



Summary of Key Issues of Public Hearings on Implementation of United Nations Convention on the Rights of Persons with Disabilities

2 August 2012

1. Introduction

The Portfolio and Select Committees for Women, Children and People with Disabilities hosted the public hearings on the implementation of the United Nations Convention on the Rights of Persons with Disabilities. This was a joint initiative held on the 25th and the 26th July 2012. The objectives of the public hearings were as follows:

- a) To identify progress made in implementing the Convention,
- b) To identify challenges in implementing the Convention from both civil society and the Executive,
- c) To ascertain mechanisms that would aid the implementation of the Convention.

This paper briefly outlines the key findings that emanated from the hearings, and provides an overview of the key challenges raised and some of the recommendations presented to the Committees in both oral and written submissions.

2. Key themes

Numerous concerns and challenges were raised as key issues that impact the lives of people with disabilities at the public hearings, within the written submissions and based on the radio interviews that Members had.

1. Education – early childhood development (ECD), inclusive education, higher education, financial aid
2. Employment and Economic Empowerment
3. Sexual abuse, neglect and maltreatment
4. Health and rehabilitation – including access to assistive devices
5. Transport
6. Accessibility – physical access to buildings, access to information, access to media, access to assistive technology
7. Need for strategies and integrated plan
8. Intersectoral and Inter-Departmental Collaboration
9. Negative attitudes and stereotypes
10. Special groups – intellectual disability, Down's Syndrome, Dementia
11. Lack of awareness – UNCRPD

Fifteen oral presentations were conducted on the first day by individuals and or organisations from across the country.



Herewith a summary of key issues that emerged:

2.1 Education

- Access to education remains a major concern for children, youth and persons with disabilities.
- Despite the current provisions in law and policies, the vast majority of children with disabilities are not attaining a secondary school qualification in order to access opportunities for further education.
- Early Childhood Development was noted as an imperative foundation phase for young children with disabilities. Several submissions highlighted that attitudinal and physical barriers inhibited children with disabilities from accessing early childhood development centres and/or primary schools. Where children with disabilities do gain entry in foundation phase education, the transition to secondary schooling is low and the attainment of a grade 12 certificate is dismal. As such, youth with disabilities are unable to access opportunities for higher education and this in turn impacts on their employability in the future.
- Special Schools, their resourcing, quality education and curriculum were some of the concerns raised regarding such schools for children with disabilities.
- In terms of higher education institutions, access to finance (bursaries) to attain a tertiary qualification was noted as a major hindrance along with the lack of assistive technology.

2.2 Employment and Economic Empowerment

- The majority of submissions highlighted the link between poverty and the impact on persons with disabilities in terms of vulnerability, thus reiterating the importance of promoting economic empowerment.
- The employment prospects in the open labour market for persons with disabilities were dismal in the country. This was attributed to a number of factors such lack of appropriate educational qualifications and skills; poor compliance of the 2% employment equity target in public and private sector; reasonable accommodation only partially implemented; lack of accessible transport and negative attitudes and stereotypes of employees who refuse to employ persons with disabilities and or a reluctance to enhance career paths for existing employees with disabilities.
- In terms of entrepreneurship development, a lack of access to financial aid and business support impeded persons with disabilities from advancing in opportunities of the second economy insofar as small medium and micro enterprises are concerned.
- Overall there appears to be very low levels of participation of persons with disabilities in the financial sector and formal economy with insufficient targeted investments focussed on persons with disabilities. An example cited was how the proudly South African campaign could potentially be incorporating persons with disabilities in terms of promoting South African products.



2.2 Sexual Abuse, Maltreatment and Neglect

- Many reports on the sexual abuse, maltreatment and neglect particularly of children and women with intellectual disabilities, psycho-social disabilities were received.
- Perpetrators are known in the community and often are never held to account or else released on bail.
- Victims are often unaware that the perpetrator is not allowed to be in close proximity or contact with him/her as the protection order affords the protection.
- Victims and their families are often persuaded by the perpetrators family to withdraw the charges and offered monetary compensation or the like.
- Police officers expected to take down statements once a victim reports an instance of abuse and or rape, have been reported to be extremely insensitive, not taking the matter seriously or dismissing the charge completely.

2.3 Health and Rehabilitation

- Access to rehabilitation for persons with disabilities is hindered at primary health care level due to non-availability of rehabilitation professionals (speech therapists, occupational therapists, physiotherapists)
- South Africa trains many rehabilitation therapists, however due to brain drain to foreign countries and private sector, despite the overwhelming need in the public sector, rehabilitation is limited for persons with disabilities. Furthermore, the retention of rehabilitation therapists is also poor.
- Rehabilitation extends beyond the health domain and includes but is not limited to vocational rehabilitation, psycho-social rehabilitation.
- Linked to rehabilitation services, is the challenge faced with regards to providing assistive devices, technology and mobility aids such as wheelchairs within the public health sector.

2.4 Transport

- Participants highlighted that the Convention is weak on its identification of transport services as a means of mobilising people with disabilities to be able to participate in society.
- Many of the submissions indicated that there is a lack of accessible transport for persons with disabilities. In some instances it was noted that taxis charged persons with disabilities extra for also transporting their wheelchairs or other assistive devices.
- In addition, accessibility to public transport, especially buses and trains, remained hampered in many areas due to a lack of ramps.
- It was highlighted that persons with disabilities should be considered in the "travel chain"; from the point of deciding to take a trip and accessing information on it, to the point of completing a trip and providing feedback on it. Without the acknowledgment of this whole process, the idea of transport is reduced to whether a vehicle itself is accessible. There are



plenty of examples of accessible vehicles, but this does not result in an accessible transport service.

2.6 Accessibility

- People with disabilities have experienced, and continue to experience, architectural apartheid all over the world and there is nothing in the Convention that urges member states to start addressing it.
- Participants indicated that unless there are significant changes to the way settlements and transport are planned and designed, we will not reach the goals of inclusive employment, education, health, recreations and the other desired outcomes for persons with disabilities.

2.7 Need for strategies and integrated plan

- Submissions indicated a need for strategies and integrated plans that considers and includes the needs of persons with disabilities.
- In addition it is imperative that persons with disabilities are included in the planning and implementation of these strategies and plans.

2.8 Inter-sectoral and Inter-Departmental Collaboration

- Numerous submissions highlighted that when it came to addressing the needs of persons with disabilities, departments operated in silos and that there is an urgent need for better collaboration and synergy between them.

2.9 Negative attitudes and stereotypes

- Many submissions highlighted that persons with disabilities experienced discrimination and were often subjected to negative attitudes, in particular at government departments.
- In addition, they are also often ostracised within their communities and by family members.
- There is a need to change perceptions in the way that communities, families and society at large engage with persons with disabilities.

2.10 Special groups – intellectual disability, Down’s Syndrome, Dementia

- Submissions were made by organisations and individuals with a particular focus on intellectual and cognitive disability
- It was noted that there was a need to raise the profile around these issues, and take cognisance of the specific needs and challenges faced by this target group.



2.11 Lack of awareness – UNCRPD

- It was highlighted that general awareness about the Convention and its Optional Protocol was poor and that there is a need to educate persons in this regard. Special reference was made to educating and training government officials on the treaty and its articles so as to ensure better service delivery for persons with disabilities.

3. Process - Way forward

At the conclusion of the public hearings, the relevant Departments and entities will be called to account during August to respond to the issues that emerged at the public hearings. This will ensure that the Committees exercise oversight over the Executive by ensuring that treaties are complied with. Once deliberations with the Departments and entities are concluded, the Committees will deliberate on the outcomes of the public hearings and the Executive engagement in order to compile a report which will be tabled and serve as the basis for a discussion in the House. The report is envisaged to note the key observations and recommendations for what the Committees suggests as a way forward. Moreover, the report will also be used as a base document for critiquing the initial country report on the UNCRPD for which the Department for Women, Children and Persons with Disabilities indicated it intends submitting to the United Nations by the 3rd December 2012.