

Towards Inductive Justice for Child Protection and the Inclusion of Persons With Disabilities in Africa

Amding Takoumbeng Arlette Linda¹

¹ Université de Bertoua, Cameroon

Correspondence: Amding Takoumbeng Arlette Linda, University of Bertoua, Cameroon., Cameroon.

Received: May 30, 2026

Accepted: June 27, 2026

Published: June 30, 2026

doi:10.65343/jiss.v2i1.115

URL: <https://doi.org/10.65343/jiss.v2i1.115>

Abstract

In a context characterized by recurrent crises and persistent social inequalities, the genuine well-being of children and the social inclusion of persons with disabilities remain major challenges, particularly in Africa, which is home to a substantial proportion of this population. Despite significant normative developments and institutional commitments in recent years, considerable gaps persist in the effective implementation and enforcement of their recognized rights. This paper examines the conditions necessary for fostering a genuinely protective and inclusive environment based on the effective recognition, promotion, and full realization of the rights of children and persons with disabilities. Using a comparative and critical approach, the study analyzes the legal and institutional mechanisms established to safeguard these fundamental rights while identifying the principal barriers that continue to undermine their practical effectiveness. Drawing on the principles of inductive justice, the paper proposes a series of legal and policy reforms aimed at strengthening the protection, promotion, and enforcement of the rights of children and persons with disabilities. Ultimately, it argues that such reforms are essential to advancing more effective, equitable, and sustainable social inclusion across Africa.

Keywords: Africa, children's rights, social inclusion, inductive justice, persons with disabilities

1. Introduction

Over the past decades, contemporary societies have undergone significant social, economic, political, and technological transformations, resulting in profound changes in interpersonal relationships. While these developments have contributed to greater recognition of human rights, they have also been accompanied by the persistence—and in some cases the worsening—of various forms of vulnerability, particularly affecting children and persons with disabilities. Violence against minors, systemic discrimination, social exclusion, and limited access to essential services continue to undermine the goal of inclusive human development, especially in African countries where structural challenges remain considerable. According to the *World Report on Disability*, published in 2011 by the World Health Organization (WHO) and the World Bank, more than one billion people, representing approximately 15% of the world's population, live with some form of disability. More recent WHO estimates indicate that this figure has now exceeded 1.3 billion people, accounting for nearly 16% of the global population. At the same time, the situation of children remains deeply concerning. According to the United Nations Children's Fund (UNICEF), millions of children are victims each year of physical, psychological, or sexual violence, economic exploitation, trafficking, child marriage, or neglect. In Sub-Saharan Africa in particular, these problems are exacerbated by poverty, armed conflict, forced displacement, health crises, climate change, and the weakness of institutional protection mechanisms.

For many years, disability was viewed primarily through a medical or welfare-oriented perspective. Today, however, it is increasingly understood through a human rights-based approach, as reflected in the Convention on the Rights of Persons with Disabilities (CRPD). The Convention emphasizes that disability results from the interaction between individuals' functional limitations and the physical, social, cultural, economic, and institutional barriers that hinder their full participation in society. Likewise, the Convention on the Rights of the Child (1989) affirms that every child, without discrimination of any kind, is entitled to protection encompassing all the rights necessary for his or her full development. The implementation of these rights also forms part of the framework established by the United Nations Sustainable Development Goals (2015).

However, despite the ratification of these legal instruments by the majority of African States, their implementation remains highly uneven. This situation is reflected in the continued occurrence of numerous violations of fundamental rights. Cameroon provides a significant illustration of the gap between the formal recognition of rights and their effective implementation. This observation raises important questions regarding the conditions necessary to create a genuinely inclusive environment capable of ensuring the effective protection of human rights

while promoting the well-being of children and persons with disabilities. Accordingly, this research is guided by the following question: What reforms could promote, in Africa and more specifically in Cameroon, the emergence of inductive justice based on a coherent articulation between legal norms and empirical realities? The objective is to identify the most appropriate mechanisms for sustainably strengthening the protection of the rights of children and persons with disabilities while contributing to the construction of a more inclusive, equitable society that fully complies with contemporary human rights standards.

From this perspective, the study adopts a comparative and critical approach. It examines the legal, institutional, and jurisprudential mechanisms developed in various European countries for the protection of children and persons with disabilities before comparing them with African experiences, particularly those of Cameroon. This comparative analysis will make it possible to identify the factors that promote the effective realization of rights, highlight the main obstacles encountered on the African continent, and propose reforms capable of fundamentally transforming policies on protection and inclusion, while respecting the principle of justice, namely, giving each person what is rightfully due.

2. International Legal Frameworks for the Protection of the Rights of Children and Persons With Disabilities

Philip Wood's model dominated public policy for many decades by viewing disability solely as the consequence of a disease or impairment affecting the individual's body. However, because this model was criticized for reducing disability to a medical pathology while overlooking the many barriers existing within society, a major paradigm shift occurred, transforming disability into a matter of human rights, equality, and citizenship. It is within this new framework that European States have succeeded in ensuring child protection and the social inclusion of persons with disabilities through clearly defined laws recognized under international law.

2.1 Mechanisms for the Implementation of International Conventions

At the global level, numerous legal systems explicitly incorporate commitments to protect and support children and persons with disabilities. The Convention on the Rights of the Child (CRC) provides a starting point. Article 35 stipulates that "States Parties shall take all appropriate measures... to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form" (United Nations, 1989). Likewise, Article 37 protects children against abuse and guarantees respect for their dignity, security, and fundamental rights by providing that "no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment" (United Nations, 1989). In the same spirit, Article 2 establishes the principle of equality among all children and requires States to combat all forms of discrimination as well as harmful practices, including sexual exploitation and child pornography. Consequently, every child is entitled to enhanced protection and special assistance and must be safeguarded against all forms of physical or sexual violence. Along the same lines, Article 24 of the Geneva Convention, as well as Article 24 of the Charter of Fundamental Rights of the European Union, also recognize the specific protection of children and guarantee their fundamental rights.

Furthermore, Article 5(1) of the Convention on the Rights of Persons with Disabilities declares that "all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law" (United Nations, 2006). These principles, encompassing both social equity and inclusive governance, have been incorporated into the 17 Sustainable Development Goals (SDGs) to be achieved by 2030. SDG Target 4.a provides that educational institutions should offer all learners a safe, non-violent, inclusive, and effective learning environment. Similarly, SDG Target 4.5 seeks to ensure equal access to all levels of education and vocational training, particularly for vulnerable groups and persons with disabilities (United Nations, 2015). Moreover, Article 1 of the Universal Declaration of Human Rights states that "all human beings are born free and equal in dignity and rights" (United Nations, 1948). This fundamental principle requires recognition of equal dignity and equal legal protection for all individuals, including children and persons with disabilities.

2.2 The European Approach: A Logic Exclusively Grounded in Human Rights

In Europe, the strategies implemented to protect children and support persons with disabilities are primarily based on legal and social foundations. They are essentially founded on the recognition of "the child and the person with a disability as rights holders rather than as objects of care" (Stiker, 1997, p. 235). Thus, there has been a shift from a logic of compensating for impairments to a logic of recognizing rights. It is essential to comply with established standards and legal provisions, such as universal accessibility, which includes accessible transportation and public infrastructure. Inclusive education is strongly promoted, as is social protection. Consequently, many individuals benefit from social allowances, health insurance coverage, assistive technologies, and specialized support services. In Europe, the Court of Justice of the European Union (CJEU) delivered three landmark judgments, the first being *Chacón Navas*, which had a significant impact on case law by moving away from the previous medical approach and establishing persons with disabilities as rights holders (CJEU, 2006). Furthermore, Europe, distinguished by its commitment to implementing international conventions,

provides appropriate support, particularly for children and persons with disabilities, through the substantial development of infrastructure, the improvement of school safety, obligations imposed on employers, and digital accessibility. These measures are complemented by effective institutions, robust social policies, and judicial oversight mechanisms that hold States accountable. Together, they promote personal autonomy, economic independence, equal opportunities, and, ultimately, social inclusion.

However, in Europe, particularly in Sweden, the human development model known as the Disability Creation Process (DCP) jointly examines impairments, environmental barriers, human rights, and social participation. Consider the example of a Swedish student with a physical impairment who uses a wheelchair. Facilitating factors include elevators, access ramps, accessible digital platforms, and initiatives such as the Zero Violence model. If these elements were absent, they would constitute a social barrier because the environment would not be conducive to the student's participation. It is in this context that "disability is not an attribute of the person. It results from the interaction between personal factors—integrity and abilities—and environmental factors—barriers and facilitators" (Fougeyrollas, 2010, p. 66). In light of the foregoing, it can be concluded that European systems are highly advanced in ensuring the effective implementation of inclusive policies. What, then, is the situation within the African context?

3. The African Dynamics of the Rights of Children and Persons With Disabilities-The Case of Cameroon: Between Legal Validity and Social Effectiveness

The protection of persons with disabilities has become a universal human rights norm. Consequently, the international legal instruments discussed above have been ratified at the national level. However, their social effectiveness, in terms of actual implementation, varies according to national contexts. In Africa, and more specifically in Cameroon, this is reflected in the tension between legal recognition and practical inadequacy.

3.1 The Ratification of International Laws and Standards in the African Context

Most of the international legal instruments designed to protect children and persons with disabilities have been ratified by many African countries. This represents a significant and tangible legal advancement within national public policy. As a result, several African States have recognized and incorporated these rights into their domestic legal systems. In Cameroon, the national normative framework is based on the Constitution of the Republic. The African Charter on the Rights and Welfare of the Child (ACRWC), ratified by Cameroon in 1997, specifies in Article 31 the responsibilities of the child toward the family, society, and the State, thereby affirming the interdependence and inalienability of the child's rights (ACRWC, 1997). Furthermore, Law No. 2010/002 of 13 April 2010 on the protection and promotion of persons with disabilities guarantees protection against discrimination, as well as access to education, healthcare, employment, and socio-professional integration (Republic of Cameroon, 2010). In the same vein, a ministerial order issued in May 2022 introduced administrative measures to facilitate access for persons with disabilities to the public service, notably through adjustments to age requirements and civil service examinations, while strengthening social inclusion measures and protection against discrimination. Moreover, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, implemented through Decree No. 2018/6233/PM, reinforces the protection of the rights of vulnerable groups, including women, children, and older persons with disabilities, thereby contributing to the promotion of their social inclusion (African Union, 2018).

In addition, the Convention on the Rights of Persons with Disabilities (CRPD), adopted by the United Nations in 2006, was incorporated into Cameroon's legal framework through Presidential Decree No. 2021/751 in 2021. This commits the State to guaranteeing and implementing all the rights of persons with disabilities, including respect for human dignity and equality of treatment (United Nations, 2021). In the same spirit, the Marrakesh Treaty, which aims to facilitate access to published works for persons who are blind, visually impaired, or otherwise print-disabled, was ratified by Cameroon in 2021. This treaty is of particular importance because it promotes access to textbooks, audio and Braille formats, as well as digital inclusion (Republic of Cameroon, 2021, Decree No. 2021/250).

Furthermore, the International Labour Organization (ILO) has adopted several conventions aimed at promoting equality of treatment in employment, particularly by eliminating discrimination, implementing active public policies, and strengthening workplace inclusion (Convention No. 159, 1983). In addition, although the Organization for the Harmonization of Business Law in Africa (OHADA) has not adopted a specific legal instrument on disability, it upholds the principle of balanced representation of women and men (OHADA, 2014, Art. 416-2), thereby contributing to the promotion of non-discrimination policies and equal opportunities in the socio-economic sphere. Ultimately, although several African States, including Cameroon, possess a relatively advanced legal framework for the protection of children and persons with disabilities, the effective implementation of these legal standards continues to face numerous constraints.

3.2 Constraints on the Implementation of the Adopted Standards

Although Europe has adopted a far more inclusive approach to citizenship, Africa still struggles to define itself in similar terms. Despite significant normative progress and important legal advances, several African States, particularly Cameroon, face political, economic, and socio-cultural obstacles that hinder the implementation of these laws and undermine genuine inclusion. Politically, although legislation has been enacted, those responsible for its implementation are often insufficiently trained and informed, resulting in delays in the adoption and enforcement of legal standards. Consequently, the State encounters difficulties in ensuring effective regulation, thereby weakening the rule of law. Furthermore, the privatization of power and neopatrimonialism generate institutional deadlock. In this context, "the politics of the belly constitutes the principal mode of political management" (Bayart, 1993, p. 96). As a result, national laws are applied selectively, public commitments are inadequately fulfilled, and justice becomes ineffective.

From an economic perspective, many African States display fragile levels of development and therefore possess limited administrative resources. The degree of social modernization, together with public budgets and financing, remains insufficient, which explains the shortage of specialized facilities (transportation, housing, hospitals, and schools), social oversight services, and the limited accessibility of public buildings and infrastructure. Added to this are corruption and poverty, characterized by dependence on external assistance and debt, as well as the lack of sustainable formal employment, affecting a large proportion of the population, reinforcing economic vulnerability, and leading to stagnation. It is therefore understandable that "the African State survives by capturing external resources that it redistributes" (Bayart, 1993, p. 67). From a socio-cultural perspective, in certain African societies disability is frequently associated with mystical and supernatural beliefs, as well as accusations of curses, ancestral anger, or spiritual punishment. This contributes to increased marginalization, stigmatization, discrimination, vulnerability, and social exclusion, particularly affecting women through violence, exclusion from marriage, and limited access to education. Social protection remains both weak and unequal. Furthermore, it is important to emphasize that the individual is first perceived as a member of a community (the extended family, ethnic group, or religious community), and that the role of this community is not merely complementary but central. Consequently, some families choose to hide persons with disabilities in order to avoid bringing shame upon their social group and adopt an approach that is essentially charitable and compassionate by supporting what has been described as an "industry of rehabilitation" (Albrecht, 1992, p. 12). Such an attitude maintains persons with disabilities in a condition of infantilization and family dependence, encouraging isolation and perpetuating social exclusion.

In light of the foregoing, it is evident that the gap between Europe and Africa extends beyond the legal sphere, becoming a cross-cutting issue that concerns human development, democratic governance, and the fight against poverty. Addressing this challenge through the promotion of inductive justice is, in our view, an urgent necessity in combating poverty and infanticide, this atrocity suffered by children and, even more so, by persons with disabilities.

4. Constituent Elements of Inductive Justice for the Genuine Inclusion of Children and Persons With Disabilities in Africa

Drawing upon an inductive approach to justice, we seek to identify reform proposals that could, on the one hand, promote the emergence of a more inclusive society in Africa, particularly in Cameroon, and, on the other hand, assist the State in accelerating the process that has already begun.

4.1 Adapting International Conventions to Local Cultural Realities and the Practical Implementation of Inductive Justice in the Cameroonian Context

"We need an interpretation of justice based on achievements because justice cannot remain indifferent to the lives that people actually lead. The importance of human lives, experiences, and achievements cannot be replaced by information about existing institutions and prevailing rules." (Sen, 2012, p. 44). This means that justice should no longer be entirely centered on ideas or theories imposed from above that overshadow local realities. Rather, it should also take into account people's everyday experiences by examining how they actually live within their societies and environments. The challenge is to develop a legal system that emerges from collective action and that is open to dialogue and attentive listening. Thus, invoking inductive justice means promoting a form of justice which, while upholding respect for human dignity, takes into consideration the practical circumstances of individuals, since the objective is not merely ideological but, above all, to provide concrete and beneficial solutions for everyone. It is therefore essential to construct justice by taking into account particular and contextual situations. In other words, justice must be conceived on the basis of a cultural foundation without dissolving the values that emerge from it, while States should establish, through legislation, access to the support required. It is from this perspective that we propose adapting human rights to local socio-cultural realities.

Adapting human rights to local socio-cultural realities is of paramount importance. Indeed, it is essential that these two dimensions converge by considering the individual both as a holder of rights and as a member of a

family, because "there is no legal vacuum, only competing systems of law" (Le Roy, 1999, p. 142). This "legal pluralism" (Le Roy, 1999, p. 46), reflected in the coexistence of different normative orders, would make it possible to design and draft legislation collaboratively, celebrate cultural diversity, and strengthen both family and national cohesion. Moreover, it would foster the creation of an inclusive environment that encourages the acceptance and effective implementation of rights, particularly those of children and persons with disabilities. Achieving this objective will also require public awareness campaigns aimed at transforming attitudes and behaviors, together with training for traditional leaders, religious authorities, and officials responsible for enforcing national legislation. Furthermore, it will be essential to promote "communicative action, the interaction of at least two subjects capable of language and action, who establish an interpersonal relationship" (Habermas, 1987, p. 26). Through legitimate consensus reached by means of discussion free from coercion, this would make it possible to translate human rights into local languages and ensure that communities perceive these rights not as externally imposed norms but as integral components of their own cultures. The objective is to move from formal law to effective law. In addition, popular education initiatives could be introduced by incorporating human rights education into primary school curricula, thereby enabling societies gradually to internalize and implement these rights. It is equally imperative to establish strong and effective institutions, together with appropriate infrastructure that encourages compliance with laws accepted by citizens rather than obedience based on coercion. As Montesquieu observed, "political liberty consists in the ability to do what the laws permit and in not being compelled to do what the laws do not require" (Montesquieu, 2008, p. 293).

Nevertheless, the application of inductive justice within the Cameroonian context requires further clarification regarding its practical implications. Unlike a strictly top-down approach, in which public policies are formulated primarily on the basis of legislative prescriptions or administrative directives, inductive justice is founded upon a bottom-up process. This process consists of developing legal norms, public policies, and institutional mechanisms on the basis of observed social realities, lived experiences, and the continuous evaluation of the impact of public interventions. Consequently, inductive justice does not challenge the universality of human rights; rather, it seeks to strengthen their effectiveness by adapting their implementation to the specific economic, institutional, cultural, and territorial contexts of each society. Within the Cameroonian context, such an approach requires a profound paradigm shift in the design, formulation, and evaluation of public policies concerning child protection and the inclusion of persons with disabilities. It implies that beneficiaries should no longer be regarded merely as recipients of public policies but as genuine actors in their design, implementation, and evaluation. This transformation reflects the emergence of a new logic of collaborative governance, defined as "a governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative, and that aims to make or implement public policy or manage public programs or assets" (Ansell & Gash, 2008, p. 544).

In practical terms, implementing this method requires that public decisions be based on objective evidence gathered through field surveys, community consultations, and the practical knowledge of those directly concerned. In this regard, it could first involve strengthening community-based mechanisms for the prevention, early detection, and reporting of violence against children. Traditional leaders, religious leaders, community vigilance committees, schools, health centers, local social services, and community-based organizations could be more effectively integrated into a coordinated child protection network. This would enable them to identify problems more easily and propose solutions adapted to local realities. This reflects the importance of "cross-sector collaboration, [defined as] the linking or sharing of information, resources, activities, and capabilities by organizations in two or more sectors to achieve jointly an outcome that could not be achieved by organizations in one sector alone" (Bryson et al., 2006, p. 44).

With regard to persons with disabilities, inductive justice requires strengthening mechanisms for consultation among public administrations, decentralized territorial authorities, civil society organizations, and the beneficiaries themselves. Such an approach should not be limited to occasional consultations but should instead ensure permanent representation within national and local bodies responsible for formulating, monitoring, and evaluating disability-related policies. This proposal is fully consistent with Article 4(3) of the Convention on the Rights of Persons with Disabilities (2006), which requires States to consult closely with and actively involve persons with disabilities in decision-making processes concerning them. The effective participation of those directly concerned would improve the relevance of reforms, anticipate implementation challenges, and strengthen the legitimacy of public decisions. Inductive justice also requires the development of a genuine culture of public policy evaluation. Such an approach would involve establishing regular mechanisms for data collection, independent evaluation, and policy revision based on observed outcomes. This would facilitate the identification of persistent obstacles, the dissemination of best practices, and the gradual adaptation of public interventions to evolving social needs. Evaluation indicators should include not only quantitative data (school enrollment rates, access to healthcare, employment integration, infrastructure accessibility, and access to justice) but also qualitative criteria relating to beneficiaries' satisfaction, their level of participation, and their perceptions

of the quality of public services. This approach, in which solutions are co-constructed through dialogue, is illustrated by Jacques Faget, who argues that: "Mediation is a space where interests and worldviews confront one another, where respect for otherness and tolerance are learned through dialogue. These are moments of tension in which mutually satisfactory solutions are sought for the individual and social conflicts that trouble us, enabling us to continue living together despite all that differentiates and opposes us." (Faget, 2010, p. 9)

Finally, inductive justice requires increased investment in knowledge production. The current lack of statistical data concerning vulnerable children and persons with disabilities constitutes a major obstacle to the development of evidence-based public policies. It is therefore essential to strengthen national information systems, support interdisciplinary research, establish specialized observatories, and promote partnerships among universities, research centers, public administrations, and civil society organizations. A better understanding of social realities would improve the quality of public decision-making, enable anticipation of evolving needs, and increase the effectiveness of protection and inclusion policies. Inductive justice is not merely a method of designing public policies; it represents a genuine model of democratic governance, centered on what Rosanvallon describes as "exercise democracy," which refers to the qualities of governmental action: legibility, responsibility, responsiveness, integrity, and truthfulness" (Rosanvallon, 2015, p. 12). From this perspective, the legitimacy of institutions derives not only from their electoral origin but also from participation, continuous evaluation, and the ongoing adaptation of public interventions.

In the Cameroonian context, the adoption of inductive justice could help reduce the persistent gap between legal norms and their effective implementation by placing the experiences of those directly concerned at the center of public action. Such an approach would not only strengthen the effective realization of the rights of children and persons with disabilities but would also enhance the legitimacy of public institutions, increase citizens' trust in the State, reinforce the rule of law, and promote inclusive development.

4.2 Towards the Adoption of the Social Model of Disability and Gardou's Inclusive Model

The reassessment of Wood's model invites us to reconsider the theoretical foundations of disability by moving beyond an interpretation based exclusively on individual impairments. Whereas traditional approaches tend to associate disability with the individual's functional limitations, the social model proposes an epistemological shift by asserting that situations of disability result primarily from the interaction between the individual's characteristics and the constraints imposed by the social environment. From this perspective, Oliver (1990, pp. 11-12) argues that "it is not individual limitations, of whatever kind, which are the cause of the problem, but society's failure to provide appropriate services and adequately take into account the needs of disabled people in its social organization." This statement constitutes the foundation of the social model: disability cannot be reduced to a bodily or medical condition; rather, it must be understood as the outcome of a social organization whose norms, institutions, and practices may create or reinforce situations of exclusion.

This approach therefore requires a shift in both scientific and political perspectives. The issue is no longer merely to identify individuals' specific limitations, but also to examine the capacity of social environments to respond to the diversity of human needs. In other words, disability analysis must focus on the material, institutional, and relational conditions that facilitate or hinder the social participation of the individuals concerned. For children with disabilities, this approach is particularly important because it makes it possible to identify the barriers that compromise the effective exercise of their fundamental rights, particularly in relation to education, social protection, and participation in community life.

The social model defines disability as "a variable resulting from the interaction between an individual's functional impairment and the situations of daily life that he or she must confront" (Minaire, 1989, p. 31). This definition highlights the contextual nature of disability: the same functional limitation may result in very different social experiences depending on the characteristics of the environment in which the person lives. Consequently, the absence of appropriate accommodations, institutional barriers, and negative social representations may transform an impairment into a genuine situation of disability. Beyond its theoretical dimension, this model also provides an analytical and operational framework that makes it possible to identify the social mechanisms responsible for exclusion. It encourages accessibility, the adaptation of services, and the removal of environmental barriers as essential conditions for inclusion. From this perspective, disability is understood not only as a medical issue but also as a matter of social justice, public governance, and respect for human rights. Mike Oliver, one of the leading proponents of this approach, emphasizes that disability results from multiple factors related to social organization and the resources available to enable individuals to live autonomous and participatory lives. According to Oliver, the fundamental question is not how individuals can adapt to a society based on normative assumptions about ability, but rather how society itself can evolve to accommodate the diversity of human experience.

It is from this perspective that Oliver (1990, p. 11) advocates "a change of perspective from focusing on the physical limitations of individuals to examining the ways in which physical and social environments impose

limitations on particular groups of people." This analytical reversal constitutes one of the major contributions of the social model of disability because it shifts responsibility back to society as a whole. The objective is no longer simply to support persons with disabilities within an unchanged environment, but rather to transform social structures in order to ensure their full participation. The scientific significance of the social model therefore lies in its ability to move beyond an individualized conception of disability by highlighting the social processes that generate inequalities in access to rights and resources. By proposing a relational understanding of disability, this model provides a relevant framework for analyzing inclusion policies and the conditions required to create environments that genuinely support children and persons with disabilities.

Furthermore, it is essential to take this process of co-construction into account because "the paradigm shift is radical: it is no longer the individual who must adapt to the social environment, but rather the social environment that must adapt to individuals, with their differences, disabilities, and particular needs" (Oliver, 1990, p. 12). This proposition represents a significant transformation in the way otherness and social participation are conceived, insofar as it is collective organization that must evolve in order to recognize the plurality of human trajectories and guarantee everyone the conditions necessary for personal fulfillment. Indeed, as Stiker (1997, p.18) points out, "impairment is not a natural reality that is immediately intelligible; it is always embedded within a system of social meanings that constitutes it as such." In other words, biological or functional impairment does not automatically produce a situation of disability. Rather, disability depends largely on social representations, dominant norms, and institutional mechanisms that determine the place accorded to those considered different. Disability therefore emerges as both a bodily and a social reality, whose interpretation varies according to historical and cultural contexts. This perspective requires moving beyond the so-called "deficit approach," which focuses on identifying individuals' shortcomings, deficiencies, or presumed incapacities, because such an approach often reinforces dynamics of marginalization and dependency. Conversely, the social and inclusive approach encourages us to regard difference as an essential dimension of the human experience. It does not seek to normalize individuals but rather to transform environments so that they can accommodate diverse ways of being, learning, communicating, and participating in collective life.

This perspective is consistent with the work of Charles Gardou, who argues that difference should not be perceived as an anomaly or a deviation from a dominant norm. On the contrary, diversity constitutes a fundamental characteristic of humanity and forms the basis of inclusion. According to Gardou, "an inclusive society is a society without privileges, exclusivity, or exclusion. It is a society organized so that everyone, whatever their particular characteristics, can find their place and contribute." (Gardou, 2012, p.15). The objective is therefore not merely to allow vulnerable persons to be present in shared spaces, but above all to ensure their effective participation, recognition, and full capacity to contribute to social life.

The requirement of inclusion calls for the implementation of concrete measures to support, promote, and protect fundamental rights. This is particularly relevant for children and persons in vulnerable situations, who continue to be exposed to various forms of neglect, discrimination, violence, and exploitation. Recognition of their dignity cannot therefore depend upon their conformity to a predetermined physical, intellectual, or social norm because, as Gardou (2012, p.12) states, "there are neither lesser lives nor greater lives. There are only lives. And all possess the same dignity." By adopting the inclusive model proposed by Gardou, we therefore combat the various forms of abuse, exploitation, and violence inflicted upon minors and upon all those innocent individuals who, although not necessarily persons with disabilities, are nevertheless treated unjustly. The adoption of this inclusive model thus represents both an ethical and a political commitment. It broadens reflection on disability by raising a more fundamental question concerning the kind of society we truly wish to build. It also calls for a collective transformation of both perspectives and practices.

5. Conclusion

This study originated from the observation that contemporary societies are confronted with a series of multidimensional crises—social, economic, institutional, security-related, and environmental—that undermine the effective realization of human rights, particularly those of children and persons with disabilities. Although international law has progressively established a comprehensive body of guarantees designed to protect these particularly vulnerable populations, their concrete implementation in public policies and social practices remains uneven. This situation demonstrates that the legal recognition of rights, while indispensable, is not in itself sufficient to ensure their full realization. Through a comparative and critical analysis of European and African experiences, this research has highlighted a significant gap between normative production and the effective enjoyment of fundamental rights. Whereas European States generally possess more advanced institutional mechanisms that facilitate the implementation of the rights of children and persons with disabilities, African countries continue to face structural difficulties that hinder the effective application of legal standards. These challenges result from a complex combination of factors related to the quality of governance, weak institutional capacity, economic constraints, insufficient social policies, and the persistence of socio-cultural representations

that may impede the inclusion of the most vulnerable members of society. Cameroon provides a particularly compelling illustration of this situation.

In response to these observations, this study has examined the conditions likely to promote the creation of a genuinely inclusive environment capable of ensuring the effective protection of the rights of children and persons with disabilities in Africa. This analysis has led to the proposal of adopting inductive justice, defined as an approach that develops legal norms on the basis of empirical realities, the needs expressed by the populations concerned, and the institutional, cultural, and social contexts within which rights are to be exercised. This conception stands in contrast to a strictly top-down approach to normative production by fostering continuous interaction between the universal principles of human rights and local realities. Two complementary avenues for reform emerge from this analysis. The first consists of adapting human rights to local socio-cultural realities. Such an approach does not in any way call into question the universal character of fundamental rights; rather, it seeks to strengthen their effectiveness by taking greater account of the cultural, social, economic, and institutional specificities of the societies concerned. In particular, this orientation requires support for legal pluralism. The second and final avenue for reform rests on strengthening the social model of disability together with the inclusive philosophy developed by Charles Gardou. This perspective, particularly valuable for rethinking public policies, encourages a profound change in outlook: it is no longer the individual who must adapt to society, but society that must transform itself in order to embrace the full diversity of humanity. Ultimately, the central challenge of genuinely embracing inductive justice lies not in preserving an integrative conception of humanity, but rather in promoting an inclusive and sustainable one.

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