

The Legal Protection of Persons Living with Disabilities During Armed Conflicts: The Case of the North West Region of Cameroon

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Abstract

Due to the Boko Haram insurgency that has plagued the Far North Region of Cameroon and the socio-political turmoil afflicting the two Anglophone (North West and South West) regions, Cameroon has lost its position as one of the most peaceful countries in Africa and the world over the previous decade. Several experts and commentators have written extensively about the consequences and symptoms of these crises, with a focus on economic development and political implications. Regrettably, little has been done to protect individuals with disabilities (PWDs) living in these afflicted areas. Despite the existence of a 2010 law on the protection and promotion of persons with disabilities, this law does not clearly include their protection during armed conflicts, resulting in little or no respect for PWDs' rights as civilians during armed conflict. As a result, the goal of this paper is to investigate the legal safeguards accessible to people with disabilities in the North West region during this period of crisis. It accomplishes this by researching and analyzing the numerous legislative provisions enacted to protect the rights of PWDs during armed conflict. The findings indicate that, in spite of the existence of certain legal instruments that regulate the conduct of warring factions, such as the Geneva Conventions and their additional protocols and the Hague Law of Independence, they are not adequate and are often violated by the soldiers of the different warring factions, especially in non-international armed conflicts, like that in Cameroon. The state, on its part, has made very little effort to promote and protect PWDs living in the North West region during this armed conflict. This article therefore suggests that the 2010 law on the rights of PWDs in Cameroon be revisited to cover periods of crisis and emergencies as well as set up centers or bodies with enforcement powers to enforce PWD rights.

Keywords: Boko Haram, Anglophone, PWDs' rights, Geneva Conventions, Hague Law of Independence

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INTRODUCTION

Many sorts of armed conflicts have occurred throughout history, including independence wars, cold war-related fights, religious conflicts, political disputes, separatist conflicts, and so on. The number of individuals living in conflict-affected areas is constantly increasing as a result of these various wars. As some fight to evacuate, others are left behind, and some people who do not have disabilities become handicapped, increasing the number of people with disabilities in these combat zones. Armed wars disrupt human lives and cause public health issues. Charlson et al. [1] estimated that 22.1% of the population affected by armed conflict suffers from mental disorders. PWDs are

disproportionately affected by armed conflict and are especially vulnerable to humanitarian situations. According to the World Health Organization, more than one billion people, or nearly 15% of the world's population, have impairments, with armed conflict causing 160 million of them. Armed combat has a significant influence on people with impairments [2].

The Far North Region, where the Islamist group Boko Haram conducts deadly terrorist attacks, and the two English-speaking regions, where armed secessionist groups battle government forces, are three of Cameroon's ten regions where serious and ongoing security issues have plagued the nation for several years. The issue of people with disabilities living in these areas is then overlooked and rarely adequately addressed because it is solely considered from the perspective of humanitarian help. Furthermore, many of these people have been displaced from their homes, victimized, or have lost their primary source of income.

Cameroon has become a theater of diverse conflicts in recent years, the most recent being the Anglophone crisis, which began in mid-2016. This is defined as a non-international conflict under the Geneva Conventions and their supplemental protocols [End note (i)]. This was due to a number of points raised by the lawyers in July in Bamenda during a public rally and later by teachers when a total school boycott was launched. This culminated in a serious armed conflict between separatist movements claiming the creation of the so-called 'Ambazonia' state, with constant clashes between separatist fighters and state forces, resulting in the deaths of thousands of people and the displacement of thousands more within the restive Anglophone regions. In any event, the majority of information that reaches the general public is concerned with the quantity of people who have died, been made internally displaced, fled their homes, or suffered material losses, without regard for the social groups that have been most negatively impacted by this war. This raises worries regarding the condition of people with disabilities. For example, when warriors clash on the battlefield, would they be able to leave like everyone else and find a safe haven? [3].

Many African countries, including Cameroon, have disability policies that aim to recognize the significance and experience of people with disabilities in society by offering both individual and collective rights. Although people with impairments are included in basic human rights documents, disability-specific policies are required. Historically, traditional human rights instruments [End note (ii)] gave nominal protection to people with impairments, but their interpretation frequently devalued their rights [4]. As a result, people with disabilities require extra protection because their basic rights are frequently infringed upon in an inaccessible or able-bodied society, particularly in the worst-case scenario during and in locations of armed conflict.

As Israel and Tana have stated, there is an obvious correlation between disability and armed conflicts [5]. This is because, on the one hand, armed conflicts are a major cause of disability—not only physical disabilities caused by clashes, but also psychosocial disabilities caused by conflict dynamics. Those with disabilities, on the other hand, find it more difficult to exercise their rights during times of armed conflict and are more seriously harmed by violence [6]. This can be observed in the fact that they are unable to access many social facilities such as proper housing, clean water, and even education, since many drop out due to the difficulty of transporting themselves to and from school on a regular basis due to continual attacks and raids on schools [End note (iii)]. Furthermore, in times of conflict and emergency, people with disabilities are sometimes twice victimized: first by the disaster and again by the failure of the humanitarian and relief infrastructure designed to assist them and safeguard their rights [7].

The UN Convention on the Rights of Persons with Disabilities (CRPD) was recently approved by Cameroon [8]. Additionally, it has ratified the African Charter on Human and People's Rights and the Protocol on the Rights of Persons with Disabilities in Africa. This is to complement the 2010 law and its 2018 decree of application on the rights of persons with disabilities in Cameroon. Article 11 of the CRPD and Article 12 of the Protocol to the African Charter on the Rights of Persons with Disabilities,

among these pieces of legislation, demand states parties take all necessary steps to ensure the protection and safety of people with disabilities in dangerous situations, including armed conflict.

THE NORTH WEST REGION OF CAMEROON

Teachers, attorneys, and activists took to the streets in late 2016 to demand more acknowledgment of their political, social, and cultural rights after long complaining about how these regions were seen by the central government as being marginalised. The government's violent response, which killed peaceful protestors, jailed leaders, and outlawed civil society organisations, exacerbated the issue. Several separatist organisations have emerged since then, pushing for the independence of the English regions and supporting military conflict. Both government authorities and armed separatists have committed major human rights violations [9]. The instability in these regions has also had considerable and persistent human, economic, and social consequences [10].

The Mezam division, with Bamenda as its chief city, is at the epicenter of this catastrophe. Numerous national and international news outlets have been reporting on the effects of the conflict on civilians caught in the crossfire between rebels and government forces. Murder, torture, kidnapping, rape, mass executions, village burnings, and general harassment of the inhabitants have all been reported [11]. According to Amnesty International, nearly 150,000 people became internally displaced as a result of the violence in these districts between 2016 and 2018. The United Nations Human Rights Commission (UNHRC), on the other hand, reported that in March 2018, approximately 20,000 Cameroonians fled to Nigeria to become refugees, the majority of them women and children. This climate of instability and political violence has far-reaching consequences for the lives and activities of people with disabilities, as it adds significant new impediments to an already unfriendly environment [12].

There are a few structures in the North West that receive and cater for all types of disabled people, such as Saint Joseph Children and Adult Room (SAJOCAR), which cares for disabled and blind people; MBINGO Agricultural Rehabilitation Centre for the Blind; KUMBO Baptist integrated School for the Deaf; Shelter Workshop for Disabled; Seta Handicapped Training Centre for the Blind (Mbengwi); and ANAC Pre-cooperative.

NATIONAL AND INTERNATIONAL LEGAL STANDARDS OF ENSURING THE RIGHTS OF PERSONS WITH DISABILITIES DURING ARMED CONFLICTS

Mechanisms for the protection of disabled people are enshrined in international and national norms and standards that are incorporated into the international legal framework and national law. Three interrelated and complimentary areas of international law—international human rights law, humanitarian law, and international refugee law—combine to provide the global legal framework for reducing the risks and effects of armed conflict. Individual rights are protected under international human rights legislation, which is implemented in both, peaceful and military conflicts or wars. Basic rights, including the right to life or the right not to be tortured, must never be restricted or arbitrarily suspended by states. Agreements and conventions enshrine the state's responsibility to defend, respect, and observe human rights. As a result, governments are expected to ensure the protection of PWDs as stipulated in international and national legal frameworks. This leads us to consider the role of international and state law in ensuring the rights of people with disabilities during armed conflicts.

International Legal Standards for Protecting the Rights of Disabled People during Armed Conflicts

All human rights conventions cover and protect people with disabilities on an equal footing with those who do not have disabilities. However, some argue that the UN human rights instruments were not written with PWDs in mind, resulting in their failure to include them or to mention disability as a forbidden ground for discrimination. This belief is incorrect because these instruments were designed to be broadly applicable to all human beings, as the mere fact of living alone is sufficient to warrant protection, though it is also acknowledged that minorities, and thus PWDs, require additional protection in order to compete in the world due to their impairments. As a result, the lack of particular mention of

PWDs' conditions in these instruments should not limit their application to PWDs. Any other conclusion would contradict the interconnectedness and indivisibility of human rights, and the entire rights superstructure would collapse [13].

Generally speaking, the majority of international agreements uphold equality and non-discrimination principles as the guiding principles for protecting the rights of those with disabilities. According to Article 25 of the Universal Declaration of Human Rights, PWDs are specifically mentioned (1). However, there is no explicit reference to PWDs in its variants. The International Covenant on Civil and Political Rights (ICCPR) and the Convention on Economic, Social, and Cultural Rights (CESCR) provisions, however, continue to play a significant role in ensuring PWDs' access to equal opportunities and full participation in society [14]. For instance, the right to life and the prohibition on torture and other cruel, inhuman, or degrading treatment or punishment are both spelled out in the International Covenant on Civil and Political Rights. Article 23 of the Convention on the Rights of the Child (CRC) specifically mentions the rights of handicapped and disabled children.

As earlier discussed, PWDs were not specifically included in the original International Human Rights Documents, although they are presumed to fall under the category of persons as well as civilians and noncombatants. As a result, under International Human Rights and Humanitarian Law, people with disabilities, both as individuals and as civilians, would be entitled to the same rights as those without impairments [15]. The Convention on the Rights of the Child [16]; the International Labour Organization Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons); the UN Convention on the Rights of Persons with Disabilities 2006; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social, and Cultural Rights; the African Charter of Human and People's Rights [17]; the African Charter on the Rights and Welfare of the Child [18]; and also the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa are some of the core international and regional human rights conventions applicable to Cameroon that have provisions concerning persons with disabilities.

These measures are not thorough in characterizing disability. The preceding paragraphs will introduce the important international and regional treaties that characterize, state, or allude to the word, and will serve as primary sources during times of armed conflict. These agreements include the Geneva Conventions, the African Charter on Human and People's Rights, and the Protocol on the Rights of Persons with Disabilities in Africa. The United Nations Convention on the Rights of Persons with Disabilities is one of these agreements.

The main international agreements protecting and stipulating the rights of people with disabilities are the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, which were adopted in 2006 and came into effect in 2008. These agreements have received the most ratifications and accession [19]. The CRPD seeks to safeguard and uphold the dignity of people with disabilities. PWDs' rights are asserted in a variety of contexts, including health, education, work, the right to life, employment, etc. [20]. The Convention encourages good attitudes and behavior towards people with disabilities while opposing discrimination, negative stereotypes, stigmas, and any harmful behaviors.

One of only two human rights agreements that specifically states that it takes precedence over IHL during armed conflict is the CRPD (the other being the Convention on the Rights of the Child). According to Article 11 of the Convention, states' parties must take all necessary steps to ensure the protection and safety of people with disabilities in high-risk situations, such as armed conflict, humanitarian crises, and natural disasters, in accordance with their obligations under international law, including international humanitarian law and international human rights law. The CRPD does not have a derogations clause, as is the case with the ICCPR [21]. This means that states' parties cannot stop the application of the Convention's provisions during states of emergency or armed conflict. Instead,

it confirms that PWDs' rights continue to apply during armed conflict and that these rights coexist with IHL. The players involved, the area where the actions are taking place, the rights at issue, and the applicable IHL principles all have an impact on how much the CRPD applies to a specific armed conflict [22].

The four Geneva Conventions and their supplemental protocols have been regarded as the foundation of current international humanitarian law for the past sixty years. Their introduction aimed to manage warfighting and limit the brutality that occurs during conflict. The most relevant Convention that includes the phrase 'disability' is the Geneva Convention IV, relating to the Protection of Civilian People in Time of War [23] and the Additional Protocol [24] to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts. The 1949 Geneva Convention IV addresses the protection of civilian populations during war, particularly people in enemy-occupied territories. The majority of the provisions are concerned with the status and treatment of civilians, and it is made clear that the occupying force has a responsibility to safeguard these populations and to provide humanitarian aid to those living in occupied territory [25].

International human rights treaties stipulate that everyone, including those with disabilities, has the right to have their rights protected during military wars and emergencies. Human rights are the essential principles for protecting all individuals in all contexts during calm times, but changed circumstances during combat necessitate special protection for certain populations.

Emergency situations and armed conflicts have the greatest impact on people with disabilities, according to global experience. According to the mentioned experiences of certain PWDs and data obtained from Human Rights Watch, PWDs are more likely to be affected by conflict. PWDs are regularly abused, neglected, and denied assistance in dangerous conditions during armed wars and humanitarian emergencies [26]. The interests of people with disabilities are quite often neglected within the emergency evacuation process owing to a number of difficulties [27], as observed with some of the experiences here in the North West region where family members flee and leave their loved ones behind because of their disabilities.

The UN Security Council stressed in Resolution 1894 (2009) that military conflicts disproportionately harm people with disabilities. Concerns were expressed in the 2015 Resolutions regarding the plight of people with disabilities, including cases in which they are abandoned by family members, endure violence, or are refused access to basic services.

The need of considering the needs of people with disabilities, particularly children, when delivering humanitarian relief is underlined. Parties to a military confrontation are principally responsible for taking all necessary steps to safeguard civilians and provide for their fundamental needs, including the special needs of people with disabilities [28].

Further measures are being taken all the time to include disability in conflict settings on the international agenda. According to Core Responsibility 3 (three) of the Agenda for Humanity (leave no one behind), which is about "leaving no one behind," people with disabilities constitute a significant category [29].

More than 140 humanitarian and human rights organisations, organisations for disabled people (ODPs), UN agencies, and countries have signed the Charter on Inclusion of People with Disabilities in Humanitarian Action, which was endorsed during the 2016 World Humanitarian Summit [30]. All humanitarian disasters and emergency circumstances, including armed war, are covered under the Charter. It requires signatories to commit to eliminating all forms of discrimination against PWDs in humanitarian policy and programming; engaging in meaningful consultations with PWDs and their representative organizations in the design, implementation, and monitoring of humanitarian programs; and improving quantitative and qualitative data collection on PWDs [31]. In December 2018, the

Security Council had its first discussion specifically on the effects of armed conflict on individuals with disabilities. Members of the UN Security Council were present [32].

The African Charter on Human and Peoples' Rights Preamble calls for the freedom, equality, justice, and dignity of the African people at the regional level. The member nations reaffirm their commitment to and wish to be bound by UN human rights treaties. It highlights member states' historical awareness and will to liberate Africa. The Preamble also emphasizes the need of eliminating all types of discrimination, including bias based on race, ethnic group, colour, gender, language, religion, or political affiliation. It does not, however, mention disability. The Preamble shows the drafter's charter's goal as well as the social evils it attempted to address. The fact that discrimination based on disability is not recognized as one of the historical imbalances that drove the establishment of the African Charter speaks volumes in and of itself. It also emphasizes Africa's fixation on freedom while ignoring the misery of those with disabilities.

However, the Protocol to the African Charter on Human and People's Rights on the Rights of individuals with Disabilities in Africa, which has been ratified by 11 (eleven) governments, including Cameroon, was approved in 2012 and addressed the situation of individuals with disabilities in Africa. This protocol will only become effective if 15 states have signed on it. Regardless of its current status, it seeks to protect persons with disabilities during armed conflict by requiring states' parties to take specific measures to ensure the protection and safety of all persons, including those with disabilities, in high-risk situations such as armed war, forced relocation, humanitarian catastrophes, and natural disasters, as well as ensuring that people with disabilities are consulted and involved in all stages of planning, implementation, and evaluation [33].

National Legal Standards for ensuring the Protection of Persons with Disabilities During Armed Conflicts

Cameroonian legislation has evolved over time to meet the needs of and govern various elements of human existence in an attempt to limit or avoid discrimination against humans, whether they are PWDs or other minority groups. According to the Preamble to the Constitution of 18 January 1996, everyone is equal before the law and has human rights that must be protected. It expressly declares that everyone, regardless of religion, color, gender, or opinion, has the right to life, the right to work, the right to own property, and the right to participate in politics. It does not, however, mention the word 'disability', as do many other state constitutions and human rights accords. This is not to suggest that people with impairments do not have these rights. Furthermore, the rights provided in the Preamble of the Constitution imply that all rights must be respected at all times, unless there is a limitation or derogation of particular rights.

PWDs have long complained about the way they are treated by individuals, institutions, and even the state in numerous ways. Discrimination, mockery, exclusion from decision-making and involvement in community and state life, and so forth, though there existed a law on the protection of persons with disabilities passed in 1983 [34] with a 1990 decree of application [35]. This 1983 law was however very limited as it is remarkable for dealing mostly with the registration and establishment of disability cards for PWDs and school fee exemptions for their children and themselves. As a result, the Cameroonian government adopted Law No. 2010/002 on the Protection and Promotion of People with Disabilities on April 13, 2010. This law could not be implemented for nearly a decade because it lacked an application text. After a prime ministerial decree issued in 2018 [36], a text of application of the 2010 law on the protection and promotion of persons with disabilities was adopted. This law only applies to people with impairments who have a national disability card and can demonstrate a permanent potential incapacity rate (IPP) of at least 50%. It only provides for the protection and advancement of PWDs in the areas of education and vocational training, employment, access to infrastructure, housing, transportation, and communication, political participation, sports, cultural, artistic, and leisure activities, and health protection. This 2010 law includes only a passing reference

to its promise of PWD protection in times of danger, such as armed conflicts, as well as PWD social protection [37], and regrettably does mention this protection in its text of application.

Furthermore, one may add to the list of local legislation the 2016 Penal Code [38], as it goes to sanction violations of the law on different grounds. We may argue that PWDs are prone to being victims of many offences due to their impairments. In this regard, the penal code steps in to impose criminal sanctions against violators.

SPECIFIC CASES OF VIOLATION OF PERSONS WITH DISABILITIES IN THE NORTH WEST DURING THE ANGLOPHONE CRISIS

PWDs endure prejudice and isolation in all circumstances within society and in all parts of the North West Region. In times of emergency or armed conflict, people with disabilities are more vulnerable to acute harm, egregious human rights breaches, and significant violations of International Humanitarian Law (IHL) [End note (iv)]. The violent conflict in Cameroon's Anglophone regions, particularly the North West Region, has had a particularly severe and disproportionate impact on people with disabilities. In wartime, people with disabilities are targeted; 'clustered settlements' of people with impairments, such as psychiatric institutes, orphanages, and care homes, are used as human shields [39]. Women and girls with disabilities are more likely to experience sexual and gender-based violence (SGBV) [40]. Furthermore, PWDs are more likely to be murdered or seriously injured as a result of inaccessible protection mechanisms such as effective advanced warnings before attacks, the challenge of evacuation owing to a lack of transportation, and emergency information, which causes them to be left behind.

Humanitarian aid for necessities like food, water, and shelter is also challenging owing to accessibility issues, which can have a disproportionately disastrous effect on the health of PWDs. Those with pre-existing impairments face secondary and preventable conditions as a result of interruptions or deterioration in medical care, as well as the destruction of infrastructure and assistive devices, which can create physical barriers that prevent PWDs from accessing their places of education and/or employment.

Refugees and internally displaced persons with disabilities experience exclusion from basic services when fleeing conflict. Refugee and displacement camps and facilities lack formal and comprehensive procedures for identifying all refugees with disabilities, and as a result, they fail to provide them with protection and vital services, such as shelter and medical care that are accessible and responsive to their needs [41].

Discrimination against PWDs is aggravated after a war because PWDs are often denied access to justice, including appropriate remedies and restitution, for crimes committed during the conflict. PWDs are widely perceived as passive victims in conflict and post-conflict settings, and they have yet to be recognized and empowered to participate as change agents [42]. Many human rights and humanitarian organizations and mechanisms do not sufficiently represent or consult them in action planning and implementation; they are not afforded equal participation and full involvement in peace processes; and their role and potential contribution to conflict prevention and resolution are not fully realized [43].

Everyone agrees that people with disabilities suffer disproportionately during armed conflict because they are not afforded the protections and rights provided by international human rights law (IHRL) and international humanitarian law (IHL). Yet, the precise magnitude and nature of that influence are unknown. There is a severe paucity of reliable, comprehensive, and age and gender-disaggregated data on the impact of armed conflict on people with a variety of disabilities. States' parties to the Convention on the Rights of People with Disabilities (CRPD) are not following through on their promise to gather information and undertake statistical analysis so they can develop and implement the laws necessary to give the CRPD effect [44]. Where data sets exist, they are frequently incomplete, relying on a restricted medical model interpretation of disability that leaves out the social

and contract models. Such data sets do not accurately or consistently reflect the prevalence of people suffering from psychosocial and/or cognitive problems. When this data is used to justify budget allocations and policy development, it exacerbates the exclusion of people with unidentified disabilities and leads to greater discrimination [45].

PWDs have faced the brunt of the Anglophone crisis, with several casualties and regular violations resulting in deaths and property loss. According to the Coordinating Unit of Associations of People with Disability (CUAPWD), approximately 30 PWDs and more have died in the North West as a result of the crisis in metropolitan areas alone [46]. This therefore begs the question of how many more are in areas which are inaccessible for data due to the crisis.

Additional individual casualties documented by Human Rights Watch show that PWDs were among those slain, violently beaten, or kidnapped by government authorities and armed separatists between January 2018 and May 2019. On May 5, 2019, soldiers from the Rapid Intervention Battalion murdered a 43-year-old man with hearing and intellectual problems in the village of Ntamru, North-West Region, after he did not answer their inquiries. A witness told Human Rights Watch, "...He was shot in the head and chest [47]".

On December 3, 2018, a 41-year-old man with a physical disability reported losing his wheelchair after soldiers burned down his residence in Kumbo, North-West area: "My house was destroyed; I was fortunate to escape thanks to a friend who carried me. But I lost everything, including my wheelchair, and now I cannot get about on my own [48]."

Those with mobility issues were unable to flee with their families during several attacks. "During three days of battles and non-stop firing, my parents fled and left me home alone," a 27-year-old lady with paralysis in her left leg as a result of childhood polio revealed in March 2018 in her village, Esu, North-West Region. "I took sanctuary in a neighbouring house, but the neighbors also left. My family decided it would be safer for me to stay and conceal rather than carry me and flee. But I was terrified" [49].

Human Rights Watch has recorded at least 50 incidences of government forces killing PWDs when they attempted to flee attacks or were left behind since the crisis began in late 2016. Human Rights Watch has also documented examples of PWDs being attacked or kidnapped by armed separatists [50].

According to study conducted in Cameroon by Human Rights Watch, older people with disabilities often remained in their communities, especially during attacks, due to the dangers of attempting to evacuate in difficult terrain and the potential to obstruct the escape attempts of their relatives or neighbours. The 75-year-old man's daughter claimed that if she had not escaped the village's deserted condition in a timely manner, she would have been killed by armed forces. Her father is blind and also suffers from mental illness in addition to his physical disability [51].

It has also been established that the lack of assistive items such as wheelchairs, prostheses, crutches, or hearing aids is a significant barrier to avoiding hostilities. According to research conducted in Cameroon, security personnel burned and plundered hundreds of homes in the Anglophone areas containing these items for PWDs [52]. PWDs frequently lose everything, including their accessible houses, assistive devices, and jobs [53]. A young man with an artificial leg that fractured when he ran into the forest following a fight was forced to abandon the prosthesis and has since walked on crutches [54].

People with disabilities have often been assaulted at security checks or at roadblocks staffed by separatists. They frequently travel because they have been displaced by violence. Separatist fighters' subject indigenes, including PWDs, to the compulsory payment of certain dues in the name of supporting the struggle. Sometimes PWDs are kidnapped and asked to pay ransom, especially if they have family members living abroad or working with the government.

These are just a few cases amongst many that keep on growing as the crisis continues day by day. Unfortunately, very little is done by authorities and stakeholders to protect the rights of PWDs who find themselves in this gruesome situation.

THE SPECIFIC SITUATION AND NEEDS OF PERSONS WITH DISABILITIES DURING ARMED CONFLICT

In times of armed conflict, PWDs should be afforded the same protection as non-disabled people. Nonetheless, the inability to undertake an activity owing to an impairment places PWDs in a unique and vulnerable situation. As a result, in addition to the basic protection afforded by the general provisions of human rights agreements, they require special attention, planning, and implementation. PWDs frequently lack access to information. Anyone with hearing or vision loss may never hear or perceive any warnings. During an armed conflict, those who use a wheelchair, crutches, prostheses, or white canes may not be able to get humanitarian relief or be evacuated. Mental and intellectual disabilities also have a further risk of not understanding dangerous events clearly. It has been documented that people who do not fully understand the circumstances and necessity of total obedience to a soldier's orders are sometimes shot, as was the case with the 43-year-old man from Ntamru village and the 27-year-old man from Ndu, who were both shot dead because of their intellectual disability, as seen earlier.

According to a 2016 publication by USAID, in Ukraine, people with disabilities contacted Oleh Driuma, Head of the European Association for the Rights of People with Disabilities (AUCO), since they needed special circumstances for evacuation [55]. According to the findings of this study, the level of vulnerability of any civilian group, particularly those with disabilities, is defined by their social and economic opportunities to access and receive some form of practical assistance to obtain security and support, amongst others. Speaking to a few students with disabilities at the University of Bamenda in Cameroon, they expressed the difficulties they face whenever there is an exchange between separatist fighters and state militia, such as evacuation to safer environments and access to basic needs such as food, water, and so on, because it was not safe to move around Bambili. Some describe how they had to stay away from school for months and others even dropped out only to resume when it was a little safer. Within this armed conflict, it is also recorded how children with disabilities who depend on their families, face an even harder situation as their parents, when fleeing, look at them as a burden. For example, a woman in Kumbo, described how, because of constant attacks they were forced to flee their homes and had no means of transportation to leave Kumbo for Bamenda. She felt sometimes as if her son, suffering from a physical disability, was sometimes looked at as a burden because he slowed her escape to a safer place. The situation of women with disabilities is exacerbated due to their gender; they have been abused and mistreated more than men with disabilities [56].

Recommendations

As previously stated, the requirements of people with disabilities are determined by the degree of their vulnerability and their individual situation. In terms of the armed conflict, their primary demands are those that arise during warning, evacuation, humanitarian aid, preparation, and registration. Warnings should be issued in a way that all individuals, including the deaf and blind, can comprehend. All evacuation and humanitarian relief actions should be organized with accessibility in mind. Also, PWDs must be properly registered in order to receive humanitarian aid.

Furthermore, peace treaties might include measures for wartime protection and humanitarian assistance. They can also work to include and empower people with disabilities politically, including through contributions to the peace process, political institutions, and democratic procedures. In addition, peace agreements can also include provisions on socio-economic inclusion and empowerment.

CONCLUSION

When states or humanitarian organizations consider disability in humanitarian policy, the focus is currently on physical and sensory impairments, with psychological and intellectual impairments being

overlooked. Incomplete data sets or a lack of awareness of disability diversity could explain this approach. As a result, help for PWDs in war settings is typically confined to physical disability rehabilitation, such as the provision of prosthetics and physiotherapy for amputees. Persons with psychosocial or intellectual impairments are sometimes excluded, and responses to PWDs' broader rights-based needs, such as accessible reproductive health services for survivors of sexual violence or mental health services to overcome psychological trauma, are either absent or inadequate.

Finally, all mainstream humanitarian services, including those for PWDs, should be completely accessible to all people. Failing to ensure full and equal access to services constitutes impairment-based discrimination and a violation of associated rights. In addition to the necessity for equally accessible mainstream services, PWDs should be a targeted group for the provision of services during times of armed conflict, such as sign language and braille training and education programs for people with auditory or visual impairments.

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END NOTES

- (i) Article 3, common to the four Geneva Conventions, marked a breakthrough, as it covered, for the first time, situations of non-international armed conflicts. These types of conflicts vary greatly. They include traditional civil wars, internal armed conflicts that spill over into other states or internal conflicts in which third states or a multinational force intervenes alongside the government. Common Article 3 establishes fundamental rules from which no derogation is permitted. It is like a mini-convention within the conventions as it contains the essential rules of the Geneva Conventions in a condensed format and makes them applicable to conflicts not of an international character.
- (ii) Such as the Universal Declaration of Human Rights (UDHR) 1948; UNESCO Convention against Discrimination in Education 1960; the International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966; The African Charter on Human and Peoples' Rights 1981; The Standard Rules on the Equalisation of Opportunity for Person with Disabilities 1993, etc.
- (iii) In the Anglophone regions separatists, fighters asked and are still asking for schools to shut their doors. Sometimes they carry out attacks on schools where they kidnap and kill teachers and staffs. At other moments clashes between the state militia and the separatists are extended close to school environments causing students and staffs to flee. In such situations, it is especially difficult for PWDs who may be left behind by their friends.
- (iv) For example, research indicates that the mortality rate among persons with disabilities was twice that of the rest of the population during the 2011 Japan earthquake and tsunami. Statement of the Committee on the Rights of Persons with Disabilities (CmmttRPD), on disability inclusion for the World Humanitarian Summit, 5 September 2015.