



REPUBLIC OF SOUTH AFRICA

MINISTRY OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES

PORTFOLIO COMMITTEE

**SPEAKING NOTES FOR
DEPUTY MINISTER IN THE PRESIDENCY
PROF. HLENGIWE MKHIZE
DELIVERY DATE: 26 JANUARY 2021**

Online Platform

V2

THEME / TOPIC / AGENDA:

**RIGHTS OF PERSONS WITH DISABILITIES STRATEGIC
FRAMEWORKS AND BILLS**

Honourable chairperson of the Portfolio Committee

Honourable members

Research team and secretariat

Departmental officials present

Being our first interaction for 2021, allow me to extend to you the well wishes of Minister Maite Nkoana-Mashabane and myself, as well as the Department. As our country continues to respond to the COVID-19 Pandemic, many of us are mourning family members, and friends. I want to wish you good health and a safe 2021.

I must also alert you to the sad news that just last week, we lost one of our Managers. Mr Joseph Lethoba, who served as Director: IT succumbed to COVID-19 related complications. May our thoughts and prayers go out to his family during this difficult time.

Today, we engage on a number of strategic frameworks and a Bill that affect the dignity and rights of persons with disabilities in our country.

First, I want to refer to recent events which concerns persons with disabilities who had to renew their disability grants without receiving the notices to do so. **We first were alerted to this tragedy through social media and then traditional media platforms who began to report on the conditions under which grant beneficiaries in the Western Cape had to endure, if they wished to update their status to continue to receive their grants. We were shocked to see what was going on and began to engage the Department of Social Development.**

The department **further** regrets the incidents that took place in Bellville and other parts of our country between the SAPS and beneficiaries. **We are shocked at the human rights violations that took place with water canons being used to disperse crowds, desperate to receive their grants. We have engaged and continue to engage the Department of Social Development and SASSA on this matter.**

Our position conveyed to the media which I reiterate here is that Managers at Post Offices should take extra precautions to ensure COVID-19 protocols are in place and must ensure compliance.

With queues of people linked to grant collection, with no social distancing, level of exposure and infection rates can spike. Children, and especially those with disabilities are more vulnerable to contracting COVID-19. For parents and caregivers collecting disability grants and care dependency grants, the safety of the child must always be the apex priority. COVID-19 protocols must always apply, even when in a queue. Many of these children with disabilities have underlying conditions and compromised immune systems, and as such, find themselves at increased risk of contracting COVID-19, and suffering from health complications as a result, that can even lead to loss of life

My Department has engaged SASSA and the Department of Social Development regarding this matter and we will assist where we can to bring this situation under control.

With the above in mind, the function of the Department must always be promote equality and prevent unfair discrimination against persons with disabilities. Furthermore it is to protect the dignity and promote progressive realisation of the rights of persons with disabilities without reservation.

The White Paper on the Rights of Persons with Disabilities remains a cornerstone and a baseline policy that guides the work of the Department and in all three spheres of Government for implementation purposes and service delivery models.

As requested by the Portfolio Committee today we are presenting to you the following documents:

The National Strategic Framework on Reasonable Accommodation

The National Strategic Framework on Universal Design and Access

The National Strategic Framework on Self Representation

The National Strategic Framework on Awareness Raising Campaigns

Disability Rights Bill

All of these documents serve as tools for implementation of the White Paper on the Rights of Persons with Disabilities.

The National Strategic Framework on Reasonable Accommodation will guide the application of reasonable accommodation for persons with long-term impairments and persons with temporary disabilities. Persons with disabilities share the same goals and aspirations as peers without disabilities, but at times require specific support measures to be made available to enable them to participate fully and achieve equitable outcomes.

This framework will provide for the development of procedures and norms and minimum standards for the issuing of assistive devices, reasonable accommodation measures, support services. It also serves to support the provision of equitable budgeting for the provision of reasonable accommodation support to persons with disabilities.

The National Strategic Framework on Universal Design and Access will serve to integrate universal access and design into all planning, designing, budgeting, implementation, monitoring, evaluation and reporting systems.

Persons with Disabilities often speak of disabling environments and attitudes. This framework seeks to establish priorities that will accelerate the removal of barriers to access and participation for all sectors of society.

The National Strategic Framework on Self Representation is an essential document in moving persons with disabilities out of the periphery to the centre. This framework talks to strengthening the key aspects of access and participation through self-representation. Up to now, persons with disabilities seems to be locked up behind doors, confined to the shadows. We need to address this. This framework seeks to:

- To provide a framework for an integrated and multi-disciplinary coordination of the right to self-representation and support
- To provide for the establishment of consultative platforms/committees and national and provincial forums and related institutions to promote self-representation
- To prevent and combat discrimination and secondary victimization of persons with disabilities by providing early intervention and reintegration programmes into society through institutionalization of self-representation to enhance the representative voice of persons with disabilities

The National Strategic Framework on Awareness Raising Campaigns seeks to:

- To establish priorities that will bring about change in the removal of barriers to raising and participation at the fastest possible pace for all sectors of society;
- To provide for the establishment of a national coordinating mechanism to support the implementation of Awareness Raising Campaigns in a culture of mainstreaming;
- To provide early intervention and progressive realisation to integrate awareness-raising into service provision by means of implementation plans, referred to as awareness-raising plans.

Importantly, this framework's long term goal is to assist persons with disabilities attain:

- Independent living;
- Participation in society;
- Increased choice and options for quality of life; and
- Awareness-raising campaigns with regard to disabilities.

The **Disability Rights Bill** seeks to domesticate the United Nations Convention on the Rights of Persons with Disabilities. The South African Law Reform Commission (SALRC) received a request to investigate the domestication of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in May 2018 from the Department of Justice and Constitutional Development (DOJCD).

This is wide bill covering issues like abortion, euthanasia, assisted decision making, abuse of persons with mental illnesses, especially the elderly and remand prisoners and the capacity to give evidence in court by persons with mental disabilities or persons with head injuries.

Conclusion

After consulting widely with the Disability Rights Sector and the Presidential Working Group on disability (PWGD), our job is to promulgate into the statute books relevant legislation which is harmonised as a Disability Rights Act.

This will be derived from the White Paper on the Rights of Persons with Disabilities policy directives, strategic pillars and its implementation matrix.

It is envisaged that this work will be completed by 2022/2023 financial year.

The objective of this Act is to ensure that enforcement, remedies and penalties are enshrined into the juris prudence of the country to protect the dignity and rights of persons with disabilities.

My Department has put in substantial work and effort to define this process and has started working with the South African Law Reform Commission to research and finalise the issue paper and legislative audit to develop the Bill to further stages.

My Department will conduct 6 dialogues on specific thematic areas for example, health, education, social development and social cohesion, access to justice etc.

Further elaboration is in the presentations by officials and the Frameworks and the draft issue paper has been submitted to the Portfolio Committee.

I trust we will have fruitful discussions and make determinations where the Portfolio Committee can assist.

I thank you