

THE REGIONAL CENTER FOR THE WELFARE OF AGEING
PERSONS IN CAMEROON (RECEWAPEC)

P.O Box: 5198 NKWEN, BAMENDA-NORTH-WEST REGION
CAMEROON

12TH SESSION OF THE UN OPEN-ENDED WORKING
GROUP ON AGEING



RECEWAPEC CONTRIBUTION

BAMENDA NORTH WEST REGION, CAMEROON
CENTRAL AFRICAN REGION

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THE REGIONAL CENTRE FOR THE WELFARE OF THE AGEING PERSONS IN CAMEROON

Full NGO Status accorded by the Minister of Territorial Administration, Order No:

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MOTTO: Humanity-Solidarity-Sustainable Development

RIGHT TO WORK AND ACCESS TO THE LABOR MARKET IN CAMEROON.

Definition

- 1. How is the right to work and access to the labor market for older persons defined in the national legislation in your country, if such a definition is not available, how should it be defined considering relevant existing national, regional and international framework**

Courtesy of the hard work and relentless efforts of RECEWAPEC by constantly pushing for the promotion and protection of older persons rights, Cameroon through decree number 2021/752 of 28 December 2021 finally ratified the Protocol to the African Charter on Human and Peoples' Rights On The Rights Of Older Persons In Africa

“Older persons” means those persons aged sixty (60) years and above defined by the United Nations (1982) and the Au Policy Framework and Plan of Action on Ageing (2002).

The right to work and access to labor market for older persons is guaranteed in the Protocol to the African Charter on Human and Peoples' Rights On The Rights Of Older Persons In Africa wherein state parties who have adhered to the protocol are obliged to;

- Take measures to eliminate work place discrimination against older persons with regard to access to employment taking into consideration occupational requirements and
- Ensure appropriate opportunities for older persons taking into account to their medical and physical abilities, skills and experience.

More so, older persons have the right to work, access to labor market and justice are well defined in the Draft National Policy Document on the protection and welfare of older persons in Cameroon by the Ministry of Social Affairs. It recognizes older persons' potentials to work, access to labor market and justice.



Scope of the right.

2. What are the key normative elements of the right to work and access to the labor market for older persons? Please provide references to existing standards on elements such as:

- a) The prohibition of all forms of discrimination against older person on the basis of age, alone or combined with other grounds, in all matters related to employment.

Various Decrees prohibit discrimination at work place, the Cameroonian constitution state that "the nation must protect...the elderly". The Cameroonian civil code in article 205 requires descendants to take care of their parents unable to take care of their needs on their own. Section 28 of the penal code provides punishment from one to three years of imprisonment and a fine of 5000 to 25,000 FCFA to those who are responsible for the displacement of the elderly who are in the state of ill health. Article 122(2) proscribes any form of physical or mental violence, torture, trickery, insidious moves in order to obtain information for a suspect. Besides, the social legislation provides a series of text relating to the organization of the social protection of elderly persons including;

- Law No.67 /LF /18 of June 12, 1967 organizing social security in Cameroon.
- Decree No.9 4 /199 of October 7, 1994, on the general statute of public service to organize the regime of pension service of state agents on retirement.
- Decree No.77/495 of December 7, 1997, laying down conditions to create and run social protection private institutions.
- Decree No.2005/160 May 25, 2005 organizing the Ministry of Social Affairs with a department of the social protection of persons with disability and Bolder persons and a sub department of the protection of older persons,

b) **Elimination of all forms of ageism and age discrimination from the workplace elderly and organizational cultures.**

National policy document for the protection and promotion of elderly persons eliminates most forms of discriminations to the elderly in work place and organizational structure, Holding of inter-regional consultation workshops for policy implementation on the protection and welfare of older people, subsidies to private social welfare institutions, associations and NGOs for the elderly, Granting of multiple assistance to older persons [financial and material) including publication of the guides on healthy and active ageing ensuring harmonious society for all ages.



State obligations.

- 3. What are the measures that should be undertaken by the state to respect, protect and fulfill the right to work and access to the labor market for older persons, regarding the normative elements as provided above**

The Department of Social Protection of persons with disability and elderly persons has been tasked to elaborate and implement the national policy on;

- Conception of educative assistance and support programs for the reconversion of older persons.
- Elaboration of norms relative to the creation and functioning of public and private institutions delivering care to older persons.
- Follow up and control organizations and association of elder persons.
- Collection of statistical data on target populations, in conjunction with the Technical structures concerned with older person,
- Decentralized territorial units (regions and councils) are expected to play the first role in the offer of social services to older persons as well as assure the implementation of programs and projects concerning the elderly persons.
- The state also works through civil society organizations to implement the national policy of older persons and support to elderly people through the National Social Insurance Fund.

Special considerations.

- 4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to work and access the labor market, such as protection and regularization of older workers in the informal sector, equal remuneration for work of equal value particularly for older women as well as recognition of unpaid work often carried out by older women.**

Older person's special consideration on;

- Free subsidized local and national public transport provided by local authorities, Price reductions for a range of cultural and recreational activities,
- Discounts on spectacles and Lenses.
- Reduced charges or free treatments for older people.
- Adequate, affordable, sustainable robust retirement income welfare schemes.
- Introduction of a universal non-contributory pension.



Implementation.

5. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on the right to work and access to the labor market for older persons?

The protection of older people is a national duty. There is pension entitlement for older people, and supporting income-generating initiatives for them in the Ministry of Social affairs. Government work through NGOs like Regional Centre for the Welfare of Ageing people in Cameroon (RECEWAPEC) in projects and its members are led by elderly activists. The organization assists older people in setting up small clubs, farming and medicinal plants.

- There is greater collaboration between the government and the elderly.
- There is increased in the number of persons trained for the management of older persons and coping strategies at final retirement age.

Access to justices

Definition

- 1) ***What is the definition of the right of older persons to access justice in the national legislation in your country, or how should such a right be defined, considering existing national regional and international legal framework.***

The right access to justice is a fundamental right well recognized and guaranteed by the Cameroonian legal system. Elderly are a vulnerable group of the population and the state of Cameroon is well conscious of the fact that is why there is the provision for legal aid through the law number 76/321 of November 1976 regulating legal aid in Cameroon. This law makes justice very accessible the elderly such that they can be assigned lawyers to represent them in court and protect their rights. Also through what is known as the “state brief,” everyone accused of a felonious offence is assigned a lawyer and the lawyer is paid by the state, the lawyer then defends the accused as their client. Legal practitioners also have the sense of responsibility which is to assist the vulnerable persons in the society, in that light, Cameroonian lawyers have always answered present when it comes to representing the elderly by rendering pro-bono services to them in their day today activities providing free legal services to elderly litigants from helping obtain bails, representing them in courts and drafting appeals from them. This practice is based on the perception of a traditional duty upon lawyers to render justice accessible to the underprivileged.



Scope of the right

2) What are the key normative elements of the right of older persons to access justice on an equal basis with others?

- a) Older persons enjoy equal rights like every member of the society. In Cameroon it is clearly stated in section 1 of the penal code that "all persons shall be subject to the criminal law." This strengthens equality before the law on the base that no one is above the law as such elderly persons is not denied their rights based on their age.
- b) On the bases of equality before the law, the magistrates in every trail are guided by his conscience and the law. Elderly persons are treated equally in all stages of judicial or non judicial proceedings, compensation and award of damages when due are awarded equally to them.

Remedies and redress

3) What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living.

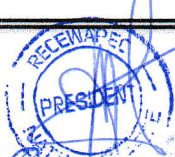
Judicial mechanisms put in place for older persons to complain and seek redress of their right to long term and palliative care includes:

Ordinance n° 73/17 or 22-05-1973 organizing social security amended by law N° 84/006 of 4-07-1984 creating a legislative commission at the level of each region that is charged with resolving disputes in the social security domain. Moreover, there exists a Reprieve Committee at the NSIF that serves the same purpose.

- ✓ The criminal code which comprises protective provisions for older persons; notably, Article 180 on the alimony that curbs the lack of support payment owing to ascendants; article 282, that punishes the neglect of incapable persons; Article 283 that sanctions the omission to assist any person in danger.
- ✓ The criminal procedure code comprises protective provisions to older persons in particular. This include notably: Article 116 (3) which states that the judicial police officer shall as soon as the preliminary enquiry is opened. In form the suspect of their right to make themselves assisted by a court: Article 12212 that proscribes form of physical violence, torture, tricking in order to obtain information from the suspect.

N.B: It's good to take note that most of the above policies are only in papers, No implementation, we the Civil Societies are Lobbying the Government/Advocating for the implementation.

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