No.183 - 2022: Fourth Session, Sixth Legislature

**GAUTENG PROVINCIAL LEGISLATURE**

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**ANNOUNCEMENTS,**

**TABLINGS AND**

**COMMITTEE REPORTS**

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Monday, 23 May 2022

**ANNOUNCEMENTS**

none

**TABLINGS**

none

**COMMITTEE REPORTS**

**1. The Chairperson of the Social Development Portfolio Committee, Hon. R J Kekana, tabled the Committee’s Committee Report on the 2021/22 FY Sector Parliament for People with Disabilities, as follows:**

**PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT**

**Committee Report on the 2021/22 FY Sector Parliament for People with Disabilities**

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**24 May 2022,**

# INTRODUCTION

The International Day of Persons with Disabilities is an annual event, taking place during the month of December every year. Even before the COVID-19 pandemic hit, persons with disabilities were subject to marginalisation, [more likely to live in poverty and experience higher rates of violence, neglect and abuse](https://www.un.org/sites/un2.un.org/files/sg_policy_brief_on_persons_with_disabilities_final.pdf).

The COVID-19 pandemic has further compounded this situation with millions of people losing their jobs and livelihoods, sometimes overnight. Indeed, many persons with disabilities have specific underlying conditions that make the disease [more dangerous for them](https://www.un.org/development/desa/disabilities/covid-19.html). For certain groups like women and girls with disabilities, their [vulnerability to gender-based violence is even greater](https://lac.unwomen.org/en/noticias-y-eventos/articulos/2021/09/visibilizar-el-vinculo-entre-discapacidad-genero-y-violencia-es-fundamental).

The theme for 2021 was **‘Not All Disabilities Are Visible’**. It is aimed at raising awareness of disabilities which may not be immediately apparent but can still have an impact on people’s lives. These include mental illness, learning differences, chronic pain sight or hearing impartments among others. People with Disabilities have been particularly impacted by the COVID-19 pandemic and the isolation and diminished services which have happed as a result.

The goal for International Day of Persons with Disabilities is to spread awareness of invisible disabilities as well as the impact that COVID-19 has had on mental health.

**2. Process Followed**

* The Office of the Chairperson of Committees identified the Portfolio Committee on Social Development as the lead Committee for 2021 Sector Parliament for People with Disabilities.
* On Tuesday, 09 November 2021, the Portfolio Committee received a presentation from the Office of the Deputy Chairperson of Committees
* On Friday, 18 March 2022, GPL convened the Sector Parliament for People with Disabilities with Social Development Portfolio Committee as the lead Committee.
* On Tuesday, 17 May 2022, Social Development Committee deliberated and adopted the Committee Report on the 2021 Sector Parliament for People with Disability.

 **3. Objectives of the PwDs Sector Parliament**

The objectives of the Sector Parliament were as follows:

* To provide a platform to the PwD’s to canvass and share their ideas, engage robustly amongst their peers on issues pertaining to their plight, and lobby and influence public representatives responsible for legislative restructuring and policy change.
* To put in practice the Gauteng Provincial Legislature mandate of public participation through the facilitation of engagement between the PwD’s, Gauteng Provincial Legislature and the Gauteng Provincial Government.
* To take parliament to the persons with disabilities of Gauteng.
* To encourage PwD’s to participate in the democratic process of the country.

**4. Targeted Stakeholders**

The targeted stakeholders included the following organisations:

* PwDs Society Organisations (Not visible disabled persons)
* General Persons with Disability in communities
* Independent Electoral Commission
* Tertiary Institutions in Gauteng
* Gauteng Provincial Government
* Gauteng Legislature MPLs

**5. BRIEF SUMMARY OF THE THEMES**

**Commission 1:** **The impact of COVID-19 on persons with disabilities**

People with disabilities have been differentially affected by COVID-19 because of three factors. The increased risk of poor outcomes from the disease itself, reduced access to routine health care and rehabilitation, and adverse social impacts of efforts to mitigate the pandemic.

10 years ago, WHO’s World Report on Disability noted that people with disabilities were more likely to be older, poorer, experience comorbidities, and be female. Older age, deprivation and comorbidities are also associated with increased risk of severe outcome from COVID-19.

One of the enabling milestones of National Development Plan (NDP)is to entrench a social security system covering all working people, with social protection for the poor and other groups in need, such as children and persons with disabilities. The NDP acknowledges that persons with disabilities face multiple discriminatory barriers, poverty, and exclusion. The NDP can clearly, define the challenges experienced by persons with disabilities, as a result of lack of legislation governing the services and rights of PWD, contradicts the sense of seriousness the plan seeks to achieve for persons with disabilities.

In south African, families with disabilities cases are economically challenged due to the additional costs of living as disabled individuals. The negative economic consequences for society as a whole link to poverty. The COVID-19 pandemic has to some great extent limited the full provision and accessibility of services and this sector was highly affected.

Emerging research on COVID-19 shows that the coronavirus pandemic has increased psychological distress both in general population and among high-risk groups. Behaviours such as physical distancing, as well as their social and economic impacts, are worsening mental health consequences.

**CHALLENGES**

* People with disabilities face stigma because of their impairments.
* They are often marginalized, more so if they have psycho-social disabilities and this makes it difficult for them to access basic services such as healthcare.
* It has been observed through various independent verification (fieldwork) visits that community-based services are not easily accessible in as much as residential care has become expensive for the poor.
* there is challenge of social security system that will protect persons with disabilities.
* Inability to wear marks due to health risk
	+ some were not able to wear mask because of short breathing
* Negative consequences resulting from social distancing
	+ It became difficult for those who need extra assistance or caregiver and those with mental health conditions
* Lack of access to COVID-19 tests and testing sites
	+ It was difficult for those who are bed-ridden
	+ It was difficult for those cannot travel independently
* Lack of income to meet personal needs
	+ Some were retrenched from their workplaces
	+ Grants disqualification
* Lack of proper services
	+ Most of services were working few hours
* NGOs closing down
	+ Lack of donations to sustain the organizations
	+ Programmes not attended daily
	+ Self-confidence of members was damaged
* PWD were overlooked with regard to food parcels
	+ Medical certificate at least must give a period of one year
	+ Tired of meeting we need actions now
* There is a lack government intervention and methods requires to deal with complexities and different types of disabilities
* The question will always be on whether the budget allocation is sufficient to promote and protect the well- being of persons with disabilities
* Some of the concerns were that there were protective workshops that had skills development programmes, but due to funding constraints such could not be expanded.
* The COVID-19 pandemic on the other hand, which restricted physical interaction, amongst others, has to some great extent limited the full provision and accessibility of services and this sector was highly affected.
* In view of the state of mind, health, physical and emotional being mostly experienced by the persons living with disabilities, the inability to access such services due to restrictions brought by the pandemic, might have worsened the lives thereof.
* Besides the challenges exacerbated by the pandemic, the accessing of community-based services had been experiencing challenges, due to challenges emanating from amongst others transportation, NPOs are fully empowered to render specialized services, budget allocation, etc.

**Commission 2:Accessibility to health care services by PWDs during COVID-19 Pandemic**

The global crisis of COVID-19 is deepening pre-existing inequalities, exposing the extent of exclusion, and highlighting that work on disability inclusion is imperative. Approximately one billion People with disabilities are mostly excluded groups in our society and are amongst the hardest hit by COVID-19 pandemic.

The protection of people with disabilities (PwDs) is enshrined within core legislative acts in South Africa, including *The Constitution* (1996) and *the Promotion of Equality and Prevention of Unfair Discrimination Act* (2000)[[1]](#footnote-1). Furthermore, South Africa was the second country to ratify the *United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) which speaks directly to the rights of people with disabilities to access information, transport, healthcare, and the right to life. Despite these protections, there remain high levels of exclusion of people with disabilities in accessing healthcare. We sketch some of the key issues, with particular reference to the coronavirus disease 2019 (COVID-19) situation. These include challenges in accessing transportation, personal care, communication, therapeutic interventions, rehabilitation, and medication; accessing intensive care unit (ICU) beds and ventilator support; and discriminatory triage policies. This brief explores challenges faced by PwDs in accessing health care services during the period of COVID-19 pandemic in South Africa.

The global crisis of Covid-19 is deepening pre-existing inequalities, exposing the extent of exclusion, and highlighting that work on disability inclusion is imperative. People with disabilities-one billion people-are one of the most excluded ground in our society and are among the hardest hit in this crisis in terms of fatalities.

Even under normal circumstances, person with disabilities are less likely to access health care services, enjoyment and to participate in the community. They are more likely to live in poverty, experience high risk of valence, neglect, and abuse, and among the marginalised in any crisis- affected community.

COVID-19 has further compounded this situation disproportionately impacting person with disabilities both directly and indirectly.

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These include challenges in accessing transportation, personal care, communication, therapeutic interventions, rehabilitation, and medication; accessing intensive care unit (ICU) beds and ventilator support; and discriminatory triage policies. This brief explores challenges faced by PWDs in accessing health care services during the period of COVID-19 pandemic in South Africa. A female wheelchair user said, in the context of COVID-19:

*“It is so hard to convey to people that they won’t get Corona from touching my wheelchair. I show them I am sanitizing my wheels, my chair. … when I use taxis, I depend on people … to upload and offload me. But they don’t want to touch my chair … I see fear in people’s eyes. (p. 1)[[2]](#footnote-2)”*

**Challenges**

Across the globe, people with disabilities experience challenges in all aspects of life, including access to health care services devices, required medication and support. These challenges are compounded in rural areas where factors such as poverty, poverty-related diseases, inefficient healthcare systems, training and equipment, inaccessible transportation systems, corruption, political instability, and negative attitudes towards disability occur.In times of disaster and emergencies, many people with disabilities are further marginalized and excluded, experiencing an inability to access basic services, obtain information in an accessible format and receive the rapentic and/or medical interventions.

These healthcare challenges aggravate the existing health conditions of most South Africans with disabilities. There exist multiple layers of inequality, as a result of the apartheid era, which further compound the challenges people with disabilities face on a daily basis.They may experience barriers to implement basic protection measures such as hard-washing and maintaining physical distance for several reasons, lack of accessibilities of water, sanitation, and hygiene (WASH) facilities.

Despite the establishment of democracy in 1994, many black people with disabilities remain multiple disadvantaged, with black disabled females experiencing triple levels of discrimination based on their race, gender, and disability. In times of disaster and emergencies, many people with disabilities are further marginalized and excluded, experiencing an inability to access basic services, obtain information in an accessible format and receive therapeutic and/or medical interventions. With regards to the outbreak of COVID-19, additional factors such as pre-existing comorbidities, as well as communal living spaces such as residential or institutional facilities, further increase the risk of people with disabilities contracting the virus.

**Commission 3: Participation of People with Disabilities in the Economy and Education**

It is estimated that 8 out of 10 persons with disabilities are unemployed in accordance with survey conducted by Wits University in 2018. There are some measures in place designed to alleviate the situation. These include the disability grant and some specific provisions in laws such as the equity act, black economic empowerment as well as the Constitution of the country. But these are far from enough. The lack of meaningful participation in the economy coupled with lack of education is a double edge sword to someone who is already facing hardship of disability.

All children, including those with disabilities, have a right to free and compulsory primary education, and to secondary education and further education or training. All people with disabilities have the right to continue learning and to learn and progress on an equal basis with all people.

South Africa was one of the first countries to ratify the Convention on the Rights of Persons with Disabilities (CRPD) in 2007 and is a party to five key international human rights treaties and two African treaties protecting and guaranteeing children economic and social rights. Since 1996, the government has also introduced strong constitutional protections and legal and policy measures to safeguard every child’s right to education free from discrimination.

***Sub-theme:* Growing number of People with Disabilities and the Employment Quota**

There is undoubtedly a growing number of people with disabilities globally with an estimated 15% of the population, about a billion people in 2011. In South Africa, the number of PwDs has increased from 7.5% of the population in 2011 to 7.7% in 2016[[3]](#footnote-3). This suggests that the 2% employment quota for PwDs might not be relevant or in other words sufficient considering the data presented by the Statistics South Africa in 2016. There is however an argument that the South African figures may be underestimated, meaning that there may be more PwDs. The estimated figure is 12% of the population[[4]](#footnote-4).The Department of Public Service and Administration (DPSA) elucidated that “there was a stigma attached to disabilities, making some people reluctant to disclose their conditions. For this reason, amongst others, the statistics are not necessarily an accurate reflection of reality[[5]](#footnote-5)”.

There is however an improvement in reporting by government departments and entities relating to this equity target. However, representation of PwDs in the public sector remains low, and it is similar in the private sector. In March 2015, there were 1 324 228 employees in the Public Service, of which 8 729 (0.66% National Stats) were employees with disabilities. At the same period, the Gauteng Provincial Government was at 1.6% representation of PwDs, above National statistics. Regardless of not relying on current statistics, this is disappointing noting that the 2% quota has been in existence for over two decades.

**Sub-theme: People with Disabilities owned Businesses’ Inclusion in the Economy**

There are various governmental agencies aimed at supporting businesses and mainly, Small Medium and Micro Enterprises (SMMEs) growth and development in South Africa and Gauteng in particular. Yet the challenges facing SMMEs persist such as inadequate access to finances, lack of infrastructure, insufficient research and development, limited market access, poor businesses skills as well as limited engagement with the private sector[[6]](#footnote-6). Sadly, the PwDs owned businesses find themselves in the same position or worse. While government has stressed the role of SMMEs in the economy through its policies, it has been established that government policies specifically on small business development before 2005 emphasised specific support to be provided to targets groups such as woman and youth, in the exclusion of PwDs. This is a suggestion that as much as government currently put emphasis to the Historical Disadvantaged Individuals (HDIs), Women, Youth and PwDs in its economic programmes; SMMEs owned by PwDs still require special attention. It is unfortunate that while new commitments are made to support PwDs, such are a regurgitation of some old notions which also question the status quo on the level of support available and accessible for PwDs owned businesses. Commitments were previously made through the Integrated National disability Strategy (1997) (but updated in 2015 through the White Paper on the Rights of Persons with Disabilities), contained crucial elements such as[[7]](#footnote-7):

* The creation of work opportunities for PwDs through development and maintenance of SMMEs should form a key component.
* Despite the mushrooming of self-help projects and business development initiatives by PwDs and their organisations, this sector has had virtually no access to financially assistance or technical support.
* Disabled entrepreneurs are a target group for positive action and should be supported, and barriers impeding on their success should be removed.

With these aspects in mind, it has been discovered that most agencies and Development Finance Institutions (DFIs) developing and supporting SMMEs were not specifying small businesses owned by PwDs as one of the target groups. In most cases, the emphasis is placed on Women and Youth owned enterprises.

***Sub-theme*:**  **Participation of People with Disabilities in Education**

Public transport is either not accessible or not enough or irregular in nature. This leads to persons with disabilities being late for school or place of learning.

 Pavements in some cases lack space for wheelchair or cane user to travel with less difficulties.

A lack of awareness and respect amongst taxi and bus drivers and fellow commuters makes it difficult for PwDs to travel. There is no assistance provided to ensure on and off boarding of persons with disabilities. You will often time ask to pay for your wheelchair in a taxi.

* **Access to building**

Although regulations are in place for construction of new buildings to incorporate the needs of persons with disabilities, the old school buildings make it impossible for PwDs to attend mainstream schools because they are built during the old area with no accessible entrants.

Because of less progress has been made to place children with less severe disabilities to mainstream school they are still forced to go fur from their home to attend school if they are fortunate enough not to be subjected to a waiting list.

Schools often decide whether they are willing or able to accommodate students with particular disabilities or needs. In many cases, children with intellectual disabilities, multiple disabilities, and autism or foetal alcohol syndromes are particularly disadvantage

**Commission 4: PWD’s Accessibility to RDP Houses**

South Africa has an estimated disability prevalence rate of 7.5%, excluding psychosocial and cognitive disabilities. This implies that over 2.8 million South Africans face difficulties related to hearing, vision, communication, walking, climbing stairs, remembering and self-care (Statistics South Africa, 2011).

Safe, secure, and suitable housing is critical to the well-being of people living disabilities. People with disabilities have reported that having control over the living environment, a safe space, stability, support, resources, and inclusive neighbourhoods are of central importance to their well-being. Adequate housing is also necessary for the realization of their rights as specified in the international Convention on the Rights of Persons with Disabilities (United Nations, 2006).

Housing assistance is available to beneficiaries from government and non-government organisations. Over the past two decades, housing costs in the private rental market have increased substantially in real terms. This makes it difficult for low-income earners, particularly those receiving government grants, to find and keep suitable housing.

Reconstruction and Development programme (RDP) is a South African Scio-economic policy implemented by the government by the government of President Nelson Mandela in 1994.

**CHALLENGES**

The government does not consider the needs of people with disability. To qualify for an RDP house, you need to meet the National housing Subsidy Scheme Criteria.

* Regardless of the abovementioned interventions, Hence, achieving an inclusive society in which PwDs fully enjoy their housing rights would require a number of changes in practices and housing services delivered by government.
* Discrimination is unfortunately experienced by many people with disability accessibility is a critical component of housing for individuals with disability.
* The RDP houses are built for abled people not for disabled people.
* The government practice corruption.
* There must be a person with disability in the housing department so that he/she can be able to help people with disability.
* Disabled people are supposed to be given priority for RDP houses and the houses are also supposed to be adapted to their needs.
* Affordability is a Significant barrier to adults with disability when securing quality housing.
* Due to limited support, adults with disabilities pay more than 50% of their income on rent utilities.
* Effective implementation of policies at the domestic level is a major challenge.

**6. PROPOSED RECOMMENDATIONS FROM VARIOUS STAKEHOLDERS**

The 2021 People with Disabilities Sector Parliament made the following resolutions, to be responded to by 30 September 2022.

**COMMISSION 1: The impact of COVID-19 on persons with disabilities**

1. Government should ensure that there is enhanced capacity and resilience of civil organizations and groups that will reach and assist people with disabilities and their families.
2. Government should collaborate with disability structures in the provinces, local communities, and private sectors to promote service delivery.
3. Government should make sure that the employment of people with disabilities is protected.
4. Government should ensure that people with disabilities and their families get first preferences in various platforms of government services.
5. Government should monitor the organizations that works with people with disabilities in different regions so as to discover their needs. This will help to reduce the number of people with disability who are in poverty.
6. Government must implement its policies when it comes to disability programmes.
7. Government should make sure that people with disabilities are included or represented in all tasks team of Government.
8. Government should increase Grant in Aid for caregivers.

**COMMISSION 2: Accessibility to health care services by PWDs during COVID-19 Pandemic**

1. Government should ensure that public health information and communication is accessible, and it should include captioning where possible, sign language for all live and recorded events and communications such as national addresses, press briefings, and live social media.
2. Government should ensure that information about the accessibility of COVID-19 health services is distributed to people with disabilities and their caregivers.
3. Government should deliver telehealth for people with disability − Provide telephone consultation, text messaging and video conferencing for the delivery of health care for people with disability. This may be for their general health, and include rehabilitation needs and, where appropriate, COVID-19 related needs.
4. Government should ensure that all clinics are providing testing and services related to COVID-19 are completely accessible.
5. Government should address physical barriers (such as uneven pathways, stairs, hard-to-reach spaces or hard-to-use equipment); Attitudinal barriers (such as social stigma against disability and the denial of essential services); and financial barriers (such as high costs related to treatment or accessing the facility).

**COMMISSION 3: Participation of People with Disabilities in the Economy and Education**

1. Government should scrap the learnerships for PwDs and put in its place internships directly related to jobs.
2. Government should review the matric requirements especially if PwDs has number of learnership certificate already obtained.
3. Government should assist PwDs with compliance requirements as some of them did not finish the basic education.
4. Government should improve the monitoring of the implementation of equity act.
5. Government should give discount to PwDs when paying for compliance documents.
6. Government should give more entrepreneurial training to PwDs.
7. Government should make sure that more information about economic opportunities is provided to PwDs.
8. Government should take immediate steps to turn its inclusive education policy commitments into legally binding obligations.
9. Government should make sure that there is adequate consultation with children and their families to determine a school placement that will maximize their academic and social development, consistent with the goal of full inclusion.
10. Government should ensure implementation of national policy on screening, identification, assessment, and support.
11. Government should make sure that schools and education officials provide children with disabilities with full support as needed.

**COMMISSION4: PWDs Accessibility to RDP Houses**

1. Government must consider the houses that are accessible for people with disabilities.
2. Government must work together with South African Social Security Agency (SASSA) so that they can receive the accurate database for people living with disabilities
3. Government should establish a committee that will work together with the municipalities to make sure that people with disabilities do get houses.

**Committee Proposed Recommendations:**

The Committee recommends that the MEC for Social Development, Hon Morakane Mosupyoe should facilitate the responses from the Executive Council on all the issues raised as their representative in the Sector Parliament.

The Committee further recommends that the MEC for Social Development, Hon Morakane Mosupyoe should engage other MEC’s and the National Minister for Social Development through MinMEC so as to ensure that those resolutions that are a National competency are addressed and implemented at a national level.

**7. ACKNOWLEDGEMENTS**

I would like to express my appreciation to the MEC for Social Development, Hon Morakane Mosupyoe for cooperation and support during the Sector Parliament. The Leadership of the Deputy Chairperson of Committee’s, Hon Mpapa Kanyane in ensuring the successful hosting of the Sector Parliament.

 My appreciation for diligence, dedication and commitment goes to Members of the Committee: T. Magagula, R. Ntse’khe, A. Ndlovana, B. Engelbrecht, B. Badenhorst, M. Mofama and D. Ledwaba for their dedication and support during this process.

The Committee would also like to thank officials that supports the Committee Mr S. Nqwala, Ms Z. Pantshwa-Mbalo, Ms S. Nenweli, Ms N. Jikolo, Ms L. Manthata, Mr J. Moloi, Ms T. Nzuke, Ms D Ngwenya, Ms N Ntlebi, Mr K. Xulu, Ms L Ntjia, Mr S. Mohlala and H. Ngobeni for their dedication in assisting the Committee to achieve its mandate.

**8. ADOPTION**

After extensive deliberations, the Portfolio Committee on Social Development adopted the 2021 People with Disabilities Sector Parliament report for 2021/22 FY.

In terms of Rule 117(2)(c) read with Rule 164, the Social Development Committee presents to this House and recommends the adoption of the 2021 Persons with Disabilities Sector Parliament, taking into account the proposed recommendations made in the report.

1. Constitution of the Republic of South Africa. 1996 Act 108 of 1996

*the Promotion of Equality and Prevention of Unfair Discrimination Act* (2000) [↑](#footnote-ref-1)
2. Mc Kinnely ML, Mc Kinnely V and Swartz N. 2021. Access to healthcare for people with disabilities in South Africa: Bad at any time, worse during COVID-19? (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8335793/>) [↑](#footnote-ref-2)
3. Statistics South Africa Census 2011, and Statistics South Africa Community Survey 2016 Statistics release. Pretoria: Stats SA. [↑](#footnote-ref-3)
4. HSRC. 2018. Policy Brief on Dissing (dis)ability: Human rights for people with disability in the context of employment [↑](#footnote-ref-4)
5. https://pmg.org.za/committee-meeting/21298/ [↑](#footnote-ref-5)
6. Anthony Malapane and Mikateko Makhubele. 2013. Revisiting small business development and Suport in the Gauteng Province: a case of the Gauteng Enterprise Propeller. Journal of Public Administration [↑](#footnote-ref-6)
7. Integrated National Disability Strategy 1997- white paper, Office of the President [↑](#footnote-ref-7)