

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations of the Committee for the Elimination of Discrimination against Women 48th Session (17 January - 4 February 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the state report and list of issues.

SOUTH AFRICA

South Africa ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 30 November 2007.

Select references to persons with disabilities in the State report and List of Issues:

[State Report](#)

29. Overall, in South Africa, the strong political will and broad societal commitment has allowed for best practice measures to affirm the rights of women in critical areas and to advance the woman's agenda, for example:

□ The integrated poverty reduction and job creation programme through the EPWP which aims to create additional work opportunities for a minimum of one million people; at least 40% women, 30% youth and 2% **people with disabilities**, in South Africa between 2004 and 2009.

□ The provision of a social security net through a social grants programme including equal entitlement to social benefits such as grants for elderly persons, **people with disabilities**, and care-givers.

□ Increase the labour force participation rates of women, especially Black women and youth in the 15-34 year age group; decrease the unemployment and underemployment rates of women; increase opportunities to women in the labour force to be employed in larger numbers in higher levels of work and not be marginalized in the lowest job categories; eliminate wage disparities between men and women and actively promote equal pay for work of equal value; and increased hiring of **women with disabilities**.

□ Ensuring that all who are entitled to receive social grants are registered and receive the grants, especially the rural poor, elderly and **disabled women**.

South Africa has incorporated into its transformation agenda a gender; **disability**; children; and youth rights-based mainstreaming strategy for governance, implementation, monitoring and evaluation within government. Specifically, gender mainstreaming, according to the National Gender Policy is about:

□ Reducing inequality faced by women based on sex, race, disability, age, sexual orientation, class; and geography (urban-rural);

According to the APRM Report, 2007, “five legacies of the apartheid era have persisted: a dualistic polity, pervasive poverty; large scale structural unemployment; inequitable distribution of wealth and income; and a high incidence of crime”. Unfortunately, black women, women in rural areas and **women with disabilities** are most acutely affected and bear the brunt of this unequal legacy in all aspects of life. The erosion of family life, the racial dimension to the feminisation of poverty and its impact on the health and well-being of marginalized women also severely challenges sustainable development and the creation of a peaceful society free from crime and violence.

1.10.2 The South African Human Rights Commission: The mandate of the SAHRC is to conduct regular equality reviews.⁷ The SAHRC Equality Unit is committed to the achievement of social justice through the promotion and protection of human rights and in particular the right to equality as enunciated in section 9 of the South African Constitution. In addition, the SAHRC is committed to providing awareness in respect of the Equality Act, 2000 that seeks to ensure that the inequalities of the past on the basis of gender, **disability** and race are eliminated, and to promote the achievement of substantive equality in the country by:

□ monitoring and assessing the extent to which unfair discrimination on the grounds of race, gender, **disability** and other grounds persist in South Africa, the effect thereof and recommendations on how best to address the problem.

Status of Gender Mainstreaming In Government

3.22 The Public Service Handbook on Reasonable Accommodation for **People with Disabilities** in the Workplace, and the Job Access Strategic Framework on the Recruitment, Employment and Retention of **Persons with Disabilities** in the Public Service, which is aimed at ensuring that the Public Service meets its minimum 2% target for the employment of **people with disabilities** in the workplace, as well as the minimum 2% representation of **women with disabilities** in senior management levels in the Public Service, is a major achievement towards advancing **women with disabilities** in the workplace in general.

Legislation and Developments since 1998

10.6 The Adult Basic Education and Training Act, 2000 (Act 52 of 2000) provides for basic education to older persons who previously could not access education opportunities. This Act largely benefits women and black women in rural areas who were historically disadvantaged. In order to redress the inequities in education experienced by **persons with disability**, the Education White Paper 6: **Special Needs Education**, building an Inclusive Education and Training System (2001) encourages where possible the inclusion of **learners with special needs** into public mainstream schools.

Article 10(e): Continuing Education and Literacy Programmes

10.34 The Further Education and Training Act, 1998 (Act 98 of 1998) provides the basis for developing a nationally coordinated Further Education and Training system aimed at ensuring representation and equal access to further education at the workplace by persons who have been marginalized in the past including women, **the disabled** and the disadvantaged.

Women with Disabilities

12.7 The Government has established the mainstreaming of the **Integrated National Disability Strategy White Paper and guidelines through the Office on the Status of Disabled Persons in the Presidency**. The realisation of this policy allows for a multi-pronged approach to advance the rights of people with disabilities in all areas. The health needs are especially poignant in addition to targeted assistance, programmes and support in addressing inequities for economic, social, and cultural advancement.

12.8 **Disability and impairments** along with attitudinal and environmental barriers hinder full and effective participation in society. Many **impairments** are preventable such those caused by violence; poverty; lack of accurate information about prevention and management of disability; failure of medical services; unhealthy lifestyles; environmental factors such as epidemics, natural disasters, pollution and trauma.

12.9 The social segregation and inequalities in society are most pronounced for **people with disabilities**. The vulnerable in this group includes **women and children with disabilities**, black and rural women and children; rural and informal settlements; **persons with mental disorders; elderly women with disabilities; youth with disabilities; persons with disabilities who have been displaced by violence and war; persons with disabilities and HIV and AIDS; persons who acquire disabilities through disabling conditions brought on by the progression of HIV and AIDS and persons with multiple disabilities**. The sections that follow address their access to health care within the integrated framework.

Article 13(a): The Right to Family Benefits

13.1 Equality with respect to family benefits for men and women in South Africa remains unchanged. This includes equal entitlement to social benefits such as grants for elderly persons, **people with disabilities** and care givers. Government measures during the period under review focussed on eradicating racial disparities as alluded to in the Lund Report that was mentioned in South Africa's First Report to the CEDAW Committee.

ARTICLE 14: SPECIAL MEASURES FOR RURAL WOMEN

14.8 The Integrated Sustainable Rural Development Strategy was developed in 2000. The Department of Provincial and Local Government is the national coordinator of the Integrated Rural Development Programme which is aimed at creating a sustained campaign against rural poverty and underdevelopment, and, bringing in the resources of all three spheres of government in a coordinated manner. In its vision the strategy targets women, youth, and **the disabled** as beneficiaries. The programme currently focuses on 21 nodal areas with poverty as a common feature in the Eastern Cape, Mpumalanga, KwaZulu-Natal, the Free State, Limpopo and the Northern Cape.

Women and the Environment

14.24 The National Environment Management Act, 1998 (Act 107 of 1998) recognizes the role that women and the youth play in environmental management and that their participation should be promoted. The South African environmental policy framework emphasizes the role of women in environmental management. The White Paper on Environmental Management prioritised support for the involvement of, among others, women and **persons with disability** in the design, planning and implementation of environmental education and capacity-building programmes and projects.

[List of Issues](#)

31. The South African civil society has called for the establishment of a national fund for women's advancement (para. vi.9) and other forms of financial resources and mechanisms as a means of empowering women in general and eradicating poverty in particular, suffered especially by disadvantaged groups of women, including rural women, older women and **women with disabilities**. Such targeted funding has been qualified by the State Party as best practice examples following the launch of the "National War on Poverty Campaign" in 2008 (paras. vi.12 and vi.14). Please report on the progress made in identifying financial resources and implementation of strategies and programmes towards this end.

32. Please provide information on the situation of older women and **women with disabilities** in all areas covered by the Convention.

Reply to the List of Issues

Currently unavailable.

Recommendations from IDA

- To collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society.
- To adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- To raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- To ensure that all national plans and action address and include the rights of women and girls with disabilities and that all measures are taken to actively consult with persons with disabilities and their representative organisations in devising laws, policies, plans and with respect to implementation.
- To address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.
- To introduce measures to ensure that all children, including children with disabilities, can live and be raised in family environments in the community, and to eliminate the institutionalisation of children by building up community based services and support to children with disabilities and to their families.
- To adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above.
- To adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the CRPD.
- To adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).