

GUIDING QUESTIONS FOR DEFINING THE NORMATIVE CONTENT OF THE ISSUES EXAMINED AT THE TENTH WORKING SESSION OF THE OPEN-ENDED WORKING GROUP: SOCIAL PROTECTION AND SOCIAL SECURITY (INCLUDING SOCIAL PROTECTION FLOORS)

DEFINITION

- 1) **What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?**

Right to social security: everyone has the right to social security. Through the provision of social welfare or assistance, States must guarantee protection to everyone, particularly the most vulnerable members of the society, in the event of unemployment, maternity, accident, illness; disability, old age or other such life circumstances.

Right to social protection: it's concerned with protecting and helping those who are poor, vulnerable, marginalised or dealing with risks. The risks can be idiosyncratic, affecting individuals or households, and can be associated with life cycle stages. Social protection is commonly understood as "all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks and enhance the social status and rights of the marginalised groups"¹

SCOPE OF THE RIGHT

- 2) **What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional element.**

The National elements include:

- The Cameroonian Constitution of 18 January 1996;
- Law N° 2005/006 of 27 July 2005 on the Status of Refugees in Cameroon;
- Decree No. 2005/254 of 07 July 2005 laying down the implementing rules for Law No. 2004/016 of 22 July 2004 on the establishment, organization and functioning of the National Commission for Human Rights and Freedoms;
- Decree No. 2011/408 of 9 December 2011 on the organization of the Government.
- Decree No. 2005/320 of 8 December 2005 on the organization of the Ministry of Social Affairs,
- Decree No. 2012/558 of 26 November 2012 on the organization of the Ministry of Labor and Social Security,
- Decree No. 2018/354 of 7 June 2018 on the reorganization and operation of the National Social Security Fund (CNPS),
- Ordinance No. 73-17 of 22 May 1973 on the organization of social welfare,

- Law No. 69 / LF / 18 of 10 November 1969 establishing a pension, old-age, invalidity and death insurance scheme as amended by Laws 84-007 of 4 July 1984 establishing an old-age pension insurance scheme and No. 90-063 of 19 December 1990.

These legal provisions have constitutional, legislative and executive bases because they are on the one hand enshrined in the Preamble of the Constitution of January 18, 1996 which states that the Nation

¹ Devereux & Sabates-Wheeler, 2004, Transformative social protection (IDS Working Paper 232). Brighton: IDS.

protects young people, women, the elderly and people with disabilities. And on the other hand, they were deliberated and adopted by the National Assembly and promulgated by the President of the Republic of Cameroon.

STATE OBLIGATIONS

3) What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

- training of personnel in charge of older person;
- special care for older persons in hospitals;
- the facilitation of their access to other public services.

SPECIAL CONSIDERATIONS

4) What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

The special measures and specific consideration that should be taken into consideration in developing the normative content of the right of older persons to social protection and social security are:

- The nature of the good practice (legislation, action plan, etc...)
- The level (State, regional, local)
- The date (of adoption, etc...)
- A substantial explanation of any "good practice" adopted for the promotion of the human rights of older persons and the way in which this practice has been concretely implemented, as well as the expected and/or envisaged results or the actual impact.

5) How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

The responsibilities of non-state parties in the context of the right of older persons to social protection and social security should be defined as follow:

- Non-state parties are obliged, as a minimum to comply with peremptory norms of general International human rights law in general and most especially the rights of older persons to social protection and social security
- Non-state parties should raise public awareness of their rights issues and bring attention to those responsible
- Non-state parties should promote and protect the rights of all the members of the society as a whole and particularly those of the elderly population.
- Non-state parties include individuals, therefore, mention should be made of individual criminal responsibilities in case of elderly people rights abuses. As traditionally only states can be held accountable for violation of human rights, powerful individuals, instrumental in gross human right violation

IMPLEMENTATION

6) What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

Best practices:

- Reductions in the cost of medical examinations in some health centres for the elderly (*Centre Pasteur du Cameroun, Centre Hospitalier de la CNPS, some public hospitals*);
- The diligent processing of retired seniors pension records which has improved greatly in terms of speed in the service.

Main Challenges:

- Multiply social services and local social security centers;
- Create Geriatric services in every public hospitals;
- Opening of training courses for qualified personnel in the fields of Geriatrics, Gerontology and Andragogy.