWI experiences widespread condemnation and discrimination from the public despite the presence of legal frameworks and the writings of Micheal Oliver. Thus, this study answers most of the frustrations Micheal Oliver raises from his work and seeks to propose concrete solutions to the problems PWI faces today.

Maxwell's study looked at the lives of disabled people in Buea Municipality. The study talked to 36 people with different disabilities, including hearing, vision, and physical impairments. The findings showed that disabled people still face many problems because there aren't enough inclusive policies. These problems include being left out of education, jobs, and healthcare. The study highlighted the need for Cameroon to create inclusive policies to help improve the lives of "disabled people" in Buea.

However, this thesis is relevant to this work because it presents the challenges faced by persons with impairment. Despite this, the thesis goes forward to identify the reasons PWI faces environmental obstacles. The research further addresses the fact that the term "disability" is the main reason why the state and public are unwilling to safeguard the rights of PWI.

Tom and Nicholas<sup>4</sup>, In their paper Tom Shakespeare and Nicholas Watson discuss the debates in Britain about the social model of disability. They argue that it is time to move beyond this

---

<sup>3</sup> Micheal Oliver, 'The social model of disability: thirty years on' 28(7) *Disability & Society* 1024.

<sup>4</sup> Tom Shakespeare and Nicholas Watson, 'the social model of disability: an outdated ideology' (2002) 2 *Research in Social Science and Disability* 9.

model. One main criticism is that the social model focuses too much on societal barriers and doesn't pay enough attention to the actual impairments individuals have. They also point out that the model separates impairment (the physical condition) and disability (the societal barriers) too strictly, ignoring how these aspects are connected.

Even though this thesis focuses on both social barriers and impairment, it laments on the fact the stereotype and prejudice PWI face today because some scholars like Tom Shakespeare and Nicholas, advocate for a correlation between impairment and disability. This material sought to distinguish these two terms and treat them separately to propose a change of terminology.

### **1.5 Structure of the Research**

Chapter 1 focuses on an overview of the entire project ranging from the Title of the Research Topic and research questions where questions will be used as the headings of subsequent chapters of the research.

Next, Chapter 2 conducts a comprehensive analysis of the difference between Disability and Impairment. It provides an overview of both concepts and the Importance of understanding the historical and contemporary perspectives of disability, by making an in-depth understanding of the Medical model of disability, the social model, and the human rights-based approach to disability. The focus of this chapter is to establish and analyze justifiable and substantial differences between Disability and Impairment by scholars of Disability, which support sustainable reasons for a possible Terminology shift from 'disability' to 'impairment' as a gateway to influence an inclusive society for persons living with different forms of Impairments.

Also, Chapter 3 examines the existing legal framework in Cameroon that pertains to the rights and protection of persons with impairments. It analyses national laws, and regional regulations within Africa as well as Cameroon's commitments under international treaties and conventions, such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD), their effectiveness and enforcement of these legal provisions are critically evaluated and the fact the term “Disability” also help in promoting such violations.

Chapter 4 evaluates the lack of attention and support from both the general public and the state that has a detrimental impact on their social, economic, and political inclusion. This chapter focuses on the fact the negative attitudes towards PWI including the violation of each right emerge a barrier that causes severe challenges or limitations as Persons with Impaired Persons

(PWI) will appear vulnerable and needy within the North West and South West Regions of Cameroon. the conclusion remarks that such violation and lack of societal attention for PWI is because people have an unchangeable stereotype of the term “Disability”, which many interpret as “Inability” and “Invalid”. For this reason, they are careless and pay very little or no attention to the plights of PWI.

Finally, chapter 5 This chapter elaborates on the summary of findings of the entire research thesis, conclusion, and some salient recommendations adopted by the researcher that can be interpreted and improve the status and the effective integration of Persons living with impairments. This will empower their rights to vocational training, their rights to employment, and accessibility to facilitate and ameliorate their plights.

### **1.6 Contribute to Existing Knowledge**

First, the research will provide a detailed analysis of the existing legal framework concerning the rights of persons with impairments in Cameroon. By evaluating the clarity, coherence, and effectiveness of these laws, the study will contribute insights into the strengths and weaknesses of the available legal structure and why they are ignored by the general population. The researcher will identify any gaps or challenges in the current legal frameworks and practical measures, which will enable the researcher to propose specific policy recommendations and legal reforms that will improve the inclusion of PWI, boost the relationship between impaired and non-impaired, and adopt a new term for Disabled persons. Lastly, the global community and researchers on Disabilities will understand and make use of the difference between impairment and disability, and have a rethink of the definition given to “Disability”. This will ease social inclusion and prevent discrimination as it shall give everybody access to economic, social, and political participation.

## CHAPTER TWO

### **Disability and Impairment: A Separate Concept to Determine a Change of Terminology from Disability to Impairment**

#### **2.0 INTRODUCTION**

This chapter introduces Disability and Impairment, as separate concepts to determine a change of terminology from Disability to Impairment. It conducts a comprehensive analysis of their differences. The focus of this chapter is to establish and analyze justifiable and substantial differences between Disability and Impairment by scholars of Disability, which support sustainable reasons for a possible terminology shift from 'disability' to 'impairment' as a gateway to influence an inclusive society for persons living with different forms of Impairments. Thus, we shall dwell on 2.1 Overview of Disability and Impairment and the Importance of Understanding the Historical and Contemporary Perspectives, Next, 2.2 Historical and 2.3 Contemporary Usage of Disability, 2.4 Definitive Distinction, 2.5 Justifiable Facts of Terminological Shift from 'disability' to 'impairment' drawn from comparable facts by Scholars of Disability and how it influences an inclusive society for persons with Impairment, 2.6 Potential Benefits Potential Benefits of Terminological Change from Disability to Impairment and 2.7 Implications of Shifting Terminology from 'Disability' to 'Impairment' in Legal, Policy, and Social Contexts.

#### **2.1 Overview of Disability and Impairment and the Importance of Understanding the Historical and Contemporary Perspectives.**

For time immemorial, there has always been a debate about the concepts of Impairment and Disability, whether they are correlated or distinct. This scholarly debate has been the driving force behind the countless discrimination and neglect of persons living with impairment. Nevertheless, Impairment indicates an irregularity or absence in physiological form or function, which can be physical, sensory, cognitive, or intellectual<sup>5</sup>. This includes conditions such as vision or hearing loss, mobility challenges, or memory issues. Impairments can be congenital, acquired through injury or illness, or develop at one age. Meanwhile, Disability involves a broader impact in the context of social and environmental factors. It refers to the

---

<sup>5</sup> Dimitris Anastasiou and James Kauffman, 'social model of disability: dichotomy between impairment and disability' (2013) 38(4) *The Journal of Medicine and Philosophy* 441.

limitations on performing activities due to societal barriers like physical obstacles, discriminatory attitudes, and lack of accessible infrastructure and policies<sup>6</sup>. Conversely, disability and impairment are unrelated terms, each with unique implications. However, different models explain disability in various ways. The medical model focuses on treating or curing individual impairments, whereas the UK social model, in contrast, highlights how societal structures and attitudes disable individuals with impairments, emphasizing the need to remove environmental and attitudinal barriers for full inclusion<sup>7</sup>. Meanwhile, the Human Rights model reaffirms that all human beings are right-bearers irrespective of their impaired conditions.

Moreover, most societies are increasingly adopting a more inclusive approach, recognizing the rights of individuals with Impairment and working to create accommodating environments<sup>8</sup>. This includes not only physical accessibility but also fostering acceptance, providing employment opportunities, and ensuring equal access to education, healthcare, and other services. By addressing both impairment and disability, societies can promote greater equity and social justice for all.

## **2.2 Historical Usage of Disability**

Historically, disability was primarily understood through the medical model, which perceived it as a deficiency or impairment within the person. Commonly used archaic terms such as "crippled," "handicapped," and "invalid" often carried negative connotations, suggesting inferiority, inadequacy, or brokenness<sup>9</sup>. In this outdated framework, disability was viewed primarily as a personal tragedy or a medical condition that needed to be cured or corrected. It suggested that individuals with disabilities were "abnormal" and, consequently, unable to make their own decisions or live independently. This term remained in use through the early 20th century but eventually became disfavoured because of its derogatory connotations and the stigma it carried<sup>10</sup>. Likewise, "handicapped" became the widely used term in social services and legislation during the mid-20th century. This term referred to people who encountered

---

<sup>6</sup> Ibid.

<sup>7</sup> Abberley Paul, 'The concept of oppression and the development of a social theory of disability, Disability' (1987) 1(2) *Disability, Handicap and Society* 5.

<sup>8</sup> Sarah Armstrong, *Deconstructing barriers: The promise of socioeconomic rights for people with disabilities in canada* (University of Pennsylvania Press 2006) 146.

<sup>9</sup> Barbotte, Eric., Guillemin, F, 'Prevalence of Impairments, Disabilities, Handicaps and Quality of Life in the General Population: A Review of Recent Literature' (2001) 79(11) *Bulletin of the World Health Organization* 1047.

<sup>10</sup> Ibid.

barriers or limitations because of their disabilities, mirroring a societal view of impaired individuals as disadvantaged or dependent<sup>11</sup>.

In addition, the term "invalid," originating from the Latin "invalidus" which denotes feeble or unwell, was once widely used to refer to people with chronic illnesses or impairments that prevented them from engaging in normal activities. In the past, the term "invalid" was used to characterize someone who was unable perform usual daily activities due to an illness or impairment. Consequently, the term gained negative connotations as it implies a lack of credibility or value. It lost popularity because it was seen as demeaning to those who have impairments and was linked to helplessness and sympathy<sup>12</sup>.

Similar to the term "crippled" was employed to refer to those with physical "disabilities", particularly those that impacted their ability to move. The term is presently seen as rude<sup>13</sup>. The term has a strong focus on physical impairment and has been used in a negative way to belittle and devalue individuals with impairments.

Meanwhile during the late 19th and early 20th centuries, the term "handicap" began to be employed in sports to denote a disadvantage or imposed condition that was intended to equalize the competition<sup>14</sup>. Subsequently, it was extended to individuals with impairments, implying that they were at a disadvantage<sup>15</sup>. Therefore, the term is subject to criticism due to its associations with being a burden and disadvantage. This suggests that the person is innately less competent, rather than recognizing the obstacles imposed by society.

Starting from the latter half of the 20th century, the adoption of the term "disabled" and "persons with disabilities" began to gain traction. This shift was driven by the influence of the disability rights movement, which is linked to the North American social model of disability and the increasing acceptance of the social model of disability<sup>16</sup>. Progressing alongside the Civil Rights Movement starting in the 1960s, in opposition to racial inequality and prejudice. The principles of civil rights were subsequently extended to address the segregation and

---

<sup>11</sup> Ibid.

<sup>12</sup> Jessica Nina., O'Reilly Michelle, 'Historical and Social Constructions of Disability in the Social, Cultural, and Political Discourses of Autism Education' (2021) 9 *Springer, Dordrecht* 336.

<sup>13</sup> Rembis, Michael, Catherine Kudlick, and Kim Nielsen, 'Introduction', in Michael Rembis, Catherine Kudlick, and Kim Nielsen (eds), *The Oxford Handbook of Disability History* (Oxford Academic 2018).

<sup>14</sup> Jørn Hansen, 'The Origin of the Term Handicap in Games and Sports – History of a Concept March' (2015) 65(1) *Physical Culture and Sport Studies and Research* 1.

<sup>15</sup> Ibid.

<sup>16</sup> R.B Jones, 'Impairment, Disability and Handicap Old Fashioned Concepts?' (2001) 27(6) *Journal of Medical Ethics* 377.

discriminatory treatment of individuals with impairments<sup>17</sup>. According to this perspective, disability is caused by the incapacity of a structured social environment to accommodate the needs and goals of individuals with impairments, rather than by the impaired individual's inability to conform to societal expectations.

These terms highlight a person-first perspective, emphasizing individuals before their “disabilities” and concentrating on societal barriers (Disabilities) rather than personal limitations (impairments). The term "disabled" and "Persons with disabilities" commonly used globally stress the inability of an individual to contribute to societal development, which comes along with discrimination and indicates the need of necessity for societal reforms to enhance inclusivity, through an appropriate terminology that will enhance accessibility and equal opportunities for people with impairment and those without impairment. This change in terminology is part of a larger movement to combat stereotypes, encourage self-determination, and advance social justice and equality for people with impairments.

### **2.2.1 The medical model of disability (MMD).**

The emergence of the medical model in the 19th century marked a shift towards viewing disability through a medical lens. The MMD has been the prevailing paradigm in America and other countries since the 1800s<sup>18</sup>. The scientific and medical developments of the late 19th and early 20th centuries laid the foundation for the medical model of disability. Thus the term ‘impairment’ was more pronounced with the rise of the medical model, which viewed disability as inherent deficits or abnormalities within individuals' bodies or minds that required medical diagnosis and treatment<sup>19</sup>. The model emphasizes the need to cure, fix, or eliminate these impairments through medical diagnosis, treatment, and rehabilitation by healthcare professionals to ensure a high quality of life<sup>20</sup>.

A major focus at this time was using a biological perspective to comprehend human health and illness<sup>21</sup>. Thus, emphasizing diagnosis, treatment, and prognosis, an indication that Impairment can be present from birth or result from accidents, chronic illnesses, or war, varying from mild

---

<sup>17</sup> David Frum, *How we got here : the 70's, the decade that brought you modern life for better or worse* (1st New York, NY Basic Books c2000).

<sup>18</sup> Hugh Middleton, The Medical Model: What Is It, Where Did It Come from and How Long Has It Got?. In: Loewenthal, D. (eds) *Critical Psychotherapy, Psychoanalysis and Counselling* (Palgrave Macmillan, London 2015).

<sup>19</sup> Zosia Zaks, ‘Changing the medical model of disability to the normalization model of disability: clarifying the past to create a new future direction’ (2023) *Disability & Society* 1.

<sup>20</sup> Stephen Bunbury, ‘Unconscious bias and the medical model: How the social model may hold the key to transformative thinking about disability discrimination’ (2019) 19(1) *IJDL* 26.

<sup>21</sup> *Ibid*.

to severe. These impairments can affect a person's appearance in ways society may find unacceptable, impact the functioning of their mind or body, cause pain and fatigue, hinder communication, or reduce consciousness<sup>22</sup>. On this note, it is important to identify the view that an illness can be qualified as an impairment. This was evidenced in the *S.C. v. Brazil*, The Committee on the Rights of Persons with Disabilities (CRPD) determined that individuals with illnesses should not be inevitably exempt from the provisions of the United Nations the Convention's provisions They recognized that a health condition, initially classified as an illness, can evolve into a “disability” due to its prolonged duration or chronic progression<sup>23</sup>. However, examples of impairments include learning difficulties, physical and sensory impairments, facial disfigurement, speech impairments, mental illness, and mental distress<sup>24</sup>. In addition, the individual theory, sometimes referred to as the MMD primarily considers a person's impaired condition as the main reason why they cannot engage in physical or mental activities, gain access to goods and services, or fully participate in society<sup>25</sup>. It presumes that the impairment limits their autonomy, and if doctors are unable to heal or rehabilitate them, they are considered to have limited social participation, which could result in social exclusion. Medical professionals like Marjorie are tasked with rectifying or curing impairments, which can sometimes lead to patronizing or pitying attitudes toward impaired individuals<sup>26</sup>. Therefore, comments such as "he is unable to read the magazine because he's blind" highlight how the Medical Model affects society. Although the model is not necessarily against medical treatment, it tends to emphasize the individual rather than considering broader societal factors.

Unlike disability, which is influenced by societal barriers, impairment pertains to the individual's inherent characteristics. A person with a visual impairment, for instance, has little or no eyesight. If they are, they cannot have access to braille writing to acquire information then there is a barrier to information, creating a disabling environment that may amount to a societal disability. Nonetheless, impairments themselves are not intrinsically harmful or incapacitating. Many people who have impairments might have a blissful life and make major contributions to society. The assistance and modifications that are made accessible to a person with an impairment determine how those limitations affect their functioning and overall well-being. Understanding the distinction between impairment and disability is crucial for

---

<sup>22</sup> Dudee Chiang, 'Enabling the Disadvantaged' (1994)13(3) *Medical Reference Services Quarterly* 69.

<sup>23</sup> *SC v Brazil* CRPD/C/12/D/10/2013.

<sup>24</sup> Dudee Chiang, 'Enabling the Disadvantaged' (1994)13(3) *Medical Reference Services Quarterly* 69.

<sup>25</sup> *Ibid.*

<sup>26</sup> Marjorie Canfield Willis, *Medical Terminology: The Language of Health Care* (2nd ed. Philadelphia: Lippincott Williams and Wilkins 2006) 222.

addressing the needs of people with impairments (PWI) effectively. Recognizing that disability is linked to societal biases and barriers rather than the impairment, itself underscores that disability is manageable and should not define an individual. This perspective emphasizes that disability stems from lost opportunities due to society's failure to remove barriers, which in turn hinders participation and equality within the community.

### **2.3 Contemporary Usage of Disability**

In contemporary usage, 'disability' is a broader term that encompasses physical, mental, sensory, and intellectual impairments, considering the environmental and societal barriers that limit participation. Influenced significantly by the social model and Human Rights approach of disability. The social model, which became more well-known in the second half of the 20th century, posits that disability is a cultural concept influenced by society's beliefs rather than just a medical condition, physical barriers, and discriminatory practices<sup>27</sup>. This model highlights how societal structures and environments can disable individuals with impairments by limiting their full participation opportunities<sup>28</sup>. Moreover, the term 'impairment' is more specific, referring to the actual condition or function loss.

However, legal frameworks, such as the Americans with Disabilities Act (ADA)<sup>29</sup> in the United States and the Convention on the Rights of Persons with Disabilities (CRPD)<sup>30</sup> globally, have adopted definitions of disability that emphasize functional limitations and the barriers individuals face rather than medical diagnoses alone. These definitions have expanded the scope of disability to include physical impairments and sensory, cognitive, and intellectual disabilities. They advocate for accommodations, accessibility, and equal rights to ensure inclusion and participation in all aspects of life<sup>31</sup>.

#### **2.3.1 Social Model of Disability (SMD)**

In contemporary times, influenced by social movements and legal advancements, the understanding of disability has shifted dramatically. The social model of disability, which gained prominence in the latter half of the 20th century, challenges the medical model's

---

<sup>27</sup> Cantor J, 'Defining disabled: exporting the ADA to Europe and the social model of disability Connecticut' (2009) 24 *Journal of International Law* 399.

<sup>28</sup> Ibid.

<sup>29</sup> The Americans Disabilities Act of 1990 (ADA).

<sup>30</sup> United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted by the General Assembly on 13 December 2006, UN Doc. A/RES/61/106, 24 January 2007 (entered into force 3 May 2008).

<sup>31</sup> Ilias Bantekas, Michael Ashley Stein, Dimitris Anastasiou, *The UN Convention on the Rights of Persons with Disabilities A Commentary* (1st edn Oxford University Press 2018).

perspective<sup>32</sup>. It makes the argument that societal constraints prevent people from fully participating in life and being excluded determines disability more so than just mere impairment<sup>33</sup>. This model emphasizes removing environmental, attitudinal, and institutional Obstacles that prevent those with impairments from living autonomously and participating effectively in society.

Moreover, from the SMD perspective, the term Disability is described as an activity constraint brought about by societal neglect or environmental barriers affecting individuals who are either with or without impairments, leading to their exclusion from mainstream activities<sup>34</sup>. Further, this model has been successful in empowering individuals with Impairments by challenging discrimination and marginalization, advocating for civil rights, and fostering political activism. It has emerged as a new social movement, allowing impaired individuals to unite and address their experiences of oppression through political engagement<sup>35</sup>.

In modern times, the social model has emerged because the medical model of disability linked the concept of disability to an individual, which has struggled to change deep-seated attitudes, often relying on legal measures<sup>36</sup>. The SMD places more emphasis on society than the individual, seeing disability as the result of prejudice and societal restrictions rather than a personal shortcoming<sup>37</sup>. According to this model, it is not the impairment itself that disables individuals, but the societal limitation that prevents their full participation and inclusion.

Importantly, The Social model does not dismiss the concept of pursuing healthcare treatment to alleviate the consequences of impairments. However, it emphasizes that disability is something experienced due to external factors, such as societal attitudes and inaccessible environments<sup>38</sup>. The model underscores the need for proactive measures to remove these barriers, such as providing diverse formats for information and ensuring venue accessibility.

---

<sup>32</sup> Tom Shakespeare, *The social model of disability: The Disability Studies Reader* (3rd edn Routledge 2010).

<sup>33</sup> Ibid.

<sup>34</sup> Tom Shakespeare, 'the social model of disability: an outdated ideology' (2002) 2 *Research in Social Science and Disability* 9.

<sup>35</sup> Ibid.

<sup>36</sup> Stephen Bunbury, 'Unconscious bias and the medical model: How the social model may hold the key to transformative thinking about disability discrimination' (2019)19(1) *International Journal of Discrimination and the Law* 26.

<sup>37</sup> Sara Goering, 'Revisiting the relevance of the social model of disability' (2010) 10 *The American Journal of Bioethics* 54.

<sup>38</sup> Renee Taylor, 'Can the social model explain all disability experience? Perspectives of persons with chronic fatigue syndrome' (2005) 59(5) *American Journal of Occupational Therapy* 497.

According to Michael Oliver, “SMD identifies various restrictions imposed on impaired individuals. These include personal biases, institutional discrimination, inaccessible public spaces, inadequate transportation systems, segregated education, and exclusionary work practices”<sup>39</sup>. Even though Oliver’s definition aimed at analyzing the impact of the barriers already mentioned, against PWI as a vulnerable group, it should be noted that not all impaired individuals experience disability where as some unimpaired persons may equally be challenged by disability depending on how the environment is structured. This is why some people without impairment also face similar difficulties on a day-to-day basis, which means limiting the definition of disability to PWI, will contribute to widespread institutionalized discrimination throughout societies. This brings out the view that “Disability” as a concept can affect everybody when society is not well structured to improve inclusiveness for all, especially for PWIs. In addition, the Preamble to the CRPD explains that disability is a dynamic concept. It arises from the interplay between individuals with impairments, and various attitudinal and environmental obstacles that prevent them from fully, and equally participating in society alongside others<sup>40</sup>. Meanwhile, it is important to highlight that the International Classification of Functioning, Disability, and Health (ICF) defines disability as the negative consequences arising from the interaction between a person and their contextual factors, which include environmental and personal factors<sup>41</sup>.

However, a key attribute of disability is its contextual nature. For instance, a person with limited mobility could face major challenges getting to using public transport or facilities that lack the necessary inclusive amenities. These outside variables influence how people who have impairments view their lives and the extent to which they can participate in and be included in society. Similarly, a person without impairment will experience disability when he/she cannot acquire information from another language without an appropriate translation and many more such daily experiences. Again, someone who is average height will find it hard to get groceries in a supermarket that is beyond their ridge without an accessible means to get such item(s). Meanwhile, when someone becomes too tall or chubby, they will find it uncomfortable and sometimes impossible to get items that are quite low in the same grocery shop. Both individuals are disabled from different perspectives.

---

<sup>39</sup> Michael Oliver. *Understanding Disability*. New York (2nd edn St. Martin’s Press 1996).

<sup>40</sup> Ingrid Cunningham, ‘Media and Disability Issues of Portrayal and Access’ (DPhil Thesis National University of Ireland, Galway 2016).

<sup>41</sup> Lumka Magidigidi, Nicolette Roman, Inge Sonn, ‘Human capabilities of South African parents who have children with developmental disabilities’ (2023) 12 *African Journal of Disability* 1.

Thus, despite the dominance of this model, 'disability,' and 'impairment' are still used interchangeably in the North West and South West Regions of Cameroon, which has gone a long way to encourage stereotypes and discrimination against these vulnerable populations.

Hence, a proposed definition of “Disability” should refer to the challenges or constraints a person might encounter because of societal barriers. It is a wide term that encompasses the social and environmental barriers, which people may see as obstacles, whether they are obvious or not, varying in intensity and having an impact on day-to-day activities if left unattended.

This new definition will have a greater impact on awareness and advocacy for the rights of PWI, challenging stereotypes, and promoting diversity and inclusion in education, employment, and public life.

### **2.3.2 Human Rights-Based Approach to Disability**

In the last three decades, many other options for the social model have emerged. Out of these, the human rights approach to disability is particularly notable and influential in the field of human rights law and policy<sup>42</sup>. This model emphasizes the inherent dignity of every human being who is endowed with inalienable rights, prioritizing the individual's role in decisions that impact them. As a result, the human rights perspective views impairment as a component of human diversity and human dignity in addition to being based on the idea that an impairment is something that is socially constructed<sup>43</sup>. Thus in the course of valuing and celebrating human variety, this approach seeks to pave the way for people to develop and thrive.

## **2.4 Justifiable Facts of Terminological Shift from 'Disability' to 'Impairment' drawn from Comparable Analysis by Scholars of Disability and How it Influences an Inclusive Society for Persons with Impairment.**

### **2.4.1 Redefining Disability**

The reason for the shift from 'disability' to 'impairment' is to promote inclusivity and distinguish between the medical condition (impairment) and the societal obstacles (disability) that limit people in general. It is important to reframe the terminology to describe individuals living with impairments accurately.

The Social Model of Disability suggests that individuals may have impairments due to various factors, whether cognitive or acquired, but it is society's actions that made them to experience

---

<sup>42</sup> Anna Lawson, 'The social and human rights models of disability: towards a complementarity thesis' (2020)25(2) *The International Journal of Human Rights* 348.

<sup>43</sup> Arlene Kanter, 'The Globalization of Disability Rights Law' (2003) 30 *Syracuse Journal of International Law and Commerce* 241.

disability<sup>44</sup>. It emphasize on the fact the society's barriers, cause disability of the society not the impairments themselves that disables individuals<sup>45</sup>. Nowadays, when describing the limitations of people with impairments, three crucial aspects should be considered: ableism, Cripple, handicap, disability, and impairment<sup>46</sup>. These can be categorized into three stages: outdated, backward, and forward-thinking and shows the evolving nature of disability in the past years. The hierarchy helps illustrate why terms like "blindness" and "the blind" should be substituted with "visual impairment." This progressive language shift aligns with the principles of the SMD, which focuses on improving societal accommodations for individuals with impairment<sup>47</sup>. This justifies a push from Disability to Impairment to improve an inclusive society for PWI.

In addition, most scholars of the Social Model theory of disability in the likes of Micheal Oliver<sup>48</sup>, argue for an understanding of inequalities among people with impairments, it is important to take into account both sickness and disability. He also defines impairment as a medical condition that includes difficulties with the body, senses, and mind<sup>49</sup>. Thus, the social model seeks to end physical disability by addressing and removing the barriers provided by dominant social and cultural norms. Physical disability is seen as an expression of social injustice<sup>50</sup>. Oliver's description of disability shows that disability is a manifestation of social oppression that is liable to affect not just individuals with impairment but those without impairment as well, making a change of terminology an appropriate and necessary in a democratic environment.

According to Anastasiou and Kauffman<sup>51</sup>, these writers stress the need to distinguish between disability and impairment in order to fight the daily oppression that people with impairments face. They display that, Impairment is a characteristic or enduring trait that may be the result of injury or a health condition, influencing a person's physical or mental functioning<sup>52</sup>. This trait could cause discomfort, exhaustion, trouble speaking, or problems with mental function.

---

<sup>44</sup> Micheal Oliver, *Understanding Disability: From Theory to Practice* (2nd edn Basingstoke: Palgrave Macmillan 2009) 62.

<sup>45</sup> Ibid.

<sup>46</sup> Rob Imrie, 'Demystifying disability: A review of the International Classification of Functioning, Disability and Health' 2004 26(3) *Sociology of Health & Illness* 287.

<sup>47</sup> Colin Barne, 'Exploring Disability: A Sociological Introduction' (2012) 27(2) *International Sociology* 207.

<sup>48</sup> Micheal Oliver, *Understanding Disability: From Theory to Practice* (2nd edn Basingstoke: Palgrave Macmillan 2009) 64.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Dimitris Anastasiou and James Kauffman, 'the social model of disability: dichotomy between impairment and disability. (2013) 38(4) *Journal of Medicine and Philosophy* 441.

<sup>52</sup> Ibid.

On the other hand, disability frequently results from societal or personal attitudes that disregard the needs of those with impairments, erecting obstacles to their inclusion and involvement<sup>53</sup>. This difference links for an imminent reason for change of term.

Furthermore, Terzi<sup>54</sup> for her part demonstrates how important the social model is for encouraging inclusion and comprehending disability. She goes on to say that while society accepts some limits, it labels those that it finds difficult to live with as disabilities, which feeds into the stigma associated with disability<sup>55</sup>. This demonstrates once further that such perceived limits are the fact that society and the state have failed to implement the laws that protect the rights of PWI. This challenges the society for being Disabled and not the individual per se. it equally aligns with the researcher's philosophy for a call for a terminological shift from Disability to impairment because Disability is associated with stigma.

In the scholarly writings of Remus Runcan, he reiterates that despite international efforts, "disabled" people still face many barriers, including prejudice and discrimination. He further clarifies the differences between impairment, disability, and handicap, explaining the shift from using "handicap/handicapped" to "disability/disabled" and offers guidelines for respectful language and behavior when interacting with "disabled" people<sup>56</sup>. This shows a possibility for a change of terminology even though Runcan did use a derogatory term to describe PWI.

Further, the social constructionists, disabilities are products of society's ideas and perceptions. Silling<sup>57</sup> claimed that physical disabilities are solely social problems and that as long as society removes the obstacles preventing those who have them from engaging fully in society, the disability will eventually fade away. This means that society needs to modify social roles, transform environmental restrictions, open up physical areas, reinvent societal institutions, and change attitudes within the community. The authors work shows that disability is a concept that is build by the society through neglect and discrimination. Such term do not meet the requirement to describe a human being. It is unlikely, that the usage of the term disability instead of impairment will eradicate stereotype towards PWI. This is due to the fact that rather than their intrinsic characteristics, impairment and disability are distinguished mainly by their empirical approaches. Although modifications legal frameworks might attempt to improve the

---

<sup>53</sup> Ibid.

<sup>54</sup> Terzi Lorela, 'the social model of disability: a philosophical critique' (2004) 21(2) *Journal of Applied Philosophy* 141.

<sup>55</sup> Ibid.

<sup>56</sup>Remus Runcan, 'The Ablism: Impairment, Disability, Handicap' (2022)14(2) *Journal of Social Work Education* 55.

<sup>57</sup> Christ Shilling, *The Body and Social Theory* (3rd edn London: Sage 2012).

lives of people with Impairments, a change of terminology and an adoption of a new definition for disability will definitely promote an inclusive society for PWI.

In addition, an exclusion can occur when both persons without Impairment and impaired individuals are unable to fully participate in mainstream society. For instance, a visually impaired individual may face barriers in accessing written material not because of their visual impairment per se, but due to the lack of alternative formats like Braille or audio. Similarly, a person may be able to see a piece of information written in another language and is unable to interpret or understand where there is no translation; they all experience disabilities in different contexts. As the social model of disability emphasizes, societal perceptions of impairment can function as extra hurdles on top of physical ones. Prejudice, rigid regulations, and looking at people with impairment in sympathy or charity are a few examples of these unfavorable attitudes. This study's proposal that "disability" is a broad phrase to question society's exclusive status rather than a term to characterize people with impairments is recommendable.

#### **2.4.2 Criticism of Social Model.**

The SMD, which pertains to the British perspective on disability and other social approaches challenges the notion that disability is merely a medical issue stemming from individual impairment<sup>58</sup>. Instead, they emphasize the significance of societal and environmental factors that contribute to the development of disabilities. Specifically, the British approach argues that there is no direct causal link between impairment and disability, proposing that disability is entirely a social construct<sup>59</sup>. This poses a crucial challenge to the social model. Although the same drafters characterize "disability" as an environmental failure and a lack of inclusive accessibility, it seems unrelated that they would use such a disparaging term (disability) to define those who live with impairment. This and other factors have further encouraged discrimination against Persons living with impairments globally. Disability therefore refers to an act of social or societal deprivation that affects both non-impaired and impaired people based on the context of the environmental barriers. This is the reason why PWI ought not to be referred to as "persons with disability." It only refers to prejudice or societal obstacles of any

---

<sup>58</sup> Katerina Kazou, 'Analysing the Definition of Disability In the Un Convention on the Rights of Persons With Disabilities: Is it really based on a 'Social Model' Approach?' 2017 23 *International Journal of Mental Health and Capacity Law* 25.

<sup>59</sup>

Alison Sheldon, Rannveig Traustadóttir, Peter Beresford, Kathy Boxall and Mike Oliver, 'Disability Rights and Wrongs?' (2007) 22(1) *Disability and Society* 209.

kind that deny or hinder inclusion. These might be visible or invisible, vary in intensity, and have an influence on day-to-day living.

Furthermore, The Nordic social relational paradigm perceives impairment and disability as interconnected along a spectrum, while also acknowledging that impaired individuals may have limitations and are unable to fulfill social duties in the same manner as people without impairment<sup>60</sup>. This approach however has been adopted and implemented by the World Health Organization (WHO), which further expanded and built the International Classification of Functioning Disability and Health<sup>61</sup>. Similarly, in the works of Tom and Nicolas<sup>62</sup>, they criticized the social model for the distinction drawn that separates impairment (the physical condition) from disability (the societal barriers) because according to them, both concepts are correlated

These terminological linkages only help to increase societal stereotypes and discrimination toward persons living with impairments. However, The CRPD equally avoids any mention of impairment, which has negatively affected the quality of life for impaired persons probably as it is a major reason for its frequent violation in Cameroon.

However, Shifting to 'impairment' can influence perceptions by encouraging a more individualized and less stigmatized understanding of people's conditions. It shifts the focus from a general label that can carry negative connotations to a more precise term that describes the specific nature of the condition. This can help reduce stereotypes and promote a more supportive and inclusive environment. However, it also requires careful communication to ensure that the change in terminology does not lead to misunderstanding or diminish the recognition of the challenges that come with impairments.

---

<sup>60</sup> Susanne Berg, 'Personal Assistance Reforms in Sweden: breaking the assumption of dependency?' In Barnes Collin (eds) *The Social Model of Disability: Europe and the Majority World* (The Disability Press 2005).

<sup>61</sup> Janine Owens, 'Exploring the critiques of the social model of disability: the transformative possibility of Arendt's notion of power' (2015) 37(3) *Sociology of Health & Illness* 285.

<sup>62</sup> Tom Shakespeare and Nicholas Watson, 'the social model of disability: an outdated ideology' (2002) 2 *Research in Social Science and Disability* 9.

## **2.5 Potential Benefits Potential Benefits of Terminological Change from Disability to Impairment**

### **2.5.1 Reduced Stigmatization**

One of the main advantages of changing the word from "disability" to "impairment" is the potential decrease in social stigma. The term "disability" frequently conveys unfavorable implications and is linked to societal misunderstandings and biases<sup>63</sup>. By using the phrase "impairment," which highlights particular functional constraints rather than categorizing the individual, the depiction of these conditions can be rendered more courteous and accurate. This linguistic shift serves to differentiate the individual from the condition, emphasizing that impairments are only a component of a person's distinct identity and do not determine their fundamental nature. Hence, this alteration in nomenclature can aid in diminishing the prevalence of stereotypes and discrimination sometimes faced by those with Impairment, fostering a more inclusive and empathetic setting.

### **2.5.2 Fostering Inclusivity and Equality**

Switching from using "disability" to "impairment" can make discussions more inclusive and fair. The general public will not overrate themselves for being so "special". An imaginary division that was developed by "disability. It shall facilitate the creation of environments that work for everyone. This idea matches the social model of disability, which aims to remove societal barriers<sup>64</sup>. Highlighting impairments can promote universal design and inclusive practices, benefiting everyone. This approach encourages changes that improve equality and accessibility, making communities and institutions more inclusive.

### **2.5.3 Facilitate Policy Development to Improve Access to Information in Educational Curriculum**

Using "impairment" instead of "disability" in policy-making can lead to better and more inclusive policies. By focusing on specific impairments, policies can address the actual needs and challenges people face. This approach helps create effective programs that remove barriers and provide supportive environments, benefiting everyone. For example, if a policy specifically considers the needs of people with hearing impairments, it can include measures

---

<sup>63</sup> Lorella Terzi, 'The social model of disability: a philosophical critique' (2004) 21(2) *Journal of Applied Philosophy* 141.

<sup>64</sup> Micheal Oliver, *Understanding Disability: From Theory to Practice* (2nd edn Basingstoke: Palgrave Macmillan 2009).

like introducing sign language and braille in both elementary and secondary schools to improve access to information and make communication easier and more inclusive.

#### **2.5.4 Support for Human Rights-Based Approach**

Using the term "impairment" aligns with human rights values that emphasize dignity and equality for everyone, regardless of their limitations. The United Nations Convention on the Rights of Persons with Disabilities stresses respecting the dignity and independence of disabled individuals. By using "impairment," the focus moves from seeing disabilities as medical problems or charity cases to a rights-based view. This change promotes equality and challenges discrimination. For example, instead of viewing a person with a mobility impairment as needing pity, we see them as equal members of society with the right to access ramps and elevators.

### **2.6 Implications of Shifting Terminology from 'Disability' to 'Impairment' in Legal, Policy, and Social Contexts**

#### **2.6.1 Legal Implications:**

In legal contexts, changing the word "disability" to "impairment" would require amending numerous significant statutes and agreements, including the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the Americans with Disabilities Act (ADA). To ensure that Persons living with Impairments continue to receive the protection and assistance they require, it would be necessary to amend the definitions of "disability" in light of the laws that are used. Thus, If we begin to use the term "impairment," these regulations will need to be updated to make sure the appropriate categories of people are still successfully protected.

#### **2.6.2 Social Implications:**

By reframing the term "disability" to point out environmental concerns such as improving accessibility in various locations, rather than solely focusing on an individual's condition, it has the potential to alter societal perceptions of those with impairments. By utilizing the term "impairment" instead of "disabled" to characterize an individual's particular difficulties, it could enhance comprehension of their requirements and diminish detrimental preconceptions. Nevertheless, this alteration may potentially lead to perplexity and have an impact on the self-perception and interpersonal connections of individuals with disabilities. For example, enhancing the accessibility of a public area would benefit all individuals, not just those with

disabilities. By using the term "impairment," we may emphasize the act of overcoming particular obstacles rather than categorizing them with a general label.

### **Conclusion**

In summary, it is important to acknowledge that disability is a term that possesses unique and distinct characteristics when compared to impairment, as elucidated by prominent researchers of Disability Study, Championed by Mike Oliver. Coupled with the limitation of the social model, the research was able to identify concrete reasons for a change of Terminology to promote social inclusion of PWI. In addition, the thesis believes that Disability, in contrast to impairment, influences both individuals with impairments and those without impairments in different dimensions of the environmental barriers. Furthermore, many frameworks seem to refute themselves by using pejorative terms such as "handicap" and "disability", which is one of the reasons why these legal frameworks have very limited recognition by society. In Our next chapter will focus on the Legal Frameworks established to safeguard the rights of individuals with impairment and the reasons for its violations.

## CHAPTER THREE

### The Legal Frameworks for the Protection of The Rights of Persons with Impairment

#### 1.0 INTRODUCTION

The protection of human rights necessitates that contracting parties implement measures to guarantee the respect and promotion of these rights<sup>65</sup>. This includes maintaining security and setting up strict and direct sanctions against violators of these rights to ensure its implementation<sup>66</sup>. Given that, the state bears the principal obligation to safeguard and advance the human rights and fundamental freedoms of individuals, including Persons with Impairment (PWI), within a society. In Cameroon, the government has the responsibility to carry out the implementation of international, regional, and local laws to safeguard an inclusive society for PWI. This chapter will examine 3.1 International Legal Framework, followed by an examination of: 3.2 the Regional Legal Framework, and finally, we will explore: 3.3 The National legislation in section 3.3.

#### 3.1 International Legal Framework Protecting Persons with Impairment

##### 3.1.1 Convention on the Rights of the Child 1989

The UN Convention on the Rights of the Child (CRC), which was adopted in 1989, encompasses a variety of global entitlements for children. The Convention equally focuses on children who have Impairments<sup>67</sup>. While member states are not compelled to take specific actions to guarantee a dignified, self-reliant, and integrated life for Children with Impairment (CWI), they acknowledge the significance of community participation, education, training, healthcare, rehabilitation, employment, and recreational opportunities for CWI<sup>68</sup>. Therefore, the CRC has urged Contracting Parties to take measures to safeguard children from any type of physical or psychological aggression, harm or mistreatment, neglect or careless treatment, abuse or exploitation, including sexual abuse<sup>69</sup>. The Cameroon government always claims to have taken active measures to address any form of child labor against children including those with impairment. In 2010, the Committee on the Rights of the Child raised apprehension regarding the distressing frequency of child torture and child labor in Cameroon, meanwhile, the situation of Children with Impairment is even worse<sup>70</sup>. It further observed the ongoing

---

<sup>65</sup> Lawrence Le Blanc, *The OAS and the Promotion and Protection of Human Rights* (1st edn Springer-Netherlands, 1977) 91.

<sup>66</sup> Ibid.

<sup>67</sup> Art 23 of Convention on the Rights of the Child.

<sup>68</sup> Art 23, paragraph 1-4.

<sup>69</sup> Art 19 Ibid.

<sup>70</sup> Cameroon's Compliance with the Convention on the Rights of the Child.

mistreatment of children and expressed grave concern about the lack of proper investigation and prosecution of reported acts of torture against minors<sup>71</sup>. Thus, the CRC Committee has advised the government of Cameroon to provide training for police officers to proactively prevent acts of torture, thoroughly investigate cases of torture, and inhuman and degrading treatment against children, and offer counseling and compensation to the victims of reported acts<sup>72</sup>, which are still not effective.

### **3.1.2 Convention on the Rights of Persons with Disability (CRPD) 2006**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is the sole significant legal framework established by the United Nations (UN) to safeguard the rights of Individuals with Impairments (IWI) in all aspects of life. It consists of 50 Articles and was officially signed by Cameroon on October 1, 2008, and ratified on 28 December 2021<sup>73</sup>. The document is a global agreement that outlines the entitlements of individuals with impairments and the responsibilities of countries to advance, safeguard, and guarantee such entitlements. The document is a global agreement that outlines the entitlements of individuals with impairments and the responsibilities of countries to advance, safeguard, and guarantee such entitlements. Therefore, the agreement outlines the objectives, meaning, fundamental concepts, and responsibilities of States Parties<sup>74</sup>. The text examines the concepts of non-discrimination, accessibility, gender equality, and the rights of CWI<sup>75</sup>. Guaranteeing the rights of PWIs<sup>76</sup>. Additionally, made significant contributions towards fundamental rights such as education, health, and employment<sup>77</sup>. Ensuring the protection of the rights of individuals from privileged backgrounds<sup>78</sup>, and addresses<sup>79</sup> the steps for approval, how governments report, and how the Member States and the Joint Committee on the Rights of PWI can work together.

The ratification of the UN CRPD in Cameroon constituted a significant advancement in altering societal perspectives and approaches concerning persons with impairments, and would compel

---

Suggested List of Issues Relating to Children in Conflict with the Law and Protection & Care of Children Affected by Armed Conflict 1/07/2016. Available <[https://www.theadvocatesforhumanrights.org/Res/cameroon\\_tahr\\_ceprod\\_crc\\_loi\\_july\\_2016%202.pdf](https://www.theadvocatesforhumanrights.org/Res/cameroon_tahr_ceprod_crc_loi_july_2016%202.pdf)> accessed 28/07/2024.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Cameroon becomes second African country to ratify landmark disability treaty 13/01/ 2022. Available <<https://campaigning.sightsavers.org/disability-rights/2022/05/come...>> accessed 5/08/2024.

<sup>74</sup> Art 1-4 CRPD

<sup>75</sup> Art 5-9 Ibid.

<sup>76</sup> Art 10-30 Ibid.

<sup>77</sup> Art 24-28 Ibid.

<sup>78</sup> Art 31-33 Ibid.

<sup>79</sup> Art 34-50 Ibid.

the government to guarantee a comprehensive set of policies, laws, and planning. The impaired community is optimistic that Cameroon's status as a signatory to the CRPD would result in direct and legal obligations to adhere to its principles. This is expected to foster a stronger political determination to improve the situation of persons who have impairments and promote further advancements in disability rights.

Human rights law is based on the belief that everyone has inherent worth and the right to equal freedoms<sup>80</sup>. It emphasizes equality and non-discrimination, but these concepts can mean different things to different people<sup>81</sup>. For example, equality might mean treating everyone the same, or it could mean giving extra help to those who need it to ensure they have the same opportunities. This means that definitions of equality cover a wide range of perspectives to include additional preferential treatment for IWI. For instance, giving a person who uses a wheelchair a ramp to access a building is non-discrimination. It treats them differently to achieve the same access as others, promoting true equality.

The Convention on the Rights of Persons with Disabilities (CRPD) acknowledges that Women with Impairment (WWI) frequently face intersecting forms of discrimination based on both their gender and impairment, resulting in restricted access to their rights<sup>82</sup> and highlights the necessity of integrating a gender perspective into all endeavors aimed at advancing the rights of IWI.

Furthermore, it emphasizes the significance of their complete and efficient involvement and equitable access to political, economic, and public spheres. While the Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979, together with the Beijing Declaration and Platform for Action<sup>83</sup> both legal frameworks do not specifically mention women and girls with impairments, encountering numerous obstacles to achieving full equality, protection in enjoying human rights and advancing in society.

The world's institutions did not establish particular provisions about WWI until the CRPD was adopted. In this respect, the CRPD asks for a two-pronged strategy: first, it includes a separate article on women with impairments; second, it establishes gender equality as a general concept

---

<sup>80</sup> Art 2(1) International Covenant on Civil and Political Rights (ICCPR).

<sup>81</sup> Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (3rd edn University of Pennsylvania Press 2003).

<sup>82</sup> Art. 6 CRPD.

<sup>83</sup> Beijing Declaration and Platform for Action, (15 September 1995). Available <<https://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration-10/04/2024>> Accessed 05/08/2024.

to be considered in the implementation of each article of the Convention. This article acknowledges the various forms of prejudice faced by WWI and establishes that states should do all they can to help these people reach their full potential so that they can be empowered. The CRPD further stipulates that countries to the contract should establish successful laws and programs targeting WWI to protect them from exploitation, violence, and abuse<sup>84</sup>, and should pay special attention to these vulnerable women in Access to social safety services and lowering poverty rates schemes<sup>85</sup>. Cameroon has not complied with this provision. Rather, WWI acknowledged the fact that no special attention or social protection programs especially poverty reduction programs have been given or organized for them, but they are rather ignored by the society and viewed as “social burden” and most Women and Girls with Impairments are survivors of sexual exploitation, rape and HIV. While in most cases, the perpetrators go unpunished and survivors receive zero assistance from the Cameroon Government<sup>86</sup>.

In order to ensure the protection of Children with Impairment<sup>87</sup> States parties are required to provide assistance to Children with diverse talents in regular educational institutions and to appreciate the distinctiveness of children with impairments. Despite its delayed manifestation, it can be achieved by utilizing all available resources.

Furthermore, if the immediate family is incapable of providing care for a child with Impairment, it is imperative for contracting parties to take all necessary actions to ensure that alternative care is made available within the extended family or community.<sup>88</sup>

However, the Cameroonian government has implemented efforts to improve the education of students who have impairments by publishing the Practical Guide on Accessibility of Individuals with Impairment to Education on February 1, 2010<sup>89</sup>. The Ministry of Social Affairs signed joint circular letters on August 2, 2006, and August 14, 2007, to facilitate the admission of students with impairments and those from low-income families with impairments in state-run high schools. These letters also aim to enable them to take part in public exams<sup>90</sup>. The shortcomings of this provision highlight the fact that the majority of the administrative

---

<sup>84</sup> Article 16 CRPD, paragraph 5.

<sup>85</sup> Article 28 CRPD, paragraph 2(b).

<sup>86</sup> Kiani Shirin, ‘Women with Disabilities in the North West Province of Cameroon: Resilient and Deserving of Greater Attention’ (2009) 24(4) *Disability & Society* 517.

<sup>87</sup> Art 7 CRPD.

<sup>88</sup> 23(5) CRPD.

<sup>89</sup> Minister of Social Affaires (MINAS). *Protection of Persons with Disability* < <http://www.minas.gov.cm/index.php?option=com> > accessed 05/04/2024.

<sup>90</sup> Ibid.

officials in the university environment are unaware of its existence, resulting in impaired students in state universities still being required to pay fees. This demonstrates that children and young people who have impairments are still being deprived of opportunities to receive education, acquire life skills, and undergo professional development at all levels of university education<sup>91</sup>. These individuals' talents are not acknowledged and their request is disregarded, rendering them more susceptible to neglect and mistreatment, joblessness, and a state of poverty compared to their non-impaired children. Consequently, their ability to completely realize their potential and engage in social activities is significantly compromised<sup>92</sup>.

The CRPD regards awareness-raising as a crucial strategy to improve the level of respect and acceptance towards individuals with disabilities. The convention<sup>93</sup> mandates that State parties promote knowledge at all levels of society, including within families, regarding individuals with disabilities. This is aimed at combating stereotypes, prejudices, and harmful practices, while also fostering positive perspectives and increased social connections towards people with impairment.

The efforts to increase awareness and recognition of the abilities of PWIs in the NW/SWR have been insufficient and unsuccessful. Most individuals without impairments still perceive or regard individuals with impairments as being “dis-abled”, During school, certain classmates may not readily accept an impaired student's participation in group work and other social activities<sup>94</sup>. This situation demonstrates that the efforts to increase awareness in this region are inadequate and unimportant.

Furthermore, the CRPD provides a wide array of solutions for overcoming barriers to mobility, including those about the physical environment, infrastructure, and social inclusivity. It is necessary for social services and facilities that are available to or supplied for the public to be accessible<sup>95</sup>. Hence, accessibility has a complex relationship to all the rights outlined in the agreement. Accessibility is acknowledged in the CRPD, as it is considered one of the eight fundamental principles of the CRPD<sup>96</sup>.

---

<sup>91</sup> Lynn Cockburn ‘Realizing the educational rights of children with disabilities: An overview of inclusive education in Cameroon’ (2017) 8(6) *Journal of Education and Practice* 1.

<sup>92</sup> Ibid.

<sup>93</sup> Art. 8 CRPD.

<sup>94</sup> Maxwell Peprah, ‘Perceptions and Experiences of Persons with Disabilities on Access to Education in Buea Municipality, Cameroon’ (2015), 2(1) *Int J Complement Alt Med* 1.

<sup>95</sup> Art 8(2) (d) CRPD.

<sup>96</sup> Art 3 (f),CRPD.

The CRPD provides a comprehensive and customized set of requirements that are specifically designed to address the needs and circumstances of PWI. The aim will be to encourage compliance with accessibility standards in facilities and services that are open or accessible to the public, to prevent discrimination against persons with Impaired Conditions<sup>97</sup>. To accomplish this, the CRPD outlines precise and thorough actions that must be taken to address the accessibility requirements of those with impairments. These include enforcing basic standards and guidelines for accessibility, as well as ensuring that private businesses comply with accessibility standards such as providing braille or voice assistance for visually impaired people. However, it is evidence that this is rarely the case as most Persons with Visual Impairment (PWVP) continue to face challenges to access information. We find this in the landmark case of *Szilvia Nyusti & Péter Takács v Hungary*<sup>98</sup>. This case concerned two Hungarian citizens who are visually impaired and encountered difficulties with the OTP bank. These clients encountered challenges due to the inaccessibility of OTP's ATMs, to have Braille, audible instructions, or voice assistance, despite having signed contracts for private account services. Despite paying exact fees to other customers, they were unable to access banking services on an equal basis. The Committee found Hungary guilty of violating CRPD<sup>99</sup> by not ensuring accessible banking services for visually impaired people. The Committee emphasized that the State must ensure private companies, like banks, make their services accessible to people with impairment, regardless of any contracts between individuals and these companies.

In Cameroon, the level of accessibility falls short of expectations. Insufficient actions have been taken to guarantee the effective enforcement of the legal provisions that allow PWI to fully exercise their right to a safe and comfortable environment. Furthermore, those with impairment are typically overlooked while designing roadways and residential buildings<sup>100</sup>. A lot of Court Buildings, particularly high-ranking state administrative bureaus and public schools, are still structures that were used by the former colonial rulers (the Germans) during the pre-colonial era. These structures were built without considering the accessibility needs of people with mobility impairments (MIP), making it difficult for them to access these

---

<sup>97</sup> Art 9 CRPD

<sup>98</sup> *Szilvia Nyusti & Péter Takács v Hungary* CRPD/C/9/D/1/2010.

<sup>99</sup> Art 9(2)(b) CRPD

<sup>100</sup> Wisdom Mprah, 'Lives of persons with disabilities in Cameroon after CRPD: Voices of persons with disabilities in the Buea Municipality in Cameroon' (2016) 16(1) *Int J Disabil Hum Dev* 1.

buildings.<sup>101</sup> These old structures are common across the North West/South West Regions of Cameroon, presenting numerous barriers for PWI

Further, at the employment level, contracting nations should identify that PWI has the right to work, alongside everyone else; this includes the right to be able to earn a living doing employment that one has freely chosen or accepted in an accessible, welcoming, and inclusive workplace<sup>102</sup>. States Parties must protect and advance the achievement of the right to work, even for individuals who become impaired while employed<sup>103</sup>.

The Human Rights Council's General Assembly enacted a resolution in 2013 that particularly addressed employment and the rights of people whose visions are impaired in work settings<sup>104</sup>. This resolution urges States Parties to guarantee that persons with impairment have unrestricted access to the right to work on an equitable footing with others. It further demands the implementation of measures to outlaw discrimination, enhance employment opportunities, foster entrepreneurship, remove obstacles that impede job seekers from entering the workforce, and ensure reasonable accommodations, among other actions<sup>105</sup>.

However, in the North West and South West Regions (NW and SWR) of Cameroon, there has been a lack of efforts to empower those who have impairments to become self-employed or gain access to employment opportunities. The rehabilitation facility in Yaounde has not yet opened a satellite branch in the North West/South West Region of Cameroon. The only rehabilitation institution for PWI is ARCH, which is situated at mile 14 in Buea. Therefore, the lack of a government-run rehabilitation center poses challenges for many individuals with little financial means to cover their medical expenses. In addition to this, the rehabilitation center in mile 14 suffers from a shortage of adequately trained professionals, limited manpower, and insufficient funding to support their daily operations. Consequently, the quantity of individuals who have undergone rehabilitation and still have impairment is minimal and lacks significance.

The CRPD mandates that each State Party must submit its initial report to the Committee within two years of ratifying the CRPD<sup>106</sup>. Afterward, additional reports must be filed at a minimum

---

<sup>101</sup> Ibid.

<sup>102</sup> Art 27 CRPD.

<sup>103</sup> Art 27 (a) to (k), and Art 27(2) CRPD.

<sup>104</sup> OHCHR. *The work and employment of persons with disabilities*. Human Rights Council General Assembly resolution 22/3, A/HRC/RES/22/3 (9/04/2013).

<[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/22/](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/)> accessed 05/04/2024.

<sup>105</sup> Ibid.

<sup>106</sup> Art 35(1) CRPD.

interval of four years or whenever the Committee specifically requests them<sup>107</sup>. The following report should refrain from duplicating information that has already been supplied<sup>108</sup>. The determination of the reporting guideline that is relevant to the substance of a report is made by the Committee<sup>109</sup>.

The report from states may highlight various variables and challenges that impact the level of compliance with the obligations outlined in the CRPD<sup>110</sup>. During the reporting process, it is anticipated that States will actively engage individuals with impairments<sup>111</sup>. The report system is the primary method used by the UN to oversee the implementation of the convention. Reports serve as a form of communication between the Committee and the State, providing support and facilitating dialogue. Reporting generates attention for rights at all levels, as long as the individuals claiming those rights are actively engaged in the process. The report should accurately assess the States' progress in attaining the rights. The report from states may highlight various variables and challenges that impact the level of compliance with the obligations outlined in the CRPD.

During the reporting process, it is anticipated that States will actively engage individuals with impairments. On certain occasions, the State may choose to report solely on its successful responsibilities or exhibit a tendency to favorably portray the State. To address this issue, organizations advocating for the rights of these vulnerable groups might also present their own autonomous reports<sup>112</sup>. Over the years now, Cameroon has officially approved and implemented the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). However, Cameroon has not consistently provided its yearly reports to the UNCRPD Committee since ratification, according. Meanwhile, Nations that endorse the UNCRPD are obliged to regularly provide reports that outline their advancements and execution of the Convention's stipulations. Cameroon has faced difficulties in fulfilling this obligation, as demonstrated by the absence of comprehensive submissions<sup>113</sup>.

---

<sup>107</sup> Art 35(2) CRPD.

<sup>108</sup> Art 35(4) CRPD.

<sup>109</sup> Art 35(3) CRPD.

<sup>110</sup> Art 35(5) CRPD.

<sup>111</sup> Art 35(4) CRPD.

<sup>112</sup> Art 40 CRPD.

<sup>113</sup> Gwarega Chibaya, Tongai Chichaya, Pragashnie Govender, Deshini Naidoo, 'Implementation of the United Nations Convention on the Rights of Persons with Disabilities in Africa: a Scoping Review' (2022) 32(4) *Disability CBR & Inclusive Development* 134.

## **3.2 Regional Legal Framework Protecting Persons with Impairment**

### **3.2.1 African Charter on Human and Peoples' Rights 1986 (ACHPR)**

The African Charter is the primary African regional human rights instrument<sup>114</sup>. The affirmation of collective rights and responsibilities is a defining element of the African Charter on Human and Peoples' Rights. It links the rights of individuals with those of communities. An additional distinguishing aspect is the acknowledgment of the right to development. As stated in the charter, all individuals in the African region are guaranteed equal protection under the law, regardless of their race, ethnicity, color, gender, language, religion, political beliefs, socioeconomic level, place of birth, or any other distinguishing feature ("other status")<sup>115</sup>.

Therefore, non-discrimination based on impairment could be interpreted as falling under the umbrella of "other status," in line with the article's prohibition of "any kind" of discrimination.<sup>116</sup> should be interpreted to encompass individuals with impairments as well. The African Charter, however, can rely on ideas from other international human rights laws through its interpretation in conjunction with other UN Human Rights Instruments<sup>117</sup>. Nevertheless, article 18 of the ACHPR explicitly addresses "disability". The charter not only safeguards the rights of individuals but also specifically addresses the rights of those with impairments.<sup>118</sup> This has shed light on the several ways in which most African countries have tried to aid these marginalized communities. Cameroon has done poorly in submitting its periodic reports to the African Commission on Human and Peoples' Rights (ACHPR) regarding the state of human rights in the country. The African Commission on Human and Peoples' Rights (ACHPR) has undertaken multiple visits to Cameroon, including missions focused on promotion in 1998, 2011, and 2012, as well as a mission specifically addressing prisons and jail facilities in 2002 but regarding violation of the rights of PWI<sup>119</sup>.

### **3.2.2 The African Charter on the Rights and Welfare of the Child 1999**

The African Children's Charter includes provisions for the special protection of Persons with Impairments (PWIs), specifically referring to "handicapped children" who are both mentally and physically challenged. This includes children with impairments, and the charter also outlines special measures of protection, as well as promoting principles of self-reliance,

---

<sup>114</sup> African Charter on Human and Peoples' Rights 27 June 1981 (entered into force Oct. 21, 1986). Available at <<http://hrlibrary.umn.edu/instree/z1afchar.htm>> accessed 17/03/2024.

<sup>115</sup> Art 2 of the African Charter.

<sup>116</sup> Ibid.

<sup>117</sup> Art 60 ACHPR

<sup>118</sup> Art 18(4) ACHPR

<sup>119</sup> Cameroon: Initial Report to the African Commission of Human Rights 16/05/ 2002. Available <<https://www.ijrcenter.org/wp-content/uploads/2017/11/Cameroon>>. >accessed 05/08/2024.

participation, and access<sup>120</sup>. Even so, it is imperative to provide these children with the assurance of active involvement in the community, while ensuring their physical and moral well-being and preserving their dignity<sup>121</sup>. The Children's Charter mandates that contracting states assist people responsible for the care of a child with an impairment<sup>122</sup>. States parties are required to give support, taking into account the resources available to them, and must also guarantee that children have access to training, preparation for employment, and social integration. This law itself is discriminatory for referring to Persons with Impairments as “Handicaps”, which rather encourage discrimination to PWI by society. Moreover, the Cameroonian government has implemented a policy of offering free education to children with impairments. This program is ineffective due to the lack of adequately educated people in these primary schools to support children with physical disabilities, particularly those who require calipers and crutches<sup>123</sup>. Again, in most institutions in Cameroon, many head teachers are reluctant to enroll children with impairments due to the lack of support personnel to attend to their needs<sup>124</sup>. This has violated their rights to education, limiting them from acquiring education that will grant them access to employment and leave the stream of dependency and vulnerability.

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

One regional human rights accord that specifically addresses women's rights is the African Women's Protocol, which follows the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Inter-American Women's Convention). Considering that the Inter-American Women's Convention is primarily concerned with eradicating violence against women, the African Women's Protocol stands as a significant regional human rights accord that specifically tackles numerous rights for WWI<sup>125</sup>.

The parties to the agreement are therefore accountable for guaranteeing the safety of women who have impairments and for implementing particular actions to make facilities more accessible to them. They also make an effort to guarantee that women who have impairments

---

<sup>120</sup> Art 13(1) ACHPR.

<sup>121</sup> Ibid.

<sup>122</sup> Art 13(2) Ibid.

<sup>123</sup> Maxwell Peprah Opoku, ‘Perceptions and Experiences of Persons with Disabilities on Access to Education in Buea Municipality, Cameroon’ (2015) 2(1) *Int'l J Com & Alt Med* 1.

<sup>124</sup> Ibid.

<sup>125</sup> Mashood Baderin, ‘Recent Development in the African Regional Human Rights System’ (2005) 5(1) *Human Rights Law Review* 117.

participate in decision-making<sup>126</sup>. The Protocol further requires member states to protect their citizens' rights to be accorded dignity as well as well as not face prejudice or hostility on the basis of impairment. Despite being very vulnerable due to their gender and impaired condition, WWI in the NW/SWR of Cameroon still have trouble getting around, especially when using public transit<sup>127</sup>. The majority of women who have impairments still face physical obstacles that prevent them from voting or participating in campaigns. building accessibility, commuting availability, and prejudice in the society.

### **3.2.4 The African Youth Charter 2006**

PWI is covered by the African Youth Charter (AYC) States Parties shall guarantee that teenagers who are "mentally and physically challenged," including those with mobility impairments, have fair and effective access to special care, employment opportunities, and health care services<sup>128</sup>. The aforementioned provision also mandates that state parties endeavor to remove any hindrances that might impede the complete integration of young people with impairments into society. This includes offering suitable infrastructure and services to enable and simplify accessibility,<sup>129</sup> which has very little impact in the NW and SWR of Cameroon.

## **3.3 National Legal Framework Protecting Impaired Persons**

### **3.3.1 The Cameroon Constitution**

Cameroon's Constitution is the ultimate law of the land, governing all citizens of the country, including Persons with Impairments. Nonetheless, the preamble of the Cameroonian Constitution declares that every Cameroonian has the right to exercise their human rights, regardless of their color, religion, sex, or belief; these rights are inherent and sacred<sup>130</sup>. This statement confirms the country's commitment to the basic rights protected by the CRPD, the African Charter on Human and Peoples Rights, and other international treaties that Cameroon has officially ratified.

In contrast to the degree of protection provided by the constitutions of other African nations, it should be highlighted that the Cameroon Constitution does not explicitly guarantee the protection of PWIs in and of themselves<sup>131</sup>. When we looked at other constitutions, we saw

---

<sup>126</sup> Art 23(a) of the African Women's Protocol.

<sup>127</sup> Valérie Ongolo Zogo, 'Assessing Gender Inclusion in Cameroon's Rural Transport' (2016)1(2) *Journal of African Transformation* 129.

<sup>128</sup> Art 24(1) (2) African Youth Charter.

<sup>129</sup> Ibid.

<sup>130</sup> Art 65 Cameroon Constitution.

<sup>131</sup> The only reference to PWDs which applies to PWIs in the Constitution is found in article 25(1) which reads: *Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the*

that some of them had provisions specifically for PWI. For example, the Zimbabwean constitution recognizes the rights, dignity, and equality of all people, including PWI, under its founding provision. It also requires agencies to take steps to make all buildings, the environment, and public transportation accessible to PWI<sup>132</sup>.

Therefore, the constitution of Zimbabwe recognizes the importance of upholding the CRPD by urging governments to guarantee the full participation and independent living of persons with impairments, including those with mobility impairments. Contrary to this, the Constitution of Cameroon lacks provisions on the implementation of protection for persons with impairments and does not address the rights of persons with impairments, which is why Cameroonians with Impairment in general do not receive adequate protection.

The Mozambican Constitution guarantees that citizens with impairments will have full access to the rights to humanitarian and governmental support especially in times of conflict<sup>133</sup>. Similarly, the 1992 Constitution of the Republic of Ghana includes measures that are intended to promote the integration of PWI into society and ensure their active involvement in everyday activities<sup>134</sup>. The Ghanaian Constitution explicitly prohibits any type of exploitation and discrimination against PWIs and mandates enhanced accessibility to public spaces and structures for PWIs<sup>135</sup>. It additionally advocates for the implementation of legal procedures that are accommodating to individuals with impairments during court hearings<sup>136</sup>.

### **3.3.2 Law No 2016/007 of 12 July 2016 relating to the Cameroon's Penal Code**

The Penal Code of Cameroon, along with the country's constitution, is a crucial legal law that aims to safeguard human rights by imposing criminal penalties on individuals who violate these rights. Nonetheless, the penal code prohibits the act of abandoning individuals who are having any form of disability.<sup>137</sup>

The Cameroon Penal Code imposes penalties on anyone who discriminates against another person based on their race, religion, sex, health, or status, as long as that status does not pose a threat to anyone. The punishment for such discrimination includes imprisonment for a period

---

*event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond his control.*

<sup>132</sup> Art 22(4) Zimbabwean Constitution.

<sup>133</sup> Art 16 Mozambican Constitution.

<sup>134</sup> Art 29(1) Ghanaian Constitution.

<sup>135</sup> Art 29(4) Ibid.

<sup>136</sup> Art 29(5) (6). Ibid.

<sup>137</sup> Art 282 (1), Cameroons Penal Code

of one to two years and a fine ranging from CFAF 5,000 to CFAF 500,000. This also ensures the protection of persons with impairment<sup>138</sup>, even though the Cameroonian legal system is yet to register a landmark case on disability discrimination.

### **3.3.3 Law No 2010/002 of 13 April 2010 on the Promotion and Protection of the Rights of Impaired Persons**

This legislation primarily addresses the prevention of impairments, the rehabilitation and integration of those with impairments, and the promotion of national unity and support for individuals with impairments.

The 2010 law places further emphasis on the prevention of impairments, rehabilitation, the involvement of people who have impairments in social, economic, and political aspects<sup>139</sup>. It also includes provisions for penalties in case of infractions. Importantly, it stipulates that the government must implement measures to ensure that PWI has access to education and vocational training<sup>140</sup>. This legislation represents a positive advancement in adopting the human rights approach to disability, as it establishes services for persons with disabilities in terms of legally enforceable rights or entitlements. Furthermore, the government will provide financial support for the education and vocational training of impoverished students with disabilities. This support will include waiving or reducing school and university fees, as well as granting scholarships. Also, the 2010 law states that the government requires private buildings and institutions that are open to the public to be designed in a way that makes it easy for people who have impairments to access them<sup>141</sup>. The law specifies that during reconstruction or significant transformation projects on government or private buildings and public amenities, they must be renovated in a way that allows easy access and use by persons with impairments<sup>142</sup>. In addition, the states, regional authorities, and civil societies must implement measures that prioritize providing individuals with protected or vulnerable identities with advantageous opportunities to get affordable housing<sup>143</sup>. Further, In addition, individuals attending mostly white institutions (PWIs) who possess a national disability card will receive special privileges in both public and private transportation. These privileges include reduced transit fees, priority boarding and disembarking, and reserved seating<sup>144</sup>.

---

<sup>138</sup> Art. 242I Ibid.

<sup>139</sup> Art43 Law No 2010/002 of 13 April 2010 on the Promotion and Protection of the Rights of Impaired Persons.

<sup>140</sup> Art 28 Ibid.

<sup>141</sup> Art 18 Ibid.

<sup>142</sup> Art 33(2) Ibid.

<sup>143</sup> Art 33(4) Ibid.

<sup>144</sup> Art 35(1) Ibid.

It is worth mentioning that public and private buildings are still being built without considering accessibility for people with impairments. This is particularly true in regards to public and private transportation, where the reduction of fares and reserved seats for people with disabilities are just lip service from the 2010 law<sup>145</sup>. In addition, training for municipal planners, architects, and building engineers should incorporate disability awareness. This means that all public places and structures will be accessible to everyone. According to research by World Vision, the current scenario is concerning because PWI is underrepresented in elementary, secondary, and tertiary institutions<sup>146</sup>. Nevertheless, the order to put it into effect and apply it did not surface until 2018, a full eight years later. It is necessary to guarantee a proper environment, particularly in schools, for PWI, even though the law of 2010 provides accessibility to buildings, transportation, and information<sup>147</sup>.

Nonetheless, the order to put it into effect and apply it did not surface until 2018, a full eight years later. A welcoming atmosphere, particularly in educational institutions, is essential for people with intellectual impairments, even though the law of 2010 guarantees access to buildings, transportation, and information<sup>148</sup>. This provision as good as they may sound, the general public does not even know such laws exist, meanwhile, those who are aware do not implement them, reducing the level of protection accorded to PWI<sup>149</sup>

### **3.3.4 Decree No 2018/6233 of 16 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 Impairment in Cameroon.**

The policies and processes for implementing Law N°. 2010/002, passed on April 13, 2010, regarding the safeguarding and advancement of individuals with Impairment, are outlined in this decree<sup>150</sup>. Individuals with a Cameroon National Disability Card (CNDC) who can provide evidence of a Permanent Potential Incapacity Rate (PPIR) of 50% or above are subject to the terms of this decree<sup>151</sup>. The provisions that were previously in place to implement Law N°.

---

<sup>145</sup> Ibid.

<sup>146</sup> Government Implementation of the Standard Rules as seen by Member Organisations of Inclusion International - ILSMH Cameroon < <https://africlaw.com/2013/04/05/education-for-all> > accessed 5/04/2024.

<sup>147</sup> World Vision Education's missing millions: *Including mobility disabled children in education through EFA, FTI [Fast Track Initiative] processes and national sector plans 2007*. <[https://www.worldvision.org.uk/download\\_file](https://www.worldvision.org.uk/download_file)> accessed 5/04/2024.

<sup>148</sup> Government Implementation of the Standard Rules as seen by Member Organizations of Inclusion International - ILSMH Cameroon, 1997. Available < [http://www.independentliving.org/standardrules/InclInt\\_answer](http://www.independentliving.org/standardrules/InclInt_answer)> accessed 05/04/ 2024. Though this information dates from 1997, it remains relevant in Cameroon in 2018.

<sup>149</sup> Cockburn, Lynn, Shaun Cleaver, and Ezekiel Benuh. 'The prevalence of impairments and disabilities in the North West Region, Cameroon' (2014) 15(2) *Health Sciences and Disease* 1.

<sup>150</sup> Art 1 of Decree No 2018/6233 Of 16 July 2018.

<sup>151</sup> Art 2 Ibid.

83/013 of 21 July 1983 on the protection of PWI have been abolished, in particular Decree N°. 90/1516 of 26 November 1990<sup>152</sup>.

The 2018 decree of application, on the other hand, prioritizes upkeep and repair; all publicly accessible structures and facilities, whether public or private, must be modified to make them more accessible to PWI. Permission to construct or run is contingent upon meeting the requirements of paragraphs 1 and 2 mentioned earlier. In the event that a multi-story structure has two (2) social housing flats located on separate floors, the individual with an impairment will be assigned to the lowest floor<sup>153</sup>. The majority of our public buildings date back to the colonial era, when accessibility was not a priority, and they are still structurally sound enough to withstand the next twenty years.

Unfortunately, this is not the case in Cameroon. Most of the country's buildings date back to the colonial era and lack accessible features like PWI<sup>154</sup>. This coupled with the fact that there are still cases where persons in wheelchairs are occupants of upper flats with staircases and no escalators or lifters, shows that there are no effective measures to implement the already-mentioned provision.

Again, the 2018 decree of application states that PWI should have preferential treatment when it comes to social housing, including cheaper public housing rents and reduced interest rates on loans from public bodies that can be used to buy undeveloped land or build single-family homes<sup>155</sup>. Regardless, the Minister of Housing has established particular guidelines for the implementation of this article's requirements, based on the Social Affairs Minister's advice. However, following the opinion of the Minister responsible for Social Affairs, the specific text of the Minister of Housing fixes the modalities of implementation of the provisions of this article. The 2018 decree of application did not implement the preferential measures to social housing for PWIs. This is because public buildings in the NW/SWR of Cameroon are relatively small and mainly occupied by civil servants, who do not typically have any permanent impaired condition.

Furthermore, PWI has the right to get transportation aid from both public and commercial transportation firms. The objective is to procure public transportation equipment that is

---

<sup>152</sup> Art 32 Ibid.

<sup>153</sup> Art 18 Ibid.

<sup>154</sup> Cockburn, Lynn, Shaun Cleaver, and Ezekiel Benuh. 'The prevalence of impairments and disabilities in the North West Region, Cameroon' (2014) 15(2) *Health Sciences and Disease* 1.

<sup>155</sup> Article 19 of the 2018 decree of application.

specifically designed for individuals with limited mobility. Furthermore, priority will be given to the procurement of tickets and registration, as well as priority during the boarding and disembarking process<sup>156</sup>. The implementation of assistive technologies to enhance the mobility of individuals with permanent potential incapacity, the reduction of transportation fees in proportion to the rate indicated on the National Disability Card, and the allocation of designated spaces in public transportation vehicles and public or private parking lots accessible to the general public. Nevertheless, if those with restricted mobility need an accompaniment to assist them, the escort will also receive a discounted fee. The implementation details of the requirements stated in this article are determined by a specific document issued by the Minister responsible for transportation, following the consultation of the Minister responsible for Social Affairs<sup>157</sup>. Based on the researcher's findings, none of the bus companies at Mile 17 park station in Cameroon provide preferential treatment. Additionally, the public transport vehicles lack access ramps and impaired passengers are not given priority while purchasing tickets and registering.

## **Conclusion**

The above work demonstrates that various instruments and mechanisms that have been designed at the international, regional, and local levels to safeguard the rights of persons with impairments (PWI). However, these legal frameworks lack effective enforcement mechanisms, leading to frequent violations of their rights. Although the law seeks to address issues of inequality among individuals with impairment, it tends to use derogatory phrases that depict “inability” such as “Handicap” and “Dis-abled” persons. This might be one of the reasons why these legal frameworks lack popular interest. Coupled with the fact there are not backed by sanctions and violators go unpunished. Such violation of the laws has an unprecedented impact on the daily life of an Impaired Person. Which is why in our next chapter, we are going see how the non-respect of these laws mentioned above will create societal barriers that affect the lives of PWI woefully.

---

<sup>156</sup> The act of passengers and crew getting aboard a ship or aircraft. Synonyms: boarding, embarkment  
Antonyms: debarkation, disembarkation, dismemberment. the act of passengers and crew getting off of a ship or aircraft < <https://dictionary.cambridge.org/dictionary/english/disembarkation> >accessed 15/03/2024.

<sup>157</sup> Article 20 of the 2018 decree of application.

## CHAPTER FOUR

### **The Socio-Political and Economic Challenges faced by Persons with Impairment Through the Violation of their Rights in Achieving an Inclusive Society in the NW/SWR of Cameroon.**

#### **4.0 INTRODUCTION**

The African Charter encompasses civil, political, economic, social, and cultural rights<sup>158</sup>. It explicitly acknowledges both collective rights and duties, as well as development<sup>159</sup>. Moreover, most infrastructure and development initiatives in Cameroon do not adequately cater to the needs of Persons with Impairment (PWI). This lack of attention has a detrimental impact on their social, economic, and political advancement. This chapter focuses on challenges faced by Persons with Impaired Persons (PWI) within the North West and South West Regions of Cameroon. It answers research question four, which addresses the disabled and exclusive nature of the society that limited access to Infrastructure, public transportation, exposure to poverty, lack of family ties, skyrocketing unemployment, psychological distress, vulnerability to sexual assault and discrimination, high rate of illiteracy, and Communication and Information.

#### **4.1 Systemic Challenges**

##### **4.1.1 Infrastructural Challenges and Societal Attitudes Towards PWI**

The social model of disability posits that disability arises from the interplay between individuals and their environment, encompassing a complex combination of social, cultural, political, climatic, geographical, construction, and technical factors<sup>160</sup>.

According to the 2018 decree on the Promotion and Protection of the Rights of Persons with Disabilities in Cameroon<sup>161</sup>, the government requires private buildings and institutions open to the public to be designed to make it easy for people with impairments to access them<sup>162</sup>. In the North West and South West Regions (NW/SWR) of Cameroon, the major challenge PWI

---

<sup>158</sup> Olaniyan, Kolawole, 'Civil and Political Rights in the African Charter: Articles 8–14' in Malcolm Evans and Rachel Murray's (eds), *The African Charter on Human and Peoples' Rights: The System in Practice 1986–2006* (Cambridge University Press 2008).

<sup>159</sup> Ibid.

<sup>160</sup> Michael Oliver. *Understanding Disability*. New York (2nd edn St. Martin's Press 1996).

<sup>161</sup> Art 18 of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>162</sup> Ibid.

experience daily is accessibility to buildings, which is a common scenario in this country, indicating a violation of the above decree. Thus, the non-implementation of the decree has created environmental disabilities such as the absence of ramps, lifts, and accessible toilets in most public and private buildings making it difficult for persons with impairment to navigate through without seeking assistance from others<sup>163</sup>. This puts them in a needy and vulnerable position in society, meanwhile most people refuse to help because they see such responsibility as a burden.

Nevertheless, PWIs consistently express their frustration when confronted with this societal disability in the likes of physical challenges and barriers in various domains daily. These challenges include limited accessibility to school buildings, restricted physical access to workplaces, and difficulties in accessing facilities such as supermarkets, churches, and government buildings, which are not only common in Cameroon but also in other parts of Africa<sup>164</sup>. Nevertheless, the constructed surroundings are predominantly planned in a discriminating fashion, placing individuals with impairments at a disadvantage situation, pleading for help at all times<sup>165</sup>. Such a setting is primarily designed to accommodate individuals without impairments and does not consider the needs of people with impairments. Due to the lack of a dynamic legal framework and limited policies protecting individuals with impairments, they are left with no choice but to accept the “unfortunate” circumstances without complaint.

Furthermore, just like in other parts of some developing African country like Nigeria, most public toilets near public institutions lack handrails or other forms of gripping aids or supports<sup>166</sup>. This absence of inclusive support systems is a challenge for anyone attempting to use these public restrooms. The prevailing environmental challenges and the lack of commitment to address and establish a conducive environment for individuals with impairments have been the primary factors contributing to their sense of discrimination and

---

<sup>163</sup> Maxwell Peprah Opoku, ‘Lives of persons with disabilities in Cameroon after CRPD: Voices of persons with disabilities in the Buea Municipality in Cameroon’ 2016 16(1) *International Journal on Disability and Human Development* 1.

<sup>164</sup> Sabbath M. Uromil and Mazagwa Iboku Mazagwa, ‘Challenges Facing People with Disabilities and Possible Solutions in Tanzania’ 1(2) (2014) *Journal of Educational Policy and Entrepreneurial Research* 158.

<sup>165</sup> Ibid.

<sup>166</sup> Jonah Eleweke, ‘Barriers to Accessing Services by People with Disabilities in Nigeria: Insights from a Qualitative Study’ May (2016) 6(2) *Journal of Educational and Social Research* MCSER Publishing, Rome-Italy 113.

isolation<sup>167</sup>. In the specific setting of NW/SWR of Cameroon, the main hindrances to the dissolution of PWI are environmental disabilities that limit accessibility.

#### **4.1.2 Challenges Faced in Public Transportation**

Transportation concerns are widely recognized as a significant challenge for PWIs worldwide. However, a significant number of individuals with mobility impairments globally and in Cameroon as a nation depend on public transportation to get essential resources and sustain social connections<sup>168</sup>. Nevertheless, individuals with mobility impairments encounter more obstacles when it comes to utilizing and benefiting from public transportation, resulting in inequalities with persons without impairment<sup>169</sup>. The challenges encountered by individuals with transportation disabilities are crucial for these vulnerable group to have a satisfying and meaningful life, such as providing access to jobs, education, healthcare, shopping, social events, and numerous recreational activities. According to some academic scholars, transportation is an essential prerequisite for complete engagement in a community<sup>170</sup>.

In the NW and SWR of Cameroon just like other African countries, limited transportation is a persistent and undeniable difficulty that people get to face every day<sup>171</sup>. Despite the significance of the transportation system, PWI in these two regions lack sufficient access to transportation. Moreover, the public transportation system is unsuitable for Mobility Impaired Persons (MIPs). Besides that, public transit buses and taxis lack accommodations for wheelchair or tricycle users, which presents difficulties for them when traveling to and from their hometown, workplace, market, school, and other destinations<sup>172</sup>.

Although the majority of persons with impairments in the NW and SWR of Cameroon possess both a wheelchair and a tricycle, which facilitate their mobility, it is always difficult to navigate through the stony and untarred roads<sup>173</sup>. Coupled with the fact that they choose crawling or

---

<sup>167</sup> Minal Ray, 'Functioning and disability in recent research from Cameroon: a narrative synthesis' (2017) 27(73) *Pan African Medical Journal* 25.

<sup>168</sup> Luyu Liu Armita Kar Ahmad Ilderim Tokey, 'Disparities in public transit accessibility and usage by people with mobility disabilities: An evaluation using high-resolution transit data' (2023) 109 *Journal of Transport Geography* 125.

<sup>169</sup> Ibid.

<sup>170</sup> Jill Louise Bezyak, Scott Sabella, Joy Hammel, Katherine McDonald Dana Barton, 'Community participation and public transportation barriers experienced by people with disabilities (2019) 42(23) *Disability and Rehabilitation* 3275.

<sup>171</sup> Babra Duri and Rose Luke, 'Transport barriers encountered by people with disability in Africa: An overview' (2022) 16(2) *Journal of Transport and Supply Chain* 2.

<sup>172</sup> Minal Ray, 'Functioning and disability in recent research from Cameroon: a narrative synthesis' (2017) 27(73) *Pan African Medical Journal* 25.

<sup>173</sup> Kiani Shirin, 'Women with Disabilities in the North West Province of Cameroon: Resilient and Deserving of Greater Attention' (2009) 24(4) *Disability & Society* 517.

using crutches as an alternative due to the challenges involved in reserving taxis or accessing buses within the city<sup>174</sup>. This is in violation of the 2018 decree on Disabilities in Cameroon. It specifies the purchase of transportation devices designed to accommodate those with limited mobility<sup>175</sup>. The barriers in accessing means of transport by Persons living with all forms of mobility impairment, especially wheelchair users violate their fundamental human rights under CRPDA<sup>176</sup>. However, this provision is a prerequisite for their inclusiveness and dependency, which has further restricted their capacity to pursue social amenities such as education, work, with others, and their rights to participate in cultural life, recreation, leisure, and sport<sup>177</sup>.

Moreover, the situation is yet again worsened in these parts of Cameroon because in many cases, public transport drivers often impose additional fees on passengers using wheelchairs or tricycles as drivers express concern about the lack of wheelchair accessibility in their vehicles, which results in them spending additional time assisting wheelchair users with entering and exiting the vehicle<sup>178</sup>. This is contrary to Cameroon's 2018 decree of the application of the 2010 law on the protection of the rights of PWI which specifically demands a decrease in transportation fees for holders of a disability card<sup>179</sup>. In addition, most complaints come from the fact that transporting their wheelchairs in their automobiles allows them to utilize their time more efficiently by actively seeking out additional customers, while also addressing the issue of limited space occupied by the wheelchairs<sup>180</sup>. Thus, such exclusion perpetuates inequality within the society and infringes their rights upon their entitlement to freedom of mobility and equitable engagement<sup>181</sup>.

This shows that when a law is violated, an environmental barrier emerges, challenging the inclusion of PWIs and making them appear vulnerable and needy, the reason that the most effective way to ensure an inclusive society for PWIs is to strengthen an enforcing mechanism to ensure effective implementation of the legal framework Protecting PWI.

---

<sup>174</sup> Ibid.

<sup>175</sup> Art 20 of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>176</sup> Art 9 of the United Nations Convention on the Rights of Persons with Disabilities.

<sup>177</sup> Art 30 of the Convention on the Rights of Persons with Disabilities CRPD.

<sup>178</sup> Jules Médard Nana Djomo & Boniface Ngah Epo, *Transport Poverty, Distance Covered to Access to Basic Infrastructures and Modal Choice in Urban Cities in Cameroon* (1st Springer International Publishing 2002).

<sup>179</sup> Art 20 (2) of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>180</sup> Kiani Shirin, 'Women with Disabilities in the North West Province of Cameroon: Resilient and Deserving of Greater Attention' (2009) 24(4) *Disability & Society* 517.

<sup>181</sup> Art 12(3) International Covenant on Civil and Political Rights (ICCPR).

### 4.1.3 Exposure to Low Living Standard

According to some statistics from scholarly writings, over 180 million individuals aged 10-24 experience a physical, sensory, intellectual, or mental health impairment that significantly impacts their everyday lives<sup>182</sup>. Approximately 150 million young individuals, which accounts for 80% of the total, reside in the world's developing regions including Cameroon. They belong to the group of young people who because of the disabled nature of society, appear to belong to the most economically disadvantaged and socially excluded in the globe<sup>183</sup>.

Furthermore, a significant number of individuals who have impairments experience poverty, which makes poverty and disability, seem to be link together<sup>184</sup>. Poverty might both be a consequence of and sometimes may trigger disability, which might change an individual situation from temporary to permanent impairment. For instance someone who suffers from a knee infection may be amputated in case they do not have money to commence full and effective treatment. According to the CRPD, which has acknowledged the issue of poverty and aims to rectify it, in its Preamble, by emphasizes that a significant number of individuals with impairment experience hardship and acknowledges the urgent necessity to tackle the detrimental effects of poverty on individuals with impairments. The preamble of the CRPD also highlights that a key objective of the treaty is to address the significant social disadvantage faced by individuals with impairments<sup>185</sup>. This means that Countries to the CRPD are obligated to acknowledge and respect the entitlement of individuals who are living with impairments either permanent or temporary to a sufficient level of living conditions<sup>186</sup>. The International Covenant of Economic Social and Cultural Rights encourages contracting nations to acknowledge the entitlement of all individuals to a satisfactory level of living for themselves and their families to support this provision<sup>187</sup>. It encompasses sufficient provisions for basic needs such as appropriate nutrition, shelter, and clothing, as well as the ongoing enhancement of living circumstances<sup>188</sup>. Both provisions acknowledge an important right that member states should implement to promote a financially inclusive environment for PWI.

---

<sup>182</sup> Nora Ellen Groce, 'Adolescents And Youth With Disability : Issues And Challenges (2004) 15(2) *Asia Pacific Disability Rehabilitation Journal* 13, 13.

<sup>183</sup> Ibid.

<sup>184</sup> Sophie Mitra, 'Disability and Social Safety Nets in Developing Countries' (2006) 2(1) *International Journal of Disability Studies* 43.

<sup>185</sup> The Preamble of the Convention of the Rights of Persons with Disabilities (CRPD) available <<https://www.un.org/disabilities/documents/convention/co.>>25/07/2024.

<sup>186</sup> Art 28 CRPD.

<sup>187</sup> Art 11(1) International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>188</sup> Ibid.

In this light, they need a safe and supportive environment, education, health services, and employment<sup>189</sup>. However, in many parts of the world especially in the NW and SWR of Cameroon, the Young Persons with Impairment (YPWI) are usually excluded from economically engaging activities that would enable their financial emergence, which is a violation of the African Youth Charter<sup>190</sup>. Moreover, such pertinent issues are often not addressed properly<sup>191</sup>.

This exclusion has demonstrated a correlation between disability and poverty<sup>192</sup>. Such economic lapses do not reflect goals 1 and 2 of the sustainable development goals, which express the United Nations' commitment to eradicating poverty and hunger in all its manifestations, prioritizing and accomplishing food safety, as well as eradicating all types of malnutrition. and ensuring that all individuals including those with Impairments can achieve their full potential with dignity, equality, and in a sustainable environment<sup>193</sup>. Also, poverty measures the proportion of individuals who have impairments living in poverty, coupled with the expenditures associated with impairments such as buying and maintaining their accessibility devices and specialized medical care is a huge challenge for them.

Furthermore, most petit traders who are amputated as a result of accidents in most cases have a drop in their businesses as it has not been as productive as before (before their impairments) due to their lack of assistive devices<sup>194</sup>. The situation becomes worse for a taxi or bus driver who has suffered severe injury due to a ghastly motor accident as they find it impossible to care for their family and basic needs their disability impinges or interferes with their employment and consequently an inability to make daily or monthly earnings like others without impairment<sup>195</sup>.

---

<sup>189</sup> Nora Ellen Groce, 'Adolescents And Youth With Disability : Issues And Challenges (2004) 15(2) *Asia Pacific Disability Rehabilitation Journal* 13.

<sup>190</sup> Art 24(1) (2) African Youth Charter (AYC).

<sup>191</sup> Banks, Lena Morgon, 'Hannah Kuper, and Sarah Polack. "Poverty and disability in low-and middle-income countries: A systematic review.' (2017) 12(12) *PloS one* 1.

<sup>192</sup> Monica Pinilla-Roncancio, 'Multidimensional poverty and disability: A case control study in India, Cameroon, and Guatemala' (2020) 11(4) *Population Health* 1.

<sup>193</sup> United Nations, 'The Sustainable Development Goals Report (09/07/2019) Available < <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf> > accessed 22/07/2024.

<sup>194</sup> Mprah, Wisdom Kwadwo, Maxwell Pephrah Opoku, and Bernard Nsaidzedze Sakah. 'Assessing the Benefits of the CRPD in Cameroon: The Experience of Persons with Disabilities in the Buea Municipality' Jeff D. Grischow and Magnus Mfoafo-M'Carthy. Boydell & Brewé (eds) *Disability Rights and Inclusiveness in Africa: The Convention on the Rights of Persons with Disabilities, Challenges and Change* (Print. African Issues).

<sup>195</sup> Maxwell Opoku, 'Lives of persons with disabilities in Cameroon after CRPD: voices of persons with disabilities in the Buea Municipality in Cameroon' (2016) 16 (1) *International Journal on Disability and Human Development* 1.

#### 4.1.4 Stigmatization from family members- Lack of Family Support.

The CRPD assigns a supporting role to families. The preamble underscores that the family is the inherent and essential basic element of society and is deserving of safeguarding by both society and the government<sup>196</sup>. Nevertheless, the significance of families lies primarily in their influence on the rights of Individuals With Impairments (IWI). Persons who have impairments and their relatives must be provided with the essential support and aid to empower household members in promoting the complete and equitable enjoyment of the rights of persons with impairments<sup>197</sup>.

It implies that IWI has an active role as opposed to a position of dependency. Alternatively, it places responsibilities on States to support families in their efforts to uphold the human rights of IWI, with the family member with an impairment being the main recipient of this support<sup>198</sup>.

In certain regions of Northwest/Southwest Cameroon, impairments are viewed as a family burden and are regarded as a curse upon the family. Consequently, some family members subject those with impairments to inadequate treatment<sup>199</sup>. Typically, individuals feel ashamed to have a person who has impairments in their household and often choose to keep them secretly at home, isolating them from the local community in most cases, family members make use of derogative appellations such as “ebua”, “kotobass”, “obanjee” “cripple”, “handicap” or “disabled child”<sup>200</sup>. This has had a detrimental impact on their cognitive growth and has ingrained in them a sense of inferiority and an inability to assimilate into society. A reason some family members will not want to invest in their children who are impaired is that they consider them to be “productive”, which is not the case. However, the lack of support from their siblings exacerbates the challenges they face in life.

---

<sup>196</sup> The Preamble of the Convention of the Rights of Persons with Disabilities (CRPD) available <<https://www.un.org/disabilities/documents/convention/co.>>25/07/2024.

<sup>197</sup> Ilias Bantekas, Michael Ashley Stein, Dimitris Anastasiou, *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (1st Oxford University Press 2018).

<sup>198</sup> Rosemary Kayess and Phillip French, ‘Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities’ (2008) 8(1) *HRLR* 1.

<sup>199</sup> Cockburn, Lynn, Shaun Cleaver, and Ezekiel Benuh. ‘The prevalence of impairments and disabilities in the North West Region, Cameroon’ (2014) 15(2) *Health Sciences and Disease* 1.

<sup>200</sup> *Ibid.*

#### 4.1.5 Challenges Related to Employment

To integrate, empower, and include people with impairment, employment is essential. Their right to work has been significantly impacted, as has their economic advancement. According to the terms of the International Covenant of Economic, Social, and Cultural Rights Convention (CESCR)<sup>201</sup>.

However, persons with unique differences and capabilities still encounter a substantial disparity in terms of their limited skill set and elevated rates of unemployment. It is crucial to recognize that individuals with impairments necessitate equal access to educational systems, vocational training centers, and entrepreneurial education, just as individuals without impairments. Nevertheless, the government's reluctance to offer these amenities obstructs their capacity to completely exercise their entitlements to economic advancement, employment, and social assimilation. Furthermore, the absence of assistance hinders their ability to achieve self-reliance and acquire the essential assistive tools for PWI to integrate successfully in society.

Young individuals in developing countries face a greater likelihood of experiencing unemployment, underemployment, or being employed at lower salaries compared to adult workers. Meanwhile, adolescents who have impairments have an elevated level of unemployment and dependency<sup>202</sup>. Thus, entering the employment market with less education and little or no skills, individuals encounter challenges in competing. Employment offers the chance to generate cash, develop social connections, and create social and political standing, which is particularly significant for individuals with impairments.<sup>203</sup> Likewise, Individuals with impairments frequently possess the capability and desire to engage in employment to achieve financial autonomy and make valuable contributions to both local and international communities and society<sup>204</sup>.

However, in ensuring the protection of PWI's right to employment in the job market, the International Labour Organization (ILO) Conventions<sup>205</sup> seek to empower their well-being through vocational training to gain skills and get employment to reduce their rate of financial

---

<sup>201</sup> Art 6(1) International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>202</sup> Nora Ellen Groce, 'Adolescents And Youth With Disability : Issues And Challenges (2004) 15(2) *Asia Pacific Disability Rehabilitation Journal* 20.

<sup>203</sup> Mactaggart, Islay, Lena Morgon Banks, Hannah Kuper, Jayanthi Sagar, Joseph Oye, and Sarah Polack. 'Livelihood opportunities amongst adults with and without disabilities in Cameroon and India: A case control study'(2018) 13(4)*PloS one* 1.

<sup>204</sup> Ratan Sarkar, 'Disability and Exclusion: Social, Education and Employment Perspectives' 2021 10(2) *Bhutan Journal of Research and Development* 29.

<sup>205</sup> International Labour Organization (ILO) Conventions 1930 (No. 29).

dependency<sup>206</sup>. Yet, many employers are reluctant to recruit PWI due to social prejudice and a disabled environment, where both the society at large and international legislation look at PWI as being “Dis-abled” and consequently, “unproductive”. Although labor holds significant relevance for individuals with impairments, this vulnerable population continues to face limitations in their pursuit of employment and financial emergence<sup>207</sup>. In the North West/South West regions of Cameroon, individuals with impairments encounter difficulties in finding jobs mostly because employers lack an understanding of impairment because they considers “disability” as “inability”<sup>208</sup>. This negative attitudes towards the term “disability” and the non-application of international labor laws have limited the hiring of persons with impairments and a limited willingness to employ them, by violating their rights to employment.

This is why it is imminent that Individuals with Impairment frequently encounter substantial obstacles to securing employment, leading to reduced engagement in the labor force, elevated rates of unemployment, and diminished pay in comparison to their non-impaired individuals. Notwithstanding discrimination still appears to be an inevitable aspect in the employment sector where impaired persons are usually overlooked irrespective of their competence and experience compared to those without impairments within the the NW/SWR<sup>209</sup>. However, in the case of *Liliane Gröninger v Germany*<sup>210</sup>. The case focused on the country's support system for integrating PWI into the workforce. The CRPD Committee found that the subsidy system did not effectively support the employment of PWI. They noted that the complex application process for employers and the lack of direct support for Impaired individuals made the system ineffective and discriminatory. As a result, the Committee concluded that Germany's approach to integrating disabled people into the workforce did not meet its obligations under international disability rights laws.

Even though there is no documented case law within the Cameroon legal system where an aspect of discrimination against PWI, other countries such as the Republic of Ireland have addressed discrimination against people with impairment in employment. In this landmark case, the Supreme Court opinion in *Daly v Nano Nagle*<sup>211</sup> served as a key clarification of the

---

<sup>206</sup> C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

<sup>207</sup> Ibid.

<sup>208</sup> Ray, Minal, Lorena Wallace, Lawrence Mbuagbaw, and Lynn Cockburn, ‘Functioning and disability in recent research from Cameroon: a narrative synthesis (2017) 27(1) *Pan African Medical Journal* 1.

<sup>209</sup> Zamo-Akono Christian, ‘Disability and Labour Force Participation in Cameroon’ (2013) 3(2) *International Journal of Human Resource Studies* 1.

<sup>210</sup> *Liliane Gröninger v Germany* CRPD/C/D/2/2010.

<sup>211</sup> *Daly v Nano Nagle* SAPIE/2018/37.

rights of individuals who have impairments to get reasonable working accommodations from their employers. The event is now occurring in the new setting of Ireland, which is now bound by the requirements of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) after ratifying the Convention in March 2018.

Typically, most people tend to focus more on their impairment rather than on the unique qualities and characteristics of individuals as human beings because the term used to describe PWI convinces most employers to doubt the productive nature of PWI<sup>212</sup>. Such preconceptions have a detrimental impact on the right to equitable participation of marginalized and underrepresented individuals. Hence attitudinal barriers as a result of terminological stereotypes hinder the employment of PWI as certain employers are averse to hiring them, and other workers are hesitant to work alongside them as colleagues. That is why most of them end up over-dependent and take begging as the only surviving option for their livelihood<sup>213</sup>.

It has violated their rights to employment as stated in the Convention of the Rights of Persons with Disabilities, which follows that, States Parties acknowledge the entitlement of individuals with “disabilities” to engage in employment, with the same opportunities as others<sup>214</sup>. This encompasses the right to pursue a livelihood through employment that can be selected or accepted in a labor market and work environment that is accessible and inclusive for individuals with impairments. Member States are required to protect and advance the realization of the right to work, even for individuals who become impaired while employed. They must do so by implementing suitable measures, including enacting laws, to, among other things<sup>215</sup>.

#### **4.1.6 Emotional Challenges**

Generally, in Cameroon, individuals with impairments often face significant challenges to their psychological well-being because of the negative societal attitude towards them notably because of the stereotypical concept of the term “Disability” or “Disabled people”, which is why they do not feel comfortable when addressed with the term “Disability”<sup>216</sup>. With that, they

---

<sup>212</sup> Beryl Ndongwa Bamu Geert Van Hove, ‘Community perceptions of people with disabilities in the North West region of Cameroon: what is the impact on their access to services?’ (2016) 32(1) *Disability & Society* 56.

<sup>213</sup> Ibid.

<sup>214</sup> Art 27 Convention of the Rights of Persons with Disabilities CRPD.

<sup>215</sup> Ibid.

<sup>216</sup> Laveena D'Mello, Meena Monteiro, ‘Psycho-Social Problems faced by Persons with Disability (2017) 2(2) *International Journal of Management, Technology, and Social* 2581.

experience feelings of loneliness and isolation, as well as frustration from being overlooked by the public, which has set a wide range of barriers to their social participation<sup>217</sup>. For example, People with impairments may have poor self-esteem because they view the term “Disability” breaking down to “Dis-Ability” to indicate that they do not deserve or have the ability to take part in activities and events with others who are presumed to be “Able-bodied” persons. Family members may feel that having a member with an impairment brings shame, so they do not encourage or allow PWI to socialize<sup>218</sup>.

Furthermore, the term “Disability” has encouraged persons without Impairment to express sympathy towards them in a manner that evokes pity and they regard them as impoverished, dependent, and having little or no ability to contribute to the advancement of society<sup>219</sup>. These factors all contribute to their social isolation and stigmatization. This is yet another reason why in the universities of these two regions in Cameroon<sup>220</sup>, it is unlikely that this situation will change because most Cameroonians believe that the term “Disability” meant to address persons with Impairment for their inability to engage in rational thinking. This increases the psychological distress these vulnerable groups suffer from in their day-to-day life<sup>221</sup>.

Still, in the education milieu, students are not properly guided by the educational institution to view impairment as a natural aspect of human diversity. This lack of orientation and awareness is considered by impaired students to be the primary cause of the negative attitudes they receive from other students towards impairment as a whole<sup>222</sup>. Many impaired students in higher education assert that only students who have had prior exposure to individuals with impairments or have siblings with impaired conditions are more comfortable and at ease when interacting with them and their impaired peers, compared to those who have not had such contact<sup>223</sup>. Hence, this barrier to socialization has created psychological distress for PWI who

---

<sup>217</sup> Ibid.

<sup>218</sup> Ibid.

<sup>219</sup> Mactaggart, Islay, Hannah Kuper, Jayanthi Sagar, Joseph Oye, and Sarah Polack, ‘Assessing health and rehabilitation needs of people with disabilities in Cameroon and India’ (2016) 38(18) *Disability and Rehabilitation* 1757.

<sup>220</sup> The University of Bamenda from the North West Region and University of Buea from the South West Region of Cameroon.

<sup>221</sup> Maxwell Peprah Opoku, ‘Perceptions and Experiences of Persons with Disabilities on Access to Education in Buea Municipality, Cameroon’ (2015) 2(1) *International Journal of Complementary & Alternative Medicine* 1.

<sup>222</sup> Musenyente Elijah, Ambei Faizefu, Regina Nasako, ‘Students’ perception of disabilities in the University of Buea’ (2015) 2(4) *Journal of Educational Policy and Entrepreneurial Research* 31.

<sup>223</sup> Ibid.

live a life of regret because of the rejection and isolation they receive from those without impairment.

#### **4.1.7 Gender Inequalities and Unique Challenges of Women with Impairment**

The disturbing nature of the specific problems faced by women with impairments in this part of Cameroon cannot be overstated. This is because, in most societies, women with impairment have increased vulnerability and are subjected to different forms of discrimination based on gender in addition to their impaired condition<sup>224</sup>. Thus, the Convention of the Rights of Persons with Disabilities<sup>225</sup>, it acknowledges that Women with Impairment (WWI) frequently face intersecting forms of discrimination based on both their gender and impairment, resulting in restricted access to their rights. Society's misunderstandings regarding women with impairments are evident in several aspects of life, including the field of medicine<sup>226</sup>. The comments from most medical personnel towards women with an impairment who go for antenatal because of pre-marital pregnancy are usually faced with significant attitudinal obstacles when seeking healthcare during their prenatal examinations. These barriers are illustrated by insulting remarks that make them feel that their pregnancy is an additional burden to their impairment<sup>227</sup>. In most cases, such premarital pregnancy is due to the lack of family planning and information on sex education, making ignorant about the use of contraceptives.

##### **4.1.7.1 Sexual Assault and Exposure to HIV**

Due to the various difficulties that come with having an impaired condition, people living with different forms of impairment have been recognized as one of the groups susceptible to HIV especially women and girls with impairment. However, Women with Impairment are more exposed to sexual violence and rape as compared to women and girls without impairment, especially wheelchair users<sup>228</sup>. In most cases, family members of survivors of rape always show less concern about any sexual or rape allegation raised by a female with impairment. Usually, some family members expressed gratitude for someone engaging in sexual activity with these

---

<sup>224</sup> Margaret Nosek, Carol Howland, Rosemary Hughes, 'The Investigation of Abuse and Women With Disabilities: Going Beyond Assumptions' (2001) 7(4) *Violence Against Women* 477.

<sup>225</sup> Art 6 CRPD.

<sup>226</sup> Lynn Cockburn, 'The Prevalence of Impairments and Disabilities in the North West Region, Cameroon' (2014)15(2) *Health Sciences and Disease* 1.

<sup>227</sup> Ibid.

<sup>228</sup> Touko, Adonis, Célestin Mboua, Peter Tohmuntain, and Anne Perrot, 'Sexual vulnerability and HIV seroprevalence among the deaf and hearing impaired in Cameroon' (2010) 13 *Journal of the International aids Society* 1.

survivors despite their condition which they considered “suffering”<sup>229</sup>. Such vulnerability exposes them to sexually transmissible diseases such as HIV and gives room for more violations by perpetrators<sup>230</sup>. In addition, they are often faced with a heightened vulnerability to HIV infection as a result of engaging in hazardous sexual behaviors such as sexual assault, sexual exploitation, engaging in unprotected sex<sup>231</sup>. In addition, they often are considered a vulnerable population to HIV because of the various barriers presented by their impairments to access relevant information about their menstrual cycle and the use of contraception like condoms. They are a significant and neglected group, with a lack of access to healthcare services, particularly those related to HIV. They have been consistently kept out of HIV budgeting and programming, mostly because they are perceived as not being at risk<sup>232</sup>. Additionally, some may encounter resistance from certain partners who are unwilling to use contraceptives<sup>233</sup>. Basically, in most situations, they have limited opportunities to engage in sexual activities with an intimate partner due to their frequent exclusion from social relationships. Yet they continue to experience sexual urges like any other person, whereas prospective companions typically refrain from approaching them. When presented with an opportunity and faced with a partner who declines to wear contraception, which might be harmful to their health, they might seem not to bother about the outcome of the act despite being unsafe for them.

#### **4.1.8 Barriers to Accessing Education**

Education plays a crucial role in the lives of individuals, particularly those from privileged backgrounds, as it ensures they have the necessary knowledge and skills to unlock their potential and make meaningful contributions to the development and progress of their country. However, in the NW and SWR of Cameroon, individuals with impairments are unable to fully exercise their right to education as outlined in the Convention on the Rights of Persons with Impairments (CRPD)<sup>234</sup> due to the societal barriers and lack of accessible communication and infrastructure in public institutions. This has led to a higher prevalence of illiteracy among

---

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Touko, Adonis, Célestin P. Mboua, Peter M. Tohmuntain, and Anne B. Perrot. "Sexual vulnerability and HIV seroprevalence among the deaf and hearing impaired in Cameroon" (2010) 13 *Journal of the International Aids Society* 1.

<sup>232</sup> Tarkang, Elvis E., Awolu Adam, and Maragret Kweku. 'Perceptions of factors associated with condom use to prevent HIV/AIDS among persons with physical disability in an urban town of Cameroon: a qualitative study' (2015) 6(1) *Journal of Public Health in Africa* 1.

<sup>233</sup> Ibid.

<sup>234</sup> Art 24 Convention on the Rights of Persons with Disabilities (CRPD).

individuals with impairment community in this region, as many of them are compelled to discontinue their education.

This has had a detrimental effect on their social development, as the majority of them have not received a formal education. Furthermore, the act of excluding children and youth who have impairments from education not only denies them access to professional training and job prospects but also hinders their ability to develop abilities as entrepreneurs and engage in company development. Consequently, they are being placed in a state of increased vulnerability and dependence, which further exposes them to discrimination and isolation. In many instances, some PWIs have not received an education due to family estrangement.

However, in some parts of the world including the NW/SWR of Cameroon, Women and girls experience gender-based disparities in society. Girls living with impairment have a reduced likelihood of attending school and a higher likelihood of being confined to their homes to perform household tasks<sup>235</sup>. Hence, the illiteracy rates among persons with impairments are twice as high as those among adults without impairments. Without acquiring an education, it is exceedingly difficult to fully engage in communal activities, which is the duty of the state to do so. In a landmark case for instance in *European Action of the Disabled (AEH) v. France*<sup>236</sup> Students diagnosed with autism, as a result of a lack of suitable educational institutions and resources in France, were enrolled at specialist schools in Belgium, with all fees covered by the French government. The European Committee of Social Rights (ECSR) has determined that the movement of children and adolescents from France to Belgium is limited to individuals with impairments, including those with autism, who attend specialized schools to fulfill their educational or vocational training requirements. This situation highlights the failure of the respondent Government to adequately address the unique educational needs of these individuals within its own country, violating the rights to education for persons living with different forms of impairment.

---

<sup>235</sup> Shey Patrick Fonyuy, 'Inclusive education in Cameroon: Students with disabilities perceptions on inclusive practices at the University of Buea, Cameroon (2018) 4(1) *Greener Journal of Education and Training Studies* 18.

<sup>236</sup> *European Action of the Disabled (AEH) v. France* Complaint No. 81/2012.

#### 4.1.8.1 Challenges Faced by Learners with Mobility Impaired (LWMI)

In addition, Physical access to school buildings is an essential prerequisite for educating children with impairment<sup>237</sup>. Individuals with Physical Impairment (PI) may encounter challenges when commuting to school, particularly if the roads and bridges are not wheelchair-accessible and the distances are considerable from their residences<sup>238</sup>. Meanwhile, the University of Buea exemplifies an institution that has restricted accessibility. This is mostly due to the lack of wheelchair accessibility in the majority of lecture rooms, and the lack of respect shown by these institutions towards individuals with mobility impairments who use calipers and crutches, resulting in problems in accessing the facilities for Persons with Mobility Impairments (PMI)<sup>239</sup>. Concerning the severity of their impairments, the Cameroon decree on impairment provides that students with impairments may be placed in classrooms on the first floor or close to the board, exempting them from the age requirement<sup>240</sup>. The University of Buea has refused to apply this decree, which has developed a barrier to access infrastructure for wheelchair users who lament on facing difficulties accessing lecture rooms<sup>241</sup>. Most often, they have to keep their wheelchairs and tricycles far away from lecture rooms and crawl on staircases to attend lectures with non-impaired students. Even those with crutches and calipers are enrolled in classes that are not wheelchair-accessible<sup>242</sup>. Thus failure of educational institutions to respect and implement this provision and provide accessible means for individuals with impairments has created a challenge to access education, which is their fundamental human right leading to their dropping out of school.

Furthermore, the school authorities in the Bilingual Grammar Schools and other secondary schools in the North West and South West Regions of Cameroon for instance, display a lack of concern for Students with Impairments (SWI). In many instances, these authorities actively

---

<sup>237</sup> Giampiero Tarantino, 'Inclusion of children with disabilities and special educational needs in physical education: an exploratory study of factors associated with Irish teachers' attitudes, self-efficacy, and school context', (2023)42(4) *Irish Educational Studies* 487.

<sup>238</sup> Maureen Ebanga Tanyi, 'Pedagogic Barriers in Cameroon Inclusive Classrooms: The Impact of Curriculum, Teachers' Attitudes and Classroom Infrastructures' (2016) 7(18) *Journal of Education and Practice* 210.

<sup>239</sup> Shey Patrick Fonyuy, 'Inclusive education in Cameroon: Students with disabilities perceptions on inclusive practices at the University of Buea, Cameroon (2018) 4(1) *Greener Journal of Education and Training Studies* 18.

<sup>240</sup> Art 4 of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>241</sup> Shey Patrick Fonyuy, 'Inclusive education in Cameroon: Students with disabilities perceptions on inclusive practices at the University of Buea, Cameroon (2018) 4(1) *Greener Journal of Education and Training Studies* 18.

<sup>242</sup> *Ibid.*

prohibit automobiles from entering the campus with impaired students<sup>243</sup>. Despite the students' mobility challenges as a result of a disabled environment and the need for assistive devices, they are often expected to navigate their way through physical tasks like walking, just like their non-impaired peers. This has limited their inclusion, which has a huge impact on their development.

Moving forward, the lack of accessible resources provided by the Cameroon government for people who have impairments in these two regions, the general public has additionally done nothing to create an inclusive society for them. Authorities do not take into account the presence of Learners with Impairment (LWI) when allocating lecture rooms<sup>244</sup>. Consequently, some of these students are still attending lectures on the upper floors, where the building has more than one staircase. In the University of Buea (UB), the situation is even worse. Most administrative buildings, the school library, and above all, the transcript office, are both outnumbered by staircases which makes it difficult for wheelchair users to have easy access to these buildings to file complaints where they are any, which hinders our successful integration in the educational milieu<sup>245</sup>.

Moreover, a newly constructed building that went operational in the 2019/2020 academic year within the campus of the University of Buea “ASTI” is completely inaccessible for wheelchair users<sup>246</sup>. That is, the interior of the building has uncountable staircases in the building while the environment outside is filled with gravel. Usually, when a wheelchair user tries to navigate through the outer premises or the buildings, the wheels get stuck in the gravel<sup>247</sup>. This makes it inaccessible for wheelchair users while those with crutches and calipers barely navigate through the very high staircases. At the inside of the building, there are uncountable staircases, which makes it difficult for crutches users to navigate through<sup>248</sup>.

#### **4.1.8.2 Failure to Provide Accessible Education for Learners with Hearing Impairment**

Furthermore, the schools are facing a shortage of skilled staff and resources, which has exacerbated the difficulties in providing high-quality education for pupils with impairments. Sign language has not been included in the school curriculum as an additional language to ease

---

<sup>243</sup> Bruno Bongwong, 'Inclusive Education: Education and Development of Persons with Disabilities in the Buea Municipality, Fako Division, South West Region of Cameroon' (2019) 6(6) *International Journal of Humanities Social Sciences and Education* 30.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid.

communication with impaired and non-impaired students<sup>249</sup>. Consequently, students with hearing impairment usually cannot gain quality education and engage in curricular activities in the same school environment as other students without impairments because those without impairment cannot interpret the sign language. In addition to limited access to education for students with hearing impairment is the fact that there are very limited schools for hearing-impaired students, meanwhile, those that are present do not have teachers who are qualified in to teach sign language probably because of limited pieces of training to gain such unique abilities<sup>250</sup>. This inability to communicate effectively with students impacts negatively on their cognitive and social skills development. This limited access for them to acquire education and made it almost impossible for them to get an education as well, preventing them get employed in specialized fields. Thus, increasing their state of vulnerability. Meanwhile, the fact that there is no training center to train teachers in sign language makes the situation worse.

#### **4.1.8.3 Failure to Provide Accessible Education to Visually Impaired Students**

Furthermore, the situation is not different with visually impaired persons. learners with visual impairment encounter visual barriers in most schools. The Cameroon law on the protection of the rights of PWI urges the use of suitable techniques for acquiring classroom lectures and materials including Braille interpretation<sup>251</sup>. This will enable visually impaired pupils and students to participate in regular educational and career training programs. It should be noted that most of these schools in these parts of the country still extensively utilize the blackboard, white chalk, and printed handouts, which has created an educational barrier for visually impaired learners as there continued to exist acute shortages of learning materials in Braille or audio formats<sup>252</sup>. It excludes visually impaired students from gaining an inclusive education with learners without impairment in violation of the aforementioned Cameroon's local law in protecting and preserving the rights of PWI.

Thus, Children with impairments are often deemed incapable of learning in numerous nations, regardless of the nature of their impairment. Frequently, a child who has an impairment is

---

<sup>249</sup> Emma Jolley, Paul Lynch, Bhavisha Virendrakumar, Stacy Rowe & Elena Schmidt, 'Education and social Inclusion of people with disabilities in five countries in West Africa: a literature review' (2017) 40(22) *Disability and Rehabilitation* 2704.

<sup>250</sup> Francisca, Esonwo Emeaka, and Futella Christine Akum. 'The Problems of Implementing Inclusive Education for Pupils with Hearing Impairment in Fako Division Southwest Region of Cameroon' (2022) 2(7) *European Journal of Innovation In Non-formal Education* 31.

<sup>251</sup> Art 4 of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>252</sup> Ifigeneia Manitsa, 'Social support for students with visual impairments in educational institutions: An integrative literature review' (2022) 40(1) *British Journal of Visual Impairment* 29.

perceived as a source of disruption for other students, especially visually impaired and wheelchair users<sup>253</sup>. The absence of formal education may indicate the perception that these children are incapable of acquiring knowledge, that they should be spared the burden of learning, or that their presence in society would be stereotyped due to suspicions of genetic disorders, incestuous relationships, or divine disfavor<sup>254</sup>. This pervasive deficiency in education has direct significance for young individuals with impairments.

#### **4.1.9 Public Information and Communication Barriers**

Limited access to information and communication for the general public is often not accessible to PWI, which creates barriers to accessing public information and communication. In general, individuals with hearing impairments are often the least informed due to their hearing limitations<sup>255</sup>. Furthermore, they are frequently socially excluded from their community as a result of being marginalized and subjected to discrimination by both their own families and society at large<sup>256</sup>. This is demonstrated by the stigmatizing labels applied to people who use their hands to communicate, such as "moumou," a stereotyped term that is widely used to refer to people with hearing impairment because of their non-verbal nature. Their primary reason is that the public cannot interpret sign language, which is a necessity to be taught in colleges and public schools, and offices. This is not the case coupled with the fact that most public and private agencies do not offer sign language translation. Additionally, the majority of the special schools available to people with HI are privately owned and not very affordable.

In addition, prominent television networks do not employ sign language interpreters or produce shows specifically catering to the needs of the hearing impaired, limiting them from acquiring public information<sup>257</sup>. In the case of *Gemma Beasley v. Australia*<sup>258</sup>, the Committee on the Rights of Persons with Disabilities (CRPD) determined that there was a violation of Article 9. This violation occurred due to the inability to offer sign language interpretation, which prevented a hearing-impaired individual from participating in the jury trial.

---

<sup>253</sup> Musenyente Elijah, Ambei Faizefu, Regina Nasako, 'Students' perception of disabilities in the University of Buea' (2015) 2(4) *Journal of Educational Policy and Entrepreneurial Research* 31.

<sup>254</sup> Laveena D'Mello, Meena Monteiro, 'Psycho-Social Problems faced by Persons with Disability (2017) 2(2) *International Journal of Management, Technology, and Social* 2581.

<sup>255</sup> Edmond Tingang, Samuel Adadey, 'Knowledge and Challenges Associated With Hearing Impairment in Affected Individuals From Cameroon (Sub-Saharan Africa)' (2021) 2 *Frontiers in Rehabilitation Sciences* 1.

<sup>256</sup> *Ibid.*

<sup>257</sup> Wonkam Tingang, Edmond, Jean Jacques Noubiap, Jean Valentin F. Fokouo, Oluwafemi Gabriel Oluwole, Séraphin Nguefack, Emile R. Chimusa, and Ambroise Wonkam 'Hearing Impairment Overview in Africa: the Case of Cameroon (2020) 11(2) *Genes* 233.

<sup>258</sup> *Gemma Beasley v. Australia* CRPD/C/15/D/11/2013.

Due to the scarcity of training programs for sign language interpreters in the country. Consequently, public service providers, such as TV Stations, schools, and hospitals do not offer translators for clients who have hearing impairment. The Cameroon decree of 2018 provides that sign language interpretation of television programs and spots should be ensured to circulate information nationwide without discriminating against PWI<sup>259</sup>. Hence, Hearing Impairment are required to arrange for an interpreter to provide sign language assistance, coupled with the fact that they must have financial constraints when seeking such sign language interpreters to render such services to them, which ought to be the duty of the Cameroon government to ensure that institutions respect the above decree<sup>260</sup>. An indication that the Cameroon government does not offer support in this regard. Added that there are significant obstacles to accessing public information or communication that was formerly in printed format.

### **Conclusion**

A critical overview shows that what we consider a socio, political, and economic challenge experienced by PWI is a result of failure to implement the legal framework both at the international and local levels. This is an indication that disability is the inability of the endowment to provide accessible means of inclusion for PWI and that the public has failed to implement this legal framework, while the government has not ensured an enforcing mechanism for its application. Thus strict measures should be set up by the Government to ensure the smooth implementation of the legal framework that protects the rights of Persons with Impairment and preserves their dignity.

---

<sup>259</sup> Art 22 of Decree No 2018/6233 of 16 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 Impairment in Cameroon.

<sup>260</sup> Edmond Tingang, Samuel Adadey, ' Knowledge and Challenges Associated With Hearing Impairment in Affected Individuals from Cameroon (Sub-Saharan Africa)' (2021) 2 *Frontiers in Rehabilitation Sciences* 1.

## CHAPTER FIVE

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION

#### 5.0 INTRODUCTION

This chapter elaborates on the summary of findings of the entire research thesis, conclusion and some salient recommendations adopted by this research that can be interpreted and improve the status and the effective integration of Persons living with impairments. This will empower their socio-political and economic rights to facilitate their successful integration into the society.

#### 5.1 SUMMARY OF FINDINGS

This thesis focuses on addressing the stereotypical concept of Disability, which has increased the discrimination affecting the protection of the rights of Persons with Impairments (PWI) in the NW/SWR of Cameroon. In addition, the research project raises the focal point on the to assess the existing legal safeguards for individuals living with impairments in the North West and South Regions of Cameroon. Analyzing the potential impact of replacing the term 'disability' with 'impairment' on societal attitudes, and policies, decreasing stigma and promoting the inclusion of individuals with impairment across different sectors of the society.

In addition, the research examines how a terminology change will improve the protection level accorded to PWI. Given that, specifically, the British approach as opposed to the Nordic social relative model<sup>261</sup>, was able to challenge the fact that there is no direct causal link or relationship between impairment and disability, disclosing that disability is entirely a social construct. This plays a crucial weakness to the Social Model. This is because, the same drafters who characterize "disability" as an environmental failure and a lack of inclusive accessibility, tend to use the same disparaging term to define those who live with impairment as "Persons with

---

<sup>261</sup> Both of them are Social Model of Disabilities.

Disabilities” or as “Disabled”, it has been widely used globally and adopted by recent legal framework protecting the rights of PWI<sup>262</sup>. This has encouraged discrimination against Persons living with impairments in the entire world and the lack of respect for these laws. The research further defined Disability ideally to involve both impaired and non-impaired persons.

The study however exhibits that the government has enacted the 2010 law on the protection of persons with Disabilities, which only came into full force place in 2018 when its decree of application was passed, (8) eight years after the 2010 law was adopted on the protection and promotion of the rights of PWIs. A glare indication that the government of Cameroon is not putting stringent effort into ensuring the protection of the rights of PWI. Moreover, the work revealed that PWI suffers from diverse societal challenges because of the violation of the laws put in place to protect PWI. It further revealed that, when a right is violated, a barrier emerges constituting a challenge. In most cases, perpetrators go unpunished. This an indication that society, in general, is ignorant of its duty to protect and show empathy to PWI, probably because of limited awareness about the plights of PWI and because the term “disability” is wrongly interpreted to mean “In-Ability”. Meanwhile, the Government has failed to implement sanctions for violators of the laws protecting PWI. Meanwhile, society has also failed in its duty to protect PWI.

This Coupled with the fact that some regional and international legal framework uses derogatory words like “Handicap” and “ Disabled” to address PWI it has placed them in a vulnerable and depressed situation<sup>263</sup>. However, the societal obstacles experienced by PWI have intensified as a result of the lack of attention by society has led to countless violations of their social, economic, and political rights. Such violations have led to the emergence of build-up environmental barriers that have limited their successful integration into society. These

---

<sup>262</sup> The Convention of the Rights of Persons with Disability is a good example.

<sup>263</sup> Art 13(1) of the African Charter on the Rights and Welfare of the Child 1999.

challenges that were found by this thesis include limited access to Infrastructure, Information and Communication, Education, public transportation, exposure to poverty, lack of family ties, skyrocketing unemployment, psychological distress, and vulnerability to sexual assault as most of these survivors are infected with HIV, while others get unwanted pregnancies. However, removing these barriers creates equality and offers impaired people more independence, choice, and control.

## **5.2 CONCLUSION**

In summary, it is important to acknowledge that disability is a term that possesses unique and independent characteristics when compared to impairment. Disability, in contrast to impairment, impacts both impairments and unimpaired individuals in different contexts based on the structure of society. In addition, most legal frameworks designed to protect individuals with impairments exhibit inadequate or limited mechanisms for implementation. Although the law seeks to address issues of inequality among individuals with impairment, it has been argued that, in some instances, the law unintentionally perpetuates attitudes that reinforce rather than mitigate discrimination using derogatory terms such as “Dis-ability”, “Handicap”, “Dis-abled”, discouraging the society to feel compassionate and implement the laws. This has prevented their emancipation because it has led to a widespread violation of their rights and created barriers challenging their emancipation and mainstream.

## **5.3 RECOMMENDATIONS**

In the course of the research and based on the general objective and the general research question, the researcher was able to identify major weaknesses and prejudice behind the term “Disability” as one of the major reasons that have limited the protection of PWI receive both from the state and the general public. Thus, the research was able to come out with some salient recommendations on how these weaknesses can be handled positively to build an inclusive

environment for Persons who are living with diverse forms of impairments in the subsequent paragraphs.

1. The main recommendation of this research thesis is recognized from the fact that the main barrier or challenge faced by PWIs in our society is that there is a very limited cordial relationship between non-impaired persons and impaired persons. This is most likely because PWI is not properly addressed and the term used to describe them identifies weakness (disability/inability), which brings us to the view of how poor use of terminology can permanently affect an entire generation. This is one of the main reasons most states and societies are reluctant to implement laws and policies meant to integrate and protect the rights of Persons living with different forms of Impairment. The discrimination against PWI we have today is deeply rooted and requires change not just from the society or states, but from policymakers and drafters of legal and policy frameworks. Thus, the thesis recommends that policymakers reconsider the definition of the term “Disability” to fully describe a society without accessible means capable of affecting both impaired and non-impaired persons. Hence, “Disability” should not be used to describe someone with impairment because it is synonymous with “Inability”. Such perception brings societal stereotypes, poor attitudes, and refusal to implement laws protecting PWI. Hence, a change of terminology is inevitable to erase such prejudice, which PWI faces daily globally.
2. Also, most administrative authorities in schools and other sectors are unaware of the laws protecting impaired persons in Cameroon and fact that they have a duty to protect PWI with empathy and respect of their human dignity. This is probably because the government of Cameroon has not placed severe sanctions on violators of the laws protecting the rights of PWI. This is why the research recommends that the government of Cameroon should not only ensure the raising of an awareness campaign to all

institutions including academic institutions, the Government should equally implement sanctions. This is because the fear of sanctions will guarantee the respect of the laws protecting PWI and avoid any form of violation.

3. Still, within the scope of awareness raising, the Government should employ social welfare personnel to raise awareness about the duty of everybody to protect PWI with empathy and not sympathy. Further, that failure to protect constitutes a barrier that affects their lives negatively. Such a campaign should be organized at the beginning and the end of every school year at both primary, secondary, and University levels, and through radio and TV announcements. This will build a good relationship between the impaired and non-impaired, making it hard for the rights of PWI to be violated.
4. As well, the Challenge of accessibility is highly recommended that all stakeholders should be involved in addressing this issue. For this to be successful, there should be a collaboration between the Ministry of Social Affairs and all other Government Ministries in Cameroon. Besides, the most prominent Ministries to work with are the Ministries of Public Contracts, Urban Development, Public Transportation, and Basic, Secondary, and Higher Education. This will ease their integration into society. This is to ensure that those major stakeholders who are contractors strictly respect and apply circular No 3/CAB/PM of April 2008<sup>264</sup> on compliance with the rules governing award, execution, and control of public contracts (contractors and architects). Thus, every public or private building must be in a position of ramp(s) and other accessible means to ease accessibility to buildings by Persons with Mobility Impairment<sup>265</sup>. This can easily be achieved if the Ministry of Social Affairs is mandated to approve and validate

---

<sup>264</sup> Law No.2008/001 of 14 April 2008 to amend and supplement some provisions of Law No.96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.

<sup>265</sup> Ibid.

the project plan after meeting the needs of accessibility for Mobility impaired persons and wheelchair users in particular.

5. In addition, the Ministry of Public Transport should ensure that all public transport buses and taxis must have facilities for wheelchair users. The government should work in collaboration with Local, City, or Urban Councils to ensure that they provide vehicles public transport vehicles that are inclusive of wheelchair users.
6. The cost of living for PWIs in Cameroon is quite high while in most cases, they may have extra costs resulting from their impaired conditions, like costs associated with medical care or assistive devices<sup>266</sup> or the need for personal support and assistance. This usually requires more resources to achieve the same outcomes as persons without impairment, coupled with the fact most of them are unemployed, living in an impoverished condition and most at times depend on the goodwill of other people without impairment, which is not always sufficient. It is recommended that the government take the responsibility to empower every impaired person in Cameroon and assign some PWI by giving them monthly social welfare stipends for their basic needs. Besides that is imperative that the Government should ensure that impaired persons with certifications are given direct integration into public service, while those without certification should be given vocational training for them to be empowered with entrepreneurial skills.
7. Lastly, in other to improve access to information and communication for persons with impairment, sign language should be added as a compulsory course to study in both primary and secondary education. For this to be achieved, the government should mandate the revision of the teacher education curriculum in all teacher training universities and higher education institutions to incorporate inclusive learning as a

---

<sup>266</sup> Crutches, Calipers, Wheel Chairs, Tricycle are the ones commonly used in Cameroon.

mandatory subject. This will equip graduates with the necessary skills to teach sign language and braille interpretation to both impaired and non-impaired students and pupils thereby enhancing access to information and communication. Meanwhile, proprietors of schools should strive to allocate resources towards education by offering specialized training in inclusive education, irrespective of government support. This will enable the entire public to be familiar with the sign language and braille interpretation and will ease communication with Persons with Hearing Impairment. the general public is often not accessible to PWI, which creates barriers to accessing public information and communication.

## **BIBLIOGRAPHY**

### **BOOKS**

Alexander M, *Equality and discrimination under international law* (Oxford University Press 1983)

Armstrong S, *Deconstructing barriers: The promise of socioeconomic rights for people with disabilities in Canada* (University of Pennsylvania Press 2006)

Bantekas I, Michael Ashley Stein, Dimitris Anastasiou, *The UN Convention on the Rights of Persons with Disabilities A Commentary* (1st edn Oxford University Press 2018)

Bantekas I, Ashley M, Stein A, Anastasiou D, *The UN Convention on the Rights of Persons with Disabilities: A Commentary* (1st Oxford University Press 2018)

Craven M, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development* (Oxford University Press 1995)

Djomo J and Epo B, *Transport Poverty Distance Covered to Access to Basic Infrastructures and Modal Choice in Urban Cities in Cameroon* (Springer International Publishing 2002)

Frum D, *How we got here : the 70's, the decade that brought you modern life for better or worse* (1st New York, NY Basic Books c2000)

Henderson G, *Psychosocial Aspects of Disability* (4 edn, Charles C Thomas Publisher, 2011)

Lauren P G, *The Evolution of International Human Rights: Visions Seen* (University of Pennsylvania, Philadelphia 2003)

Morsink J. *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (University of Pennsylvania Press 1999)

Oliver M, *Understanding Disability*. New York (2nd edn St. Martin's Press 1996)

Oliver M, *Understanding Disability: From Theory to Practice* (2nd edn Basingstoke: Palgrave Macmillan 2009)

Oliver M. *Understanding Disability*. New York (2nd edn St. Martin's Press 1996)

Shakespeare T, *The social model of disability: The Disability Studies Reader* (3<sup>rd</sup>edn Routledge 2010).

Shilling C, *The Body and Social Theory* (3rd edn London: Sage 2012)

Valérie O, Epo B, *Suburbanization and Inequality in Transport Mobility in Yaoundé, Cameroon: Drawing Public Policy for African Cities* (Global Development Network 78 2013)

Willis M C, *Medical Terminology: The Language of Health Care* (2nd edn Philadelphia Macmillan 2009)

## **EDITED BOOKS**

Kolawole O, 'Civil and Political Rights in the African Charter: Articles 8–14' in Malcolm Evans and Rachel Murray's (eds), *The African Charter on Human and Peoples' Rights: The System in Practice 1986–2006* (Cambridge University Press 2008)

Kwadwo W, Opoku M, and Sakah B, 'Assessing the Benefits of the CRPD in Cameroon: The Experience of Persons with Disabilities in the Buea Municipality' Jeff D. Grischow and Magnus Mfofo-M'Carthy. Boydell and Brewé (eds) *Disability Rights and Inclusiveness in Africa: The Convention on the Rights of Persons with Disabilities, Challenges and Change* (Print. African Issues)

Michael R, Kudlick C, and Nielsen K, 'Introduction', in Michael Rembis, Catherine Kudlick, and Kim Nielsen (eds), *The Oxford Handbook of Disability History* (Oxford Academic 2018)

Middleton H, *The Medical Model: What Is It, Where Did It Come from and How Long Has It Got?.* In: Loewenthal, D. (eds) *Critical Psychotherapy, Psychoanalysis and Counselling* (Palgrave Macmillan, London 2015)

## **JOURNAL ARTICLES**

Adonis T, Mboua C, Tohmuntain P, and Perrot A, 'Sexual vulnerability and HIV seroprevalence among the deaf and hearing impaired in Cameroon' (2010) 13 *Journal of the International Aids Society* 1

Anastasiou D and Kauffman J, 'social model of disability: dichotomy between impairment and disability' (2013) 38(4) *The Journal of Medicine and Philosophy* 441.

Baderin M, 'Recent Development in the African Regional Human Rights System'(2005) 5(1) *Human Rights Law Review*

Bamu B and Hove G, 'Community perceptions of people with disabilities in the North West region of Cameroon: what is the impact on their access to services?' (2016) 32(1) *Disability & Society* 56

Barne C, 'Exploring Disability: A Sociological Introduction' (2012) 27(2) *International Sociology* 207.

- Bezyak J, Sabella S, Hammel J, McDonald K,' Community participation and public transportation barriers experienced by people with disabilities (2019) 42(23) *Disability and Rehabilitation* 327
- Bongwong B,' Inclusive Education: Education and Development of Persons with Disabilities in the Buea Municipality, Fako Division, South West Region of Cameroon' (2019) 6(6) *International Journal of Humanities Social Sciences and Education* 30
- Bunbury S, 'Unconscious bias and the medical model: How the social model may hold the key to transformative thinking about disability discrimination' (2019) 19(1) *International Journal of Discrimination and the Law* 26.
- Cantor J, 'Defining disabled: exporting the ADA to Europe and the social model of disability Connecticut' (2009) 24 *Journal of International Law* 399.
- Chiang D, 'Enabling the Disadvantaged' (1994)13(3) *Medical Reference Services Quarterly* 69.
- Christian Z,' Disability and Labour Force Participation in Cameroon' (2013) 3(2) *International Journal of Human Resource Studies* 1
- Cleaver S, and Benuh E. 'The prevalence of impairments and disabilities in the North West Region, Cameroon' (2014) 15(2) *Health Sciences and Disease* 1
- Cockburn L,' The Prevalence of Impairments and Disabilities in the North West Region, Cameroon' (2014)15(2) *Health Sciences and Disease* 1
- D'Mello L, Monteiro M,' Psycho-Social Problems faced by Persons with Disability (2017) 2(2) *International Journal of Management, Technology, and Social* 2581
- Duri B and Luke R,' Transport barriers encountered by people with disability in Africa: An overview' (2022) 16(2) *Journal of Transport and Supply Chain* 2
- Elijah M, Faizefu A,' Students perception of disabilities in the University of Buea'(2015) 2(4) *Journal of Educational Policy and Entrepreneurial Research* 31
- Elvis T, Adam A, and Kweku M, 'Perceptions of factors associated with condom use to prevent HIV/AIDS among persons with physical disability in an urban town of Cameroon: a qualitative study' (2015) 6(1) *Journal of Public Health in Africa* 1
- Emeaka E, and Akum F. 'The Problems of Implementing Inclusive Education for Pupils with Hearing Impairment in Fako Division Southwest Region of Cameroon' (2022) 2(7) *European Journal of Innovation In Non-formal Education* 31
- Eric B, 'Prevalence of Impairments, Disabilities, Handicaps and Quality of Life in the General Population: A Review of Recent Literature' (2001) 79(11) *Bulletin of the World Health Organization* 1047.

- Fonyuy S, 'Inclusive education in Cameroon: Students with disabilities perceptions on inclusive practices at the University of Buea, Cameroon (2018) 4(1) *Greener Journal of Education and Training Studies* 18
- Goering S, 'Revisiting the relevance of the social model of disability' (2010) 10 *The American Journal of Bioethics* 54.
- Groce N,' Adolescents And Youth With Disability : Issues And Challenges (2004) 15(2) *Asia Pacific Disability Rehabilitation Journal* 13
- Hansen J,' The Origin of the Term Handicap in Games and Sports – History of a Concept March' (2015) 65(1) *Physical Culture and Sport Studies and Research* 1.
- Imrie R, 'Demystifying disability: A review of the International Classification of Functioning, Disability and Health' 2004 26(3) *Sociology of Health & Illness* 287.
- Islay M, Kuper H, Sagar J, Oye J, and Polack S, 'Assessing health and rehabilitation needs of people with disabilities in Cameroon and India' (2016) 38(18) *Disability and rehabilitation* 1757
- Jolley E, Lynch P, Virendrakumar B, Rowe S and Schmidt E, 'Education and social Inclusion of people with disabilities in five countries in West Africa: a literature review' (2017) 40(22) *Disability and Rehabilitation* 2704
- Jones R B, 'Impairment, Disability and Handicap Old Fashioned Concepts?' (2001) 27(6) *Journal of Medical Ethics* 377.
- Kanter A, ' The Globalization of Disability Rights Law' (2003) 30 *Syracuse Journal of International Law and Commerce* 241.
- Kazou K, 'Analysing the Definition of Disability In the Un Convention on the Rights of Persons With Disabilities: Is it really based on a 'Social Model' Approach?' 2017 23 *International Journal of Mental Health and Capacity Law* 25.
- Lawson A, 'The social and human rights models of disability: towards a complementarity thesis' (2020)25(2) *The International Journal of Human Rights* 348.
- Liu L, Kar A, Tokey A,' Disparities in public transit accessibility and usage by people with mobility disabilities: An evaluation using high-resolution transit data' (2023) 109 *Journal of Transport Geography* 125
- Lorela T, 'the social model of disability: a philosophical critique' (2004) 21(2) *Journal of Applied Philosophy* 141.

Magidigidi L, Roman N, Sonn I, 'Human capabilities of South African parents who have children with developmental disabilities' (2023) 12 *African Journal of Disability* 1.

Manitsa I, 'Social support for students with visual impairments in educational institutions: An integrative literature review' (2022) 40(1) *British Journal of Visual Impairment* 29

Minal R, Wallace L, Mbuagbaw L, and Cockburn L, 'Functioning and disability in recent research from Cameroon: a narrative synthesis (2017) 27(1) *Pan African Medical Journal* 1

Morgon L, 'Hannah Kuper, and Sarah Polack. "Poverty and disability in low-and middle-income countries: A systematic review.'" (2017) 12(12) *PloS one* 1

Nina J, O'Reilly Michelle, 'Historical and Social Constructions of Disability in the Social, Cultural, and Political Discourses of Autism Education' (2021) 9 *Springer, Dordrecht* 336.

Nosek M, Howland C, and Hughes R, 'The Investigation of Abuse and Women With Disabilities: Going Beyond Assumptions' (2001) 7(4) *Violence Against Women* 477

Opoku M, 'Lives of persons with disabilities in Cameroon after CRPD: Voices of persons with disabilities in the Buea Municipality in Cameroon' 2016 16(1) *International Journal on Disability and Human Development* 1

Opoku M, 'Perceptions and Experiences of Persons with Disabilities on Access to Education in Buea Municipality, Cameroon' (2015) 2(1) *Int'l J Com & Alt Med* 1

Owens J, 'Exploring the critiques of the social model of disability: the transformative possibility of Arendt's notion of power' (2015) 37(3) *Sociology of Health & Illness* 285.

Ratan R, 'Disability and Exclusion: Social, Education and Employment Perspectives' 2021 10(2) *Bhutan Journal of Research and Development* 29

Ray M, 'Functioning and disability in recent research from Cameroon: a narrative synthesis' (2017) 27(73) *Pan African Medical Journal* 25

Refilwe E, Dada S, and Bornman J, 'Barriers to and facilitators of employment of persons with disabilities in low- and middle-income countries: A scoping review' (2021) 10 *Afr J Disabil* 1

Roncancio M, 'Multidimensional poverty and disability: A case control study in India, Cameroon, and Guatemala' (2020) 11(4) *Population Health* 1

Runcan R, 'The Ablism: Impairment, Disability, Handicap' (2022) 14(2) *Journal of Social Work Education* 55.

Sabbath M, Mazagwa M, 'Challenges Facing People with Disabilities and Possible Solutions in Tanzania' 1(2) (2014) *Journal of Educational Policy and Entrepreneurial Research* 158

Shakespeare T and Watson N, 'the social model of disability: an outdated ideology' (2002) 2 *Research in Social Science and Disability* 9.

Tanyi M, 'Pedagogic Barriers in Cameroon Inclusive Classrooms: The Impact of Curriculum, Teachers' Attitudes and Classroom Infrastructures' (2016) 7(18) *Journal of Education and Practice* 210

Tarantino G, 'Inclusion of children with disabilities and special educational needs in physical education: an exploratory study of factors associated with Irish teachers' attitudes, self-efficacy, and school context', (2023)42(4) *Irish Educational Studies* 487

Terzi L, 'The social model of disability: a philosophical critique' (2004) 21(2) *Journal of Applied Philosophy* 141.

Tingang E, ' Knowledge and Challenges Associated With Hearing Impairment in Affected Individuals From Cameroon (Sub-Saharan Africa) (2021) 2 *Frontiers in Rehabilitation Sciences* 1

United Nations Convention on the Rights of Persons with Disabilities (CRPD) (2006)

Zaks Z, 'Changing the medical model of disability to the normalization model of disability: clarifying the past to create a new future direction' (2023) *Disability & Society* 1.

Zogo V, 'Assessing Gender Inclusion in Cameroon's Rural Transport' (2016)1(2) *Journal of African Transformation* 1

## **LEGISLATIONS**

### **Cameroon**

Law No 2016/007 of 12 July 2016 relating to Cameroon's Penal Code

Law No 2010/002 of 13 April 2010 on the Promotion and Protection of the Rights of Impaired Persons

Decree No 2018/6233 of 16 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 Impairment in Cameroon.

Law No.2008/001 of 14 April 2008 to amend and supplement some provisions of Law No.96/06 of 18 January 1996 to amend the Constitution of 2 June 1972

### **Africa**

African Charter on Human and Peoples' Rights 1986

The African Charter on the Rights and Welfare of the Child 1999

The African Youth Charter 2006

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

### **United States of America**

The Americans Disabilities Act of 1990 (ADA)

## **TREATIES AND CONVENTIONS**

C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

Convention of the Rights of Persons with Disabilities (CRPD) 1966

International Covenant of Civil and Political (ICCPR) 1966

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966

United Nations Convention on the Rights of the Child (UNCRC) 1989

## **CASES**

### **Domestic Cases**

#### **Ireland**

Daly v Nano Nagle SAPIE/2018/37

#### **France**

European Action of the Disabled (AEH) v. France Complaint No. 81/2012.

### **International Cases**

#### **Cases before the Committee of the CRPD**

Szilvia Nyusti & Péter Takács v Hungary CRPD/C/9/D/1/2010

Liliane Gröninger v Germany CRPD/C/D/2/2010

Liliane Gröninger v Germany CRPD/C/D/2/2010

SC v Brazil CRPD/C/12/D/10/2013

Gemma Beasley v. Australia CRPD/C/15/D/11/2013

## **ELECTRONIC SOURCE**

Cameroon's Compliance with the Convention on the Rights of the Child Suggested List of Issues Relating to Children in Conflict with the Law and Protection & Care of Children Affected by Armed Conflict 1/07/2016. Available <[https://www.theadvocatesforhumanrights.org/Res/cameroon\\_tahr\\_ceprod\\_crc\\_loi\\_july\\_2016%202.pdf](https://www.theadvocatesforhumanrights.org/Res/cameroon_tahr_ceprod_crc_loi_july_2016%202.pdf)>

Cameroon becomes second African country to ratify landmark disability treaty 13/01/ 2022. Available < <https://campaigning.sightsavers.org/disability-rights/2022/05/come...>

Beijing Declaration and Platform for Action, (15 September 1995). Available <  
<https://www.unwomen.org/en/digital-library/publications/2015/01/beijing-declaration-10/04/2024>.

Minister of Social Affaires (MINAS). *Protection of Persons with Disability* <  
<http://www.minas.gov.cm/index.php?option=com>

OHCHR. *The work and employment of persons with disabilities*. Human Rights Council General Assembly resolution 22/3, A/HRC/RES/22/3 (9/04/2013).  
<[http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/22/](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/)

African Charter on Human and Peoples' Rights 27 June 1981 (entered into force Oct. 21, 1986). Available at <<http://hrlibrary.umn.edu/instree/z1afchar.htm>

Cameroon: Initial Report to the African Commission of Human Rights 16/05/ 2002. Available <  
<https://www.ijrcenter.org/wp-content/uploads/2017/11/Cameroon>

Government Implementation of the Standard Rules as seen by Member Organisations of Inclusion International - ILSMH Cameroon < <https://africlaw.com/2013/04/05/education-for-all> >

World Vision Education's missing millions: *Including mobility disabled children in education through EFA, FTI [Fast Track Initiative] processes and national sector plans 2007*.  
<[https://www.worldvision.org.uk/download\\_file](https://www.worldvision.org.uk/download_file)>

Government Implementation of the Standard Rules as seen by Member Organizations of Inclusion International - ILSMH Cameroon, 1997. Available <  
[http://www.independentliving.org/standardrules/InclInt\\_answer](http://www.independentliving.org/standardrules/InclInt_answer)>

The act of passengers and crew getting aboard a ship or aircraft. Synonyms: boarding, embankment Antonyms: debarkation, disembarkation, dismemberment. the act of passengers and crew getting off of a ship or aircraft <  
<https://dictionary.cambridge.org/dictionary/english/disembarkation>

The Preamble of the Convention of the Rights of Persons with Disabilities (CRPD) available< <https://www.un.org/disabilities/documents/convention/co>

## **THE CONSTITUTIONS**

Ghanaian Constitution 1992

Mozambican Constitution (Revised 2018)

The Cameroon Constitution (Amended 2008)

Zimbabwean Constitution (Amended 2018)

## **PhD Thesis**

Ingrid Cunningham, 'Media and Disability Issues of Portrayal and Access' (DPhil Thesis National University of Ireland, Galway 2016