

An Examination of the Rights of Visual Impaired Persons Under Cameroonian Law

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Abstract

This paper sets out to examine the right of visual impaired persons under Cameroonian law. Visual impaired persons have fundamental human rights like any citizen without disabilities. Considering their physical impairment, they equally enjoyed special rights. These rights have been embedded in different pieces of legal instruments. However, they are marginalised and discriminated in our society today. As a result of this, there is need to protect these rights which have been guaranteed under the different pieces of international, regional, and national legal instruments. The findings of this paper revealed that the appropriation of these rights have been ineffective because of the weaknesses of the laws, infrastructural challenges, and the attitude of the community towards them. It is therefore recommended that the various stakeholders and the community at large takes conscious actions in promoting their rights.

Keywords: examination, rights, disability, impairment, visual impaired persons

1. Introduction

Visual impaired persons face enormous challenges in our society today stemming from marginalisation, discrimination, deprivation of certain opportunities and many other socio-economic issues. On a global scale, at least 2.2 billion people suffers from visual impairment. (World Health Organisation, 2021) Cameroon is among one of those countries in the developing world where there is significant projection in the percentage of visual impaired persons. In 2021, it was estimated that about 600,000 people in Cameroon suffers from visual impairment and

about 150,000 were unable to read with their eyes. (Moki, E., 2021) The protection of visual impaired persons today is among one of the focal points of the international community. Several international¹ and regional² legal instruments have been adopted to protect their rights. Pursuant to Article 45 of the Cameroonian Constitution which vested prerogatives to the president of the republic to ratified international treaties and agreement, Cameroon has ratified many international and regional instruments that protects the rights of visual impaired persons. This shows already a positive step made by the

government in protecting their rights.

Considering how vulnerable visual impaired persons are to the society, the Cameroonian government on her own part has made commendable efforts in protecting their interests, not leaving this task to the hands of the international community only. The Cameroonian Constitution, Law No. 2010/002 of 13 April 2010 repealing Law No 83/13 of 23 July 1983 on the Protection of Disabled Persons, Decree No 2018/5233 of 26th July 2018 fixing the Procedures for the Application of Law N° 2010/002 of 13th April 2010 on the Protection and Promotion of Persons with Disabilities in Cameroon, Law No. 2011/018 of July 15, 2011 on the Organisation and Promotion of Sport and Physical Activities, Law No. 2012/001 of 19 April relating to the Cameroonian Electoral Code, the 1992 Labour Code and the Penal Code are the main national legal instruments that seeks to protect the rights of visual impaired persons. These legal instruments provide an overall hallmark for the protection of visually impaired persons in Cameroon. The Ministry of Social Affairs remains the main State Agency in promoting the rights of the visual impaired persons.

It important to point out that visually impaired persons enjoy the same rights as any normal citizen in the country.³ Given their vulnerability, they may also enjoy special rights which are not offered to citizens without disabilities. However, it will not be an over statement to state that though these legal instruments are in place, the rights of visual impaired persons still remain only a right mentioned on pieces of legal texts in Cameroon. They are marginalised, discriminated upon when it comes to employment opportunities and in most cases because of their disability can't gained access to certain educational programmes. It is against these drawbacks that the aim of this paper is to examine the extent to which the rights of visual impaired persons are protected under the laws in Cameroon.

2. Understanding the Concept of Visual Impairment

Understanding the concept of visual impairment is very imperative in enhancing the development of this work. Considering the fact that visual impairment is a form of disability, it will be

necessary to provide a conceptual meaning of the term disability before defining what visual impairment is all about.

2.1 Disability and Persons with Disability

Disability is when someone's abilities are limited due to a deficiency. This deficiency impedes him/her to fully participate in an activity in a given environment.⁴ Anyone with disability cannot fully participate in societal activities like persons without disabilities.⁵ Persons who cannot because of any physical or mental disability carry out either partly or all activities that relates to their normal personal or social life are considered persons with disabilities.⁶ Therefore, disability is an all-inclusive term which is applicable to persons with physical, mental and multiple disabilities.

2.2. Visual Impairment

Providing a clear meaning as to what entails visual impairment will require understanding first and foremost the meaning of impairment. The term impairment signifies any loss or abnormality of a function or a psychological, physiological, or anatomical structure.⁷ The term visual impairment has been defined differently by scholars. Visual impairment as a term is used when people with special needs are unable to take care of themselves and meet their needs because of the lack of facilities and tools. (Shomsang, E., 2022) Visual impairment can take several forms which includes blindness, low vision, partial sightedness, short sightedness, long sightedness as well as astigmatism. The causes of visual impairment include cataract, glaucoma, trachoma, corneal retinopathy, uncorrected refractive errors and age-related macular degeneration. (World Health Organisation, 2021)

3. Rights of Visual Impaired Persons in Cameroon

The rights of visual impaired persons have been guaranteed and protected by different pieces of legislative instruments in Cameroon. These rights include:

3.1 Right to Education

The right to education is a right that have received recognition under different international, regional, and national legal instruments. It is and remains a fundamental human right enjoyed by all persons

irrespective of their physical conditions.⁸ The Convention on the rights of persons with disabilities (2006) states that:

*States Parties recognises the right of persons with disabilities. With a view to realising this right without discrimination and on the basis of equal opportunity, States parties shall ensure an inclusive education system at all levels and lifelong learning...*⁹

The right to education has a Constitutional value which has been affirmed in the Preamble of the Cameroonian Constitution. Section 39 of the 2010 Law on the protection of persons with disabilities in Cameroon also guaranteed the protection of this right. The overall objective of this law is to prevent disabilities, promotes social, economic and psychological rehabilitation and integration of persons with disabilities as well as promote solidarity in favour of persons with disabilities in Cameroon.¹⁰ Parents who denied their children their right to education may attract penal sanctions as prescribed by the law in Cameroon.¹¹ This shows the willingness of the State in promoting one's right to education.

The educational and vocational training of persons with disabilities in Cameroon are provided in ether traditional training institutions and centers or in specialised training centers. Such centers can be created or subsidised by the State. To further ensure free access to all to education, the 2018 Decree strongly affirms that on no grounds should someone be denied admission or registration into conventional institution or training center because of his/her disability.¹² The State therefore has the obligation to ensure inclusive education and vocational training for people with disabilities through the following methods:¹³

- 1) introduced appropriate communication methods that will allow visually impaired persons to access normal schooling and vocational training programs;
- 2) develop the standards in school, university and vocational training programs that will enable teachers/lecturers to learn sign language and braille;
- 3) develop traditional public institutions to facilitate access for pupils and students with disabilities in classrooms;

4) provide specialised teachers and trainers in public schools and universities that can receive pupils and students with disabilities;

5) oversees that there are qualified personnel in private special education institutions amongst others.¹⁴

It is worth mentioning that the State must put in place all necessary measures and facilities that will enable visual impaired persons undertake all official exams and competition like any other citizen free from these impairments.

3.2. Right to Employment

The right to employment or work is another fundamental right that is enshrined in several international, regional and national legal instruments. It is a right which is essential for realising other human rights and constitute an inseparable and inherent part of human dignity irrespective of the person's physical challenge or impediments.¹⁵ This right is so essential as it contribute to the financial wellbeing of the worker and to the sustainability of his/her family.

The right to work has a constitutional value in Cameroon. Without any discrimination, "everyone has a right to work and settled anywhere" within the national territory in Cameroon. The term everyone includes even the visual impaired citizens. So, their right to work is not to be restricted for whatever reason so long as they freely choose the type of job for themselves. The 2010 Legal Framework on the protection of persons with disabilities strongly affirms this right also. It should be noted that persons with disabilities like the visual impaired enjoys preferential treatments with respect to employment. One of these preferential measures is in terms of age waiver regarding recruitment into the public and private sectors.¹⁶ While looking for jobs, employers should not be denied visually impaired persons jobs or should they be discriminated after been employed.¹⁷ Every workstation should therefore be arranged in a manner that would permit visual impaired persons to work.¹⁸

The State has been very instrumental in championing the recruitment of persons with disabilities. The State recruited 110 teachers with disabilities into the Ministry of basic education between the year 2010 and 2011. The State also

recruited persons with disabilities into MINFORA as temporary agents in public administration through a pilot operation that was launched by the Ministry of Social Affairs. Also, the special recruitment of 25000 graduates into the Cameroonian Public service that was initiated by the president of the republic, about 452 persons with disabilities were recruited.¹⁹

3.3 Right to Access Infrastructure, Housing, Transport and Communication

Access to infrastructure, housing, transport and communication remains paramount and fundamental to visual impaired persons around the world and Cameroon inclusive.²⁰ It is an obligation that has not only been imposed on the State but also to decentralised territorial communities, public and private bodies.²¹ Public or private that are opened to the public, must be re-designed to facilitate access and use by persons with disabilities.²²

Given the physical challenges of visually impaired persons, it is recommended that in the case of the availability of two (02) social housing units located at different levels in a built-up building, the dwelling on the lowest floor should be allocated to them. The State has made commendable efforts in providing houses that may help meet the needs visual impaired persons within the national territory. In 2009 through Decree No. 2009/096 of March 15, 2009, the State had to transformed Cardinal Paul Emile “LEGER National Rehabilitation Centre for persons with disabilities (CNRPH) into a public administrative establishment to act as housing and care center for persons with disabilities.²³ The government has also constructed the *Maroua Rehabilitation Center* for persons with disabilities. Similar project has been carried out in Mbalmayo in the centre region of Cameroon.

Another special privilege enjoyed by visual impaired persons are transportation assistance. This assistance is rendered in public or private public transport companies.²⁴ The transport assistance includes:

- 1) acquisition of public transport equipment adapted to people with reduced mobility;
- 2) they are given preferential treatment when it comes to the acquisition of tickets and registration;

- 3) they are provided with technical aids to facilitate their mobility;
- 4) reduction of transport rates based on the rate of permanent potential Incapacity;
- 5) provision of braille information;
- 6) benefits from reserved places in mass transit vehicles and in public or private car parks open to the public.²⁵

Visual impaired persons have as rights to have access to the means of communication and information particularly through audiovisual equipment, telecommunications and various media.²⁶ Access to the communication and information is done through:

- 1) labeling in braille and large print on consumer products;
- 2) sensitization about the language of white cane and sign language;
- 3) equipment of large public rooms in magnetic loops;
- 4) sign language interpretation of television programs and spots;
- 5) full and quality subtitling on television or all audiovisual works.²⁷

3.4 Right to Access Political, Sport, Artistic, Cultural and Leisure Activities

These rights are embedded in sections 36-37 of the 2010 Law on the protection of persons with disabilities. The participation in political activities constitute one fundamental human rights ascribed to every human being. Of these political activities are the rights to vote, the right to join any political party/ association or trade union. Participation in these political activities is a constitutional right. Repressive actions are instituted against anyone who try to obstruct the visual impaired persons from performing these rights so long as they do not contravene the laws.²⁸ To this end, the Cameroonian Electoral Code clearly stipulates that every person of Cameroonian nationality irrespective of the sex and have attained 20 years have the right to vote so long as he/her registered on the electoral registered.²⁹ They are to receive support and capacity building for participation in the decision-making process, the procedures, equipment and electoral materials designed in a manner to eased usage by the visually impaired

persons.³⁰

Participation of visual impaired persons in sports, cultural, artistic and leisure activities as well as national and international competitions are to be promoted by the State and decentralised communities. They shall work in collaboration with private institutions to ensure:

- 1) that services and infrastructures specific to the needs of visual impaired people are put in place;
- 2) facilitates easy access and benefit from the activities and services thereof;
- 3) provides financial, material, logistical, technical and human support to the visually impaired persons;
- 4) reduced tariffs of sporting, tourism, arts and cultural events in favour of them.³¹

To further designed sporting activities that takes into the needs of the visually impaired persons, in 2011 the State of Cameroon enacted Law No.2011/018 of July 15, 2011 on the Organisation and Promotion of Sport and Physical activities.³² In this light therefore, the State and the decentralised communities will have to set up within the public sports training centers, branches specialised in sports for the disabled at all levels of education.

3.5 Right to Medical Assistance

A special right enjoyed by persons with disabilities is allocation and medical care assistance. However, the conditions for this has been outlined by the 2010 Law on the protection of disabilities and the conditions well defined by its implementing 2018 Decree. In this light, such assistance is granted to persons with disabilities whose permanent impairment incapacity rate is at least ninety-five (95) percent and whose state of health requires constant medical supervision and care based on the expert report of a specialist physician.³³

Invalidity allowances allocated to disabled persons are subjected to specific conditions.³⁴ A reduction or exemption of medical fees are granted in proportion to the permanent potential incapacity rate of the disabled persons.³⁵ The Ministers for Social Affairs and Finance through a joint order defines the amounts and methods of granting the invalidity allowances. The State may also subsidise certain products and materials that

are meant for the treatment of specific pathologies or functional rehabilitation.³⁶

4. Challenges in Respect to the Rights of Visual Impaired Persons in Cameroon

The major challenges encountered in the enforcement of the rights of visually impaired persons in Cameroon are as follows:

4.1 Legal Challenges

In spite of the adoption of a legal piece that recognises the rights of visually impaired persons in Cameroon, this text is not without limitations. It is just a legal framework that leaves the task of elaborating certain measures to its implementing decree. This implies that the proper understanding and interpretation of this legal text cannot be done without its implementing decree. Though the law succinctly institutes punishments against persons who violates the rights of visual impaired persons, the author is of the view that these sanctions remain insufficient and inadequate. A prison term of 3 to 6 months and a fine of 100, 000 to 1million is nothing compared to the psychological torture and stigmatisation a visual impaired person will go through for refusing admission into schools or been refused from been employed.³⁷ As one visual impaired graduate puts it:

.... It has been challenging for me to get employed since I graduated. Employers look at my disability as a reason not to employ me on the pretext that I will not be able to work as an abled person. This does not only make me feel less humane but also, make me live in regrets and at times, thinking of suicides as an option".³⁸

4.2 Infrastructural Challenges

One major setback in tailoring the rights of visual impaired persons in Cameroon is the presence of inadequate infrastructural facilities. Even though the 2010 Law and its implementing decree on the protection of persons with disabilities has provided measures that must be taken to meet the needs of the visual impaired, its realisation still remain far fetch in the Cameroonian educational settings as most of the State's universities (universities of Buea, Bamenda and Yaounde II) have been built in manner wherein access to it is difficult by the visual impaired persons. The outcome is that most of these visual impaired

persons who managed to gained admission into these universities fails to take lectures. Access to the libraries is also difficult.³⁹ One visual impaired student decried his frustration in using the school library in the following words:

Accessibility to the university library is a major challenge to me. Most often, I am helped by my class mates to access the library. Worst of it, there are no didactic materials in the library that we can use.⁴⁰

The issue of inclusive education as earmarked in the law cannot be achieved in the absence of basic didactic materials, equipment and infrastructures to accompany this task. These infrastructural challenges are also witnessed in the domain of sports. There exist few sporting facilities that have been designed to cater for the needs of the visually impaired persons in Cameroon. It was with a great dismay that a visually impaired person said:

Cameroon is one of those countries where sporting activities for the disabled persons have been relegated to a game of fun and because of that, the government and private sectors have done very little in terms of providing sporting infrastructures.⁴¹

4.3 Marginalisation and Discrimination

Visual impaired persons in our society today have become victims of marginalisation and discrimination. They are marginalised and discriminated in the areas of politics, education, employment and even sporting activities. The poor treatment received by visual impaired persons in Cameroonian educational setup is vividly expressed by a visual impaired student in the following words:

“The lecturer told me, journalism which I have chosen to study is not meant for blind people. Your decision to study journalism is just a mere waste of time and you will only become a burden to other students”. (Kesah, P., 2022)

The right to work which is guaranteed by the Constitution remains a Constitutional provision that still needs to transcend from mere letters into a reality. The respect of this right in Cameroon is still problematic as the visually impaired persons are refused access into certain professions in Cameroon. On 27th June 2022, the visually

impaired persons staged a peaceful protest at the capital city of Cameroon-Yaounde, calling on the government attention on their discrimination as far as integration into the public service is concern. (Time News, 2022) This protest was staged by the *Collectif des Aveugles et Malvoyants Indignes du Cameroun (CAMIC)*. However, their protest was met with a fierce resistance from the government who did not only refuse to grant them access to the Prime Minister’s office but were also thrown at the outskirts of Yaounde without any solution. The situation is no different as two blind journalists were denied recruitment into the State-owned broadcasting company Radio Television in 2021. (Kesah, P., 2022) The discrimination sails the political spheres. It is a rare situation in Cameroon for a visual impaired person to occupy political post.

The above situations do not only show gross violation of the rights of visually impaired persons but also make them less humane and dignified. It will not be an understatement to state here that the lukewarm attitude of the government to address the plights of the visually impaired persons adds to their frustrations coupled with their physical challenges.

4.4 Poverty

Though there is no acute data that portrays the rate of unemployed visually impaired persons in Cameroon, the author is of the opinion that most visually impaired persons are unemployed caused by their physical deformation. This has not only made life miserable but adds to their financial hardship. Though the government through legislations promises financial aids, the conditions for eligibility are too stringent. Thus, when their rights are violated, they find it difficult to institute legal proceedings. Mrs. Anna a woman with cerebral palsy revealed that:

I have never received any allowance as purported by the law. I often receive such support from individual well-wishers and not from the government. (Tangwa, M., 2021)

Also, the 2010 Law and its implementing Decree gives possibility for reduction of transport fare to visual impaired persons. This has not been the case as observed by the researcher as both the visual impaired and non-disabled persons pays the same transport fare over the same distances in

Yaounde (Soa-Camrail).

5. Conclusion

This paper has undertaken a cursory examination of the rights of visual impaired persons under Cameroonian law. The paper examined five fundamental rights guaranteed for visual impaired persons in Cameroon. These rights included the right to education, employment, the right to access infrastructure, housing, transport and communication, the right to access political, sport, artistic, cultural and leisure activities and the right to medical assistance. The protection and enforcement of these rights have been embedded in different pieces of legislations. However, the respect of these rights has not been without setbacks. These setbacks stem from legal challenges, infrastructural challenges, marginalisation and discrimination as well as poverty.

To better protect the rights of visual impaired persons in Cameroon, it is recommended that some provisions of the 2010 law on the protection of persons with disabilities especially the sanctions instituted against persons who fails to respect their rights be revised.

Conscious actions be taken by the government, decentralised local communities and private sectors to provide more infrastructural facilities tailored towards their needs.

The government should also design a national program where certain percentages of the disabled persons are to be employed. The private sector should be encouraged to employ visual impaired person through measures like tax reduction or subsidies.

The attitude of people towards visually impaired persons be changed as to how they see them. They should not look at visual impaired persons as less humane. This will help strengthen social cohesion among citizens in Cameroon.

Capacity building programs should be constantly organised by the all the stakeholders to constantly enhanced the skills and talents of the visual impaired persons.

Counselling departments should be created in all departments in the public, private sectors, decentralised collectivities, primary, secondary and university education to counsel the visual

impaired persons on how to overcome stigmatisation and marginalization. This will help instilled on them self-confidence.

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¹ These rights are contained in the Universal Declaration of Human Rights (UDHR) adopted on 10th December 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, the Convention on the Rights of the Child (CRC), the UN Convention on the Rights of Persons with Disabilities (CRPD) and Optional Protocol.

² The African Charter on Human and Peoples' Rights and the 1990 African Charter on the Rights and Welfare of the Child (African Children's Charter).

³ First generation, second generation, third and fourth generation human rights.

⁴ Section 2 of Law No 2010\002 of 13 April 2010, Relating to the protection and Welfare of Disabled Persons.

⁵ Article 1 of CRPD.

⁶ Section 2 of Law No 2010\002 of 13 April 2010, Relating to the protection and Welfare of Disabled Persons.

⁷ *Ibid.*

⁸ Article 26 of the UDHRs of 1948 holds that everyone has the right to education.

⁹ Section 24 (1) CRPDs.

¹⁰ Section 2 of Law No. 2010/002 of 13 April 2010.

¹¹ Section 355 (2) of the 2016 Cameroonian Penal Code.

¹² Section 3 (2) of the 2018 Decree.

¹³ Section 4 of the 2018 Decree.

¹⁴ Other measures include: initial and continuing training of specialized staff in the supervision of disable people, the provision of pupils and students with disabilities with educational materials appropriate to the nature of the disability; the use of interpreters for sign language in schools or universities; the introduction for the hearing impaired of the spell check test in place of the dictation test; the installation of pupils or students with disabilities in rooms located on the ground floor or near the board, depending on the nature of their handicaps, exempts them from age.

¹⁵ Article 6 of the ICESCR.

¹⁶ Article 13 (1) of the 2018 Decree.

¹⁷ Article 14 (2) of the 2018 Decree.

¹⁸ Article 16 (2) of the 2018 Decree.

¹⁹ <http://www.minas.cm/en/component/k2/item/8-persons-with-disabilities.html> (Lastly Accessed on the 2nd September, 2022).

²⁰ Sections 33-35 of the 2010 Law.

²¹ Article 18 (1) of the 2018 Decree. These stakeholders have as duty to take all necessary measures that will facilitate the accessibility of visual impaired people to public and private buildings and institutions open to the public.

²² Article 18 (2) of the 2018 Decree.

²³ <http://www.minas.cm/en/component/k2/item/8-persons-with-disabilities.html> (Lastly Accessed on the 2nd September, 2022).

²⁴ Article 20 (1) of the 2018 Decree.

²⁵ Article 20 (2) of the 2018 Decree.

²⁶ Article 22 (1) of the 2018 Decree.

²⁷ Article 22 (2) of the 2018 Decree.

²⁸ Section 123 of the 2016 Cameroonian Penal Code.

²⁹ Section 45 of Law No. 2012/001 of 19 April Relating to the Cameroonian Electoral Code.

³⁰ Section 23 of the 2018 Decree.

³¹ Section on 24 of the 2018 Decree.

³² The objectives of this law *prima facie* are the practice of physical and sporting activities including institutions that meets the needs of persons with disabilities, the creation of the Cameroonian National Paralympic Committee and the creation of sport federations under the orders of disability.

³³ Section 26 & 27 of the 2018 Decree.

³⁴ Such as the non-perception of any public support for installation or self-employment purposes; the non-enjoyment of social benefits in respect of occupational risks, old-age or invalidity pension, or any other form of life pension; the absence of any preferential measures for employment granted by the public authorities; the non-enjoyment of a monthly salary equivalent to at least the Guaranteed Minimum Interprofessional Salary (SMIG).

³⁵ Medical Consultation; laboratory examinations; radiography or medical imaging; hospitalization; medical evacuation and purchase of certain medicines, in specialized institutions and public or private health facilities.

³⁶ Article 29 (1) 2018 Decree.

³⁷ Section 45 of the 2010 Law.

³⁸ An Interview with a visual Impaired student at the University of Yaounde. (September 2nd, 2022).

³⁹ An Interview with a visual Impaired student at the University of Yaounde II. (September 2nd, 2022).

⁴⁰ An Interview with a visual Impaired student at the University of Yaounde II. (September 2nd, 2022).

⁴¹ An Interview with a visual Impaired student at the University of Yaounde II. (September 3rd, 2022).