

## MINISTRY OF SOCIAL AFFAIRS

ORDER N° 002 - - - - - /A/ MINAS OF 17 APR 2015

Specifying the conditions and technical modalities to exercise competences transferred by the State to Councils as concerns social reinsertion.

## THE MINISTER OF SOCIAL AFFAIRS,

- Mindful of the Constitution
- Mindful of law n°90/053 of December 19, 1990 bearing freedom of association;
- Mindful of law n°99/014 of December 22, 1999 governing Non-Governmental Organisations;
- Mindful of law n°2004/017 of July 22, 2004 on orientation of decentralisation;
- Mindful of law n°2004/018 of July 22, 2004 stating rules applicable to Councils;
- Mindful of law n°2009/011 of July 10, 2009 bearing the financial regime of local councils;
- Mindful of law n°2010/002 of April 13, 2010 bearing the protection and promotion of persons with disabilities;
- Mindful of law n°2014/026 of December 23, 2014 bearing the finance law of the Republic of Cameroon for the year 2015;
- Mindful of decree n°77/495 of December 07, 1977 conditioning the creation and running of Private Social Structures;
- Mindful of decree n°92/089 of May 04, 1992 specifying the attributions of the Prime Minister, modified and completed by decree n°95/145 of August 04 1995;
- Mindful of decree n°2001/109/PM of March 20, 2001 bearing the organisation and functioning of public institutions delivering care to minors and re education of socially maladjusted minors;
- Mindful of decree n°2001/110/PM of March 20, 2001 bearing the organisation and functioning of public institutions delivering care to early childhood;
- Mindful of decree n°2005/160 of May 25, 2005 bearing organisation and running of the Ministry of Social Affairs;
- Mindful of decree n°2008/013 of January 17, 2008 bearing organisation and running of the National Council for Decentralisation;
- Mindful of decree n°2008/014 of January 17, 2008 bearing organisation and running of the Interdepartmental Committee of Local Services;
- Mindful of decree n° 2011/408 of December 09, 2011 organising the Government;
- Mindful of decree n°2011/410 of December 09, 2011 bearing the formation of the Government ;
- Mindful of Decree n°2015/0010/PM of January 09, 2015 fixing modalities to exercise powers devolved by the State upon Councils as concerns social reinsertion;
- Mindful of Order n°2010/011/A/MINAS of August 27, 2010 Specifying the conditions and technical modalities to exercise competences transferred by the State to Councils in the social attribution of aids and helps to the needy.



## ORDERS:

### CHAPTER I

#### GENERAL PROVISIONS

**Article 1.-** (1) This order bears terms specifying the conditions and technical modalities to exercise competences transferred upon Councils by the State in Social Reinsertion.

(2) The competences mentioned above concern notably:

- Participation in the maintenance and management of the promotion and social reinsertion Centres ;
- Assistance to social institutions.

**Article 2.** The definitions hereafter are admitted in this order:

**Association:** It is a group of persons with common objectives and interests who mutualise their competences in view to bring answers to problems individuals, groups or communities face.

**Promotion and social reinsertion Centres:** are institutions destined to ensure the psychosocial care delivery, re-education, social reinsertion and rehabilitation of socially vulnerable persons.

**Day nurseries or reception centres for children in distress:** is an institution receiving abandoned children, children of war victims of the nation, without any known family background, orphans without any family support and children born from persons with mental deficiencies not benefitting from any family protection, in view of giving them a temporary family substitution environment and prepare them for adoption, institutional placement or home return.

**Reception and observation centres:** These are institutions destined to receive in observation minors at risks for an assessment of their situation, prepare their return home, or institutional placement.

**Reception and transit centres:** These are institutions destined to temporary receive abandoned minors or minors in distress in view of finding their parents or tutors, or follow the family or institutional placement procedure.

**Re-education centres:** These are institutions destined to receive socially maladjusted minors of both sexes, in view of restructuring their personality and promote their social reinsertion, through the acquisition of their autonomy, in the sense of responsibility and productivity.



**Rehabilitation centres for persons with disabilities:** These are institutions destined to receive persons with disabilities under boarding or day school system, in view to ensuring their functional re-education, re-adaptation for their harmonious socio professional reinsertion.

**Accommodation centres:** These are institutions destined to temporary receive abandoned minors or minors in distress or those from reception and observation centres, re-education centres, and reception and transit centres.

**Day nursery:** This is an institution ensuring care to infants in good health day and night, in order to support and help parents when they are working or when they are temporary unable to care for their development.

**Drop-in day care facility:** It is an institution delivering care to infants in good health during working days and in a discontinuous and casual way.

**Home – ateliers:** These are institutions destined to receive delinquent minors or delinquent young girls at moral risk or from poor families under the boarding or day school system, for their re-education and socio-professional insertion and reinsertion.

**Home for the elderly:** These are institutions destined to receive older persons, under boarding or day care system, in view of ensuring their psychosocial care delivery and reconversion.

**Private Social Structure:** The activity of a legally authorised association, institution, enterprise or an apolitical humanitarian service created by an individual, to bring material, moral or educational assistance to persons irrespective of age, sex or race, families or groups in order to promote their growth.

This definition is equally for reception and accommodation homes as concerns the material, moral and social conditions of boarders, exclusion of boarding schools and professional training institutions, accommodation centres of private higher education and homes of religious communities.

**Non-Governmental Organisation:** It is a declared association, authorised on the terms of the legislation in force and approved by the administration to participate in the execution of missions of general interest.

**Support staff:** Agents in charge of performing current tasks which do not belong to the domain of technical care delivery to targets.

**Social reinsertion:** This is a concerted process marked by a set of activities for the reintegration of the individual in the society to enable him play his role and become autonomous.



**Article 3.-** The council exercises the competences of article 1 above, without prejudice of the responsibilities and prerogatives recognised by the State hereafter, the:

- Elaboration, follow-up and continuous evaluation of Government policy on the prevention, assistance and protection of socially vulnerable persons;
- Animation, supervision and control of structures and institutions cooperating in the implementation of the social protection policy;
- Fixing the conditions of the creation, opening and running of promotion and social reinsertion centres;
- Definition and control of construction standards, equipment, maintenance and rehabilitation of promotion and social reinsertion centres;
- Animation, supervision and control of public and private institutions cooperating in the implementation of the social protection policy;
- Elaboration and updating of the social map;
- Applied research in the domain of social affairs;
- Verification of the respect of laws and rules as well as ethics and moral in the exercise of activities relative to social affairs.

**Article 4.-** (1) Competences transferred by the State as concerns social matters are exercised by the Council in the strict respect of the principle of continuity of public service.

(2) It ensures the good application of technical conditions and modalities defined in order to carry out activities.

## **CHAPTER II**

### **PARTICIPATION MODALITIES FOR THE MAINTENANCE AND MANAGEMENT OF THE PROMOTION AND SOCIAL REINSERTION CENTRES**

#### **SECTION I**

#### **PARTICIPATION IN THE MAINTENANCE OF THE PROMOTION AND SOCIAL REINSERTION CENTRES**

**Article 5. -** The participation in the maintenance of promotion and social reinsertion Centres by the Council consists in:

- The project ownership for the rehabilitation and extension of the Centres ;
- Rendering access practicable;
- Setting up functional devices for stand-by power supply;
- Setting up functional bore wells ;
- Constructing infrastructures accessible to persons with disabilities;
- Development of facilities and recreational areas;
- Hygiene and sanitation within and around the Centres;
- Equipment of the Centres
- Equipping centres by putting in place adequate, approved and essential material and equipment for delivering care to targets.



**Article 6.-** Within the context of project ownership for the rehabilitation and extension of the promotion and social reinsertion Centres, the council builds and maintains in good shape the administrative and pedagogic buildings, as well as houses for the staff posted there, in the strict respect of the project journal of the public investment budget.

**Article 7.-** Rendering practicable the access of the promotion and social reinsertion centres consists that the Council arranges the main access roads, and ensures their practicability all the time, through a regular maintenance.

**Article 8.-** (1)Setting up functional devices for stand-by power supply consists that the Council acquires on behalf of the promotion and social reinsertion centres, equipment, such as generators or any other renewable sources of energy such as solar boards or windmills.

(2) The Council ensures the maintenance of the above devices, through the supply in fuel and lubricants and takes care of maintenance services and necessary reparations.

**Article 9.-** (1)Setting up functional wells and bore wells consists that the Council builds new wells or rehabilitates old ones within the Promotion and Social Reinsertion Centres.

(2) The construction of new wells is carried out in conformity with the invitation to tender elaborated according to standards, major plan and estimate defined by the Ministry in charge of Social Affairs.

(3) The rehabilitation of old structures by the Council is done in conformity with the estimates made by competent services of the State, under the supervision of the Mayor.

**Article 10.-** (1)Constructing infrastructures accessible to persons with disabilities consists that the Council carries out necessary and appropriate modifications and adjustments that do not entail disproportionate or unwarranted charges, proportionate to needs in a given situation, for persons with disabilities to enjoy or exercise, on the basis of equality, all human rights and fundamental liberties.

(2) The modifications and adjustments expected in the above paragraph, are in the book of particular technical clauses enclosed.

**Article 11.-** (1) Development of facilities and recreational areas by the Council consists in :

- The extension of the existing buildings;
- The rehabilitation of the existing buildings;
- The construction of new buildings;
- The development of recreational areas, socio cultural animation and sport in the promotion and social reinsertion centres.

(2) The development of facilities and recreational areas by the Council is done in conformity with estimates made by competent services of the State, under the supervision of the Mayor.



**Article 12.-** The Council takes all necessary measures in order to ensure hygiene and sanitation within and around the promotion and social reinsertion centres such as:

- Maintaining the premises clean ;
- Fight against mosquitoes;
- Weeding ;
- Extermination of rats;
- Cleaning up;
- Management of waste water and rain;
- Maintenance of latrines ;
- Maintenance of green space.

**Article 13.-** The equipment of promotion and social reinsertion centres consists in delivering adequate material and supplies, approved by the Minister in charge of Social Affairs and indispensable to care delivery to targets. It is notably:

- Movables property ;
- didactical and play material;
- adapted equipment to persons with disabilities and with reduced mobility;
- bedding material;
- Kitchenware.

**Article 14.-** Identification and assessment of needs are jointly done by the Mayor and the Directors of promotion and social reinsertion centres.

## **SECTION II** **PARTICIPATION IN THE MANAGEMENT OF THE PROMOTION AND** **SOCIAL REINSERTION CENTRES**

**Article 15.-** (1) The Council participates in the management of promotion and social reinsertion Centres through the:

- recruitment and provision of support staff when needed;
- Participation in the works of the board of management of the said Centres.

(2) The Council supports the salaries of the support staff of the above paragraph 1.

**Article 16.-** Within the framework of maintenance and management of the promotion and social reinsertion centres, the obligations of the Council concerns:

- see to it that the construction and rehabilitation respect infrastructure standards in the promotion and social reinsertion centres as defined by the Ministry in charge of Social Affairs, through standard plans attached to this order;
- involvement of decentralised services of the Ministry of Social Affairs in the implementation of the above activities;



- see to it that specific construction norms and equipment of the infrastructures of promotion and social reinsertion centres relating to the accessibility of persons with disabilities are respected;
- include in its local development plan priority actions, as well as corresponding necessary resources, to exercise this competence.

### **CHAPTER III** **ELIGIBILITY CONDITIONS AND ASSISTANCE MODALITIES TO SOCIAL INSTITUTIONS**

**Article 17.-** In the sense of this order, the following private structures destined to ensure the promotion and protection of socially vulnerable persons, targets of the Ministry of Social Affairs, are considered as social institutions.

- Private Social Structures ;
- Associations working in the social domain;
- Non-Government Organisations (NGOs) working in the social domain.

#### **SECTION I** **ELIGIBILITY CONDITIONS**

**Article 18.-** Granting support to a social institution by the council is subordinated to:

- Registration in the social structures database of the social centre of the local council;
- An appreciation report of the competent Social centre.

**Article 19.-** Social institutions eligible for assistance are :

- Institutions with objectives aimed at promoting and protecting socially vulnerable persons, targets of the Ministry of Social Affairs ;
- Institutions working effectively in the local council for at least three (03) years.

**Article 20.-** To benefit from any assistance the social structure must satisfy the following requirements:

- a duly stamped application addressed to the Mayor, with the requirements;
- be a social structure under Cameroonian law ;
- have a legal status regularly recognised by competent authorities;
- have regularly been transmitting annual activity reports to the social centre of the local council;
- have presented the annual action plan to the Council and local social centre.

#### **SECTION II** **ASSISTANCE MODALITIES** **TO SOCIAL INSTITUTIONS**

**Article 21. -** (1) Assistance to social institutions by the council consists in granting the following supports:

- Supports in kind, in the form of donations or service supply ;



- Technical supports for the organisation of staff training or capacity building activities in social structures;;
- Support in cash to execute social micro projects initiated by the social structures.

(2) Support in cash is granted as an exception.

**Article 22.-** (1) Supports in kind to social institutions can be granted under the form of donations or service supply.

(2) Supports in kind are notably constituted of:

- Equipment necessary for the functioning of social institutions ;
- Furniture ;
- Diverse material;
- Supply in essential food and pharmaceutical products;
- Donations in clothing;
- Medical care delivery to pensioners;
- Punctual recruitment of a provider of service or technician for the current maintenance of some equipments;
- Recruitment of support staff.

(3) The Council supports the salaries of the support staff mentioned above in paragraph 2.

**Article 23.-** (1) Granting technical support to social institutions by the council consists in supporting training activities or capacity building workshops organised for the staff of the said institutions.

(2) The support in paragraph 1 above can consists in the partial endorsement by the council, of the organisational charges of the training workshops or capacity building activities of the institutions in the local council.

(3) In case of need, the council cannot, within the framework of granting support for training workshops or capacity building activities, give cash to social institutions where staff is concerned.

**Article 24.-** (1) Supports in cash are granted to social institutions by the council in the following cases :

- the realisation of social micro-projets initiated by social institutions and needing cash ;
- situations of care delivery of extreme emergency cases needing a support in cash.

(2) The Council launches and publishes an appeal of manifestation of interest relative to the financing of social micro projects of social structures and provisions of services

**Article 25.-** (1) Assistance to social institutions is granted by the council, upon an application addressed to the Mayor.

(2) The selection of beneficiaries of the assistance is ensured by the Council committee of attribution of aids and helps to the needy, in conformity with the provisions of Order n°2010/0011/AMINAS of August 27, 2010.



**Article 26.-** Social partners and actors of the local council can meet around a platform for joint social interventions, under the coordination of the Council.

**Article 27.-** (1) Social structures inform the Council of the periodicity of the meetings of the Administrative Council or board of directors according to cases.

(2) The council participates in the deliberations of the Administrative Council or board of directors of the social institutions.

#### **CHAPTER IV** **OBLIGATIONS OF THE STATE**

**Article 28.-** The State annually provides, in the budget of the Ministry of Social Affairs, financial resources to be transferred to councils, in view of exercising competences transferred as concerns social reinsertion.

**Article 29.-** The personnel transferred to the Social re-insertion promotion centres by the Ministry in charge of Social Affairs are, and remain under the responsibility and charge of the State.

**Article 30.-** (1) The Ministry in charge of social affairs ensures the monitoring of competences transferred to councils at the central level as well as through its decentralised services, such as:

- Technical support needed to exercise transferred competences;
- Organisation of follow-up and control missions of the execution of transferred competences;
- Support training and capacity building activities of the staff of the local council;
- Compliance with infrastructures' norms for promotion and social reinsertion centres, defined by the Ministry in charge of Social Affairs, through standard plans attached to this order;
- Obligation to put norms, plans and standard estimated cost for the realisation of infrastructures at the disposal of councils.

(2) Supports requested by the council, of the above paragraph 1, are done through a representative of the State.

#### **CHAPTER V** **MODALITIES TO USE THE RESOURCES**

**Article 31.-** (1) The Council must manage the said resources in the strict respect of budgetary and accounting principles in force.

(2) The said resources are inscribed in the budget of the council.

(3) Financial resources transferred by the State to Councils are public moneys and should exclusively be reserved for the exercise of corresponding competences.

(4) The execution of related expenditure respects the legal provisions of the public contracts code.



**Article 32.-** A part from resources transferred by the State, the Council can benefit from technical expertise from the decentralised cooperation and partners, to exercise transferred competences as concerns social reinserction.

**CHAPTER VI**  
**MODALITIES TO CONTROL, FOLLOW-UP AND EVALUATE THE**  
**EXERCISE OF TRANSFERRED COMPETENCES**

**Article 33.-** The States ensures, in a regular manner, the follow-up, control and evaluation of transferred competences to the Councils as concerns social reinserction.

**Article 34.-** (1) Under the authority of the Divisional Officer, the Council, with the technical support of competent decentralised services of the State, draw up a semi-annual report on the implementation of competences transferred to it as concerns the participation in the maintenance and management of promotion and social reinserction centres.

(2) The said report is sent through the Divisional Officer to the Minister in charge of Decentralisation and to the Minister in charge of Social Affairs.

**CHAPTER VII**  
**MISCELLANEOUS**

**Article 35.-** Conflicts or difficulties in the interpretation or application of this order are submitted to the State representative, and if need be, to the Minister in charge of Social Affairs.

**Article 36.-** In case of any failure by the Council in the exercise of competence transferred as concerns social reinserction, the Minister in charge of Social Affairs takes all the necessary measures to ensure the continuity of the public service.

**Article 37.-** This order is registered and published according to the procedure of emergency, then inserted in the Official gazette in French and in English.

Done in Yaounde, the 17 APR 2015



THE MINISTER OF SOCIAL AFFAIRS,

Bde  
Catherine BAKANG MBOCK