# Submission to Mrs Catalina Devandas-Aguilar, Special Rapporteur on the rights of persons with disabilities

## The Making It Work Gender and Disability Project

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## Humanity & Inclusion

**On behalf of:**

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*Lira District Disabled Women Association, Uganda*

*Women Challenged to Challenge, Kenya*

This is a synthesis of three contributions from the organizations mentioned above which are Making It Work Country Partners. Under Humanity & Inclusion’s Protection and Risk Reduction Division, Making It Work fights violence against women and girls with disabilities in Africa. It does so by supporting partner organizations, which are local women’s rights and disabled women organizations, and by supporting their advocacy work, using well-documented good practices as evidence.

Since persons with disabilities including older persons with disabilities have over the years faced discrimination and others issues related to the expression of their rights, legislative frameworks have been developed all over Africa throughout the years to protect them. Here, we will present some elements of the legislative and policy frameworks in Cameroon and Uganda as well as practical information on social protection mechanisms in Kenya.

1. **Legislative and policy frameworks**

In Cameroon, the country legal system takes into account the specific needs of persons with disabilities under the Ministry of Social Affairs. However, the law no. 2010/002 of April 13th 2010 relating to the protection and welfare of persons with disabilities makes provisions in some of the sections especially section 19 on issues of health and wellbeing for persons with disabilities. It is then difficult for beneficiaries to access such services because they can only access it through a specific regulation.

For instance, article 3 of the 2010 law is focused on the rehabilitation of persons with disabilities. Section 16(1) states that “rehabilitation shall be aimed at enabling persons with disabilities to attain or maintain an optimal physical, sensory, intellectual and psychological functions level and, as such, at providing them with the means to acquire greater autonomy”. It shall comprise:

* Psychosocial support to persons with disabilities
* Medical rehabilitation and functional therapy of persons with disabilities
* Special education for persons with disabilities

However, the provisions of this law and section are neither specific to the needs and expectations of older persons nor do these have texts of application to ensure their applicability. This means that there is a dire need for some strong advocacy to drive policy makers to enforce the law. The lack of specific mentions for older persons with disabilities participates in the difficulties that older persons with disabilities have in accessing services. The National Social Insurance (NSI) manages the issues of older persons in general especially those who are payroll retirees. However, there is no known policy stipulating special services delivery for older persons with disabilities although the strategic plans 2008-2012, 2013-2017 and 2018-2022 of NSI’s social action is directed towards vulnerable people, such as those with disabilities. The realities on the ground are always complicated for older persons including those who acquire a disability in later life.

For Cameroon, the conclusion regarding legislative and policy framework protecting persons with disabilities is that older persons with disabilities don’t have the same ability to access services as persons with disabilities in general. Amongst those, only the very wealthy ones who acquired disabilities in later life and have connections easily sail through to get justice. The type of disabilities equally determines the levels in accessing justice for persons with disabilities in general and even more so for older persons with disabilities. The fact that the law is not available in accessible formats puts persons with visual impairments in particular in a disadvantaged position as the understanding and interpretation of the law before its applicability lies in the mercy of the ones reading the law to them. To others who may live with hearing or mobility impairments, the challenges are that there are no sign language interpreters in the court or throughout the justice process. Users of wheelchairs and tricycles have their own fair share of not being able to access the physical environment and thus face discrimination in accessing justice.

In Uganda, there are several policies and laws that protect the rights of persons with disabilities and older persons with disabilities. There is the National Policy for Older Persons, the 2017 National Disability Inclusive Planning Guidelines for Uganda which include specific mentions of older persons with disabilities, accessibility Standards (a practical guide to create a barrier-free physical environment in Uganda), the 2015 National Social Protection Policy, the National Disability Act, the National Disability Policy and structures at different levels.

1. **Access to healthcare**

In Cameroon, from 2015 to 2018, over 10,027 older women with disabilities and 11,744 older men with disabilities accessed affordable and accessible medical services within the Cameroon Baptist Convention (CBC) Health Services. The access to healthcare to older persons with disabilities is an important matter in Cameroon because it remains difficult for them. Regarding access to palliative care, the CBC Health Services runs a comprehensive palliative care service both at facility and community levels which takes care of the health and other needs of older people with disabilities.

In Kenya, the National Social Security Fund (NSSF) provides social security protection to workers in form payments upon retirement; the National Health Insurance Fund (NHIF) provides health insurance through their subsidy programs for persons with disabilities and older persons. However, regarding cash transfers from the NSSF and NHIF, older persons with disabilities often fall under the cracks of the system, hence those who are 70 and above as required by the law do not really benefit because they do not know where to ask and do not have the capacity to claim for their rights.

1. **Older persons with disabilities’ involvement**

In Cameroon, older persons with disabilities are not involved in the design and implementation of policies related to aging or disabilities. In Uganda, the involvement of older persons with disabilities exists but only to a minimal extent, for example the older persons with disabilities are consulted on policy formulation by national structures.

**Conclusion**

The Cameroon Baptist Convention Health Services has worked through its numerous programs to fight for the promotion of older persons with disabilities’ rights. For example, the Socio Economic Empowerment of Persons with Disabilities (SEEPD) Program has been in place since 2009. The objectives of the SEEPD program are to promote the rights to social inclusion, livelihood opportunities, education, health and rehabilitation of persons with disabilities. The overall objective is an improvement in the quality of life for persons with disabilities through ensuring a break in the vicious cycle of poverty and disability. The CBC has also continued to intentionally ensure the inclusion of older persons with disabilities in the design, planning, implementation and evaluation of services; in the domains of health, educational, livelihood and social inclusion.

In Uganda, LIDDWA argues that there is a policy gap that needs to be advocated by disabled persons’ organizations in Kenya to ensure the equal access to rights between persons with disabilities and older persons with disabilities.