



According to Statistics South Africa (STATSSA, 2024), 4.7% of South Africans aged 5 years and older were persons living with disabilities. Disabilities were more common for females (5.0%) than for males (4.4%). Persons with disabilities were most common in Northern Cape (10.0%) and least common in Limpopo (2.9%).

Distribution of individuals aged 5 years and older with disability by province and gender (STATSSA, 2024)			
Province	Disability Prevalence (age 5+) per Province	Female %	Male %
Northern Cape	10.0%	8.9%	11.9%
Western Cape	4.6%	4.7%	4.4%
Gauteng	3.8%	4.1%	3.5%
KwaZulu-Natal	5.0%	5.8%	4.0%
Free State	6.9%	7.3%	6.5%
Eastern Cape	6.5%	6.6%	6.4%
North West	5.1%	5.3%	4.8%
Mpumalanga	4.1%	3.8%	4.4%
Limpopo	2.9%	3.0%	2.9%

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) defines disability as an evolving concept, and that disability results from the interaction between persons with impairments and the attitudinal and environmental barriers confronting them. It recognises persons with disabilities as those persons who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others (UNCRPD), 2007).

South Africa defines disability as the loss or elimination of opportunities to take part in the life of the community, equitably with others, that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments that may be permanent, temporary or episodic in nature, thereby causing activity limitations and participation restriction with the mainstream of society. These barriers may be due to economic, physical, social, attitudinal and/or cultural factors (SAHRC, 2015).



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Persons with disabilities experience a number of interrelated challenges in accessing their rights, which include the following:

- *Social barriers* such as lack of awareness on the different types of disabilities amongst society, which results in lack of acceptance of persons with disabilities within communities; negative attitudes resulting from ignorance, misunderstanding and prejudice which keeps society from appreciating and experiencing the full potential persons with disabilities can achieve.
- *Psychological barriers* which are mainly informed by fears for their personal safety.
- *Structural barriers* such as accessibility to facilities and infrastructure, the lack of support services or technology, the lack of availability of information in accessible formats and the lack of reasonable accommodation in schools and work places. (SA Human Rights Commission)

The Current Reality: Laws That Currently Protect Persons with a Disability in South Africa

The Constitution of the Republic of South Africa, 1996:

The preamble to the Constitution states that the Constitution is adopted as the supreme law of the Republic, so as to:

- *Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;*
- *Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;*
- *Improve the quality of life of all citizens and free the potential of each person; and*
- *Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.*

Section 9(1) of the Constitution of South Africa states that everyone – including all disabled persons are equal before the law and has the right to equal protection and benefit of the law;

Section 9(3) and (4) of the Constitution of South Africa states that neither the State nor any person may, directly or indirectly, discriminate unfairly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth, and that national legislation must be enacted to prevent or prohibit unfair discrimination;

Section 10 of the Constitution of South Africa states that everyone has inherent dignity and the right to have their dignity respected and protected.



Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

This Act promotes the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution. This specifically includes discrimination against people with disabilities.

The Act defines “discrimination” to mean:

“Any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly:

- a) imposes burdens, obligations or disadvantage on; or
- b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds”

The Act defines “prohibited grounds” to mean:

- a) race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth and HIV/AIDS status; or
- b) any other ground where discrimination based on that other ground:
 - i. causes or perpetuates systemic disadvantage;
 - ii. undermines human dignity; or
 - iii. adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on a ground in paragraph a)”

The Act defines “harassment” to mean:

“Unwanted conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to:

- (a) sex, gender or sexual orientation, or
- (b) a person's membership or presumed membership of a group identified by one or more of the prohibited grounds or a characteristic associated with such group”

Section 2 Objects of Act

The objects of this Act are:

- a) to enact legislation required by section 9 of the Constitution;
- b) to give effect to the letter and spirit of the Constitution, in particular:
 - i. the equal enjoyment of all rights and freedoms by every person
 - ii. the promotion of equality;
 - iii. the values of non-racialism and non-sexism contained in section 1 of the Constitution;
 - iv. the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution;
 - v. the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16 (2) (c) of the Constitution and section 12 of this Act;



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- c) to provide for measures to facilitate the eradication of unfair discrimination, hate speech and harassment, particularly on the grounds of race, gender and disability;
- d) to provide for procedures for the determination of circumstances under which discrimination is unfair;
- e) to provide for measures to educate the public and raise public awareness on the importance of promoting equality and overcoming unfair discrimination, hate speech and harassment;
- f) to provide remedies for victims of unfair discrimination, hate speech and harassment and persons whose right to equality has been infringed;
- g) to set out measures to advance persons disadvantaged by unfair discrimination;
- h) to facilitate further compliance with international law obligations including treaty obligations in terms of, amongst others, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women.

Section 6 Prevention and general prohibition of unfair discrimination

Neither the State nor any person may unfairly discriminate against any person.

Section 8 Prohibition of unfair discrimination on ground of gender

Subject to section 6 (above), no person may unfairly discriminate against any person on the ground of gender, including-

- a) gender-based violence;
- b) female genital mutilation;
- c) the system of preventing women from inheriting family property;
- d) any practice, including traditional, customary or religious practice, which impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and well-being of the girl child
- e) any policy or conduct that unfairly limits access of women to land rights, finance, and other resources;
- f) discrimination on the ground of pregnancy;
- g) limiting women's access to social services or benefits, such as health, education and social security;
- h) the denial of access to opportunities, including access to services or contractual opportunities for rendering services for consideration, or failing to take steps to reasonably accommodate the needs of such persons;
- i) Systemic inequality of access to opportunities by women as a result of the sexual division of labour.

Section 9 Prohibition of unfair discrimination on ground of disability

Subject to section 6 (above), no person may unfairly discriminate against any person on the ground of disability, including:

- a) denying or removing from any person who has a disability, any supporting or enabling facility necessary for their functioning in society;
- b) contravening the code of practice or regulations of the South African Bureau of Standards that govern environmental accessibility;
- c) failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or
- d) Failing to take steps to reasonably accommodate the needs of such persons.



Section 11

States that “No person may subject any person to harassment”

Section 21 Powers and functions of the equality court

(1) The equality court before which proceedings are instituted in terms of or under this Act must hold an inquiry in the prescribed manner and determine whether unfair discrimination, hate speech or harassment, as the case may be, has taken place, as alleged.

(2) After holding an inquiry, the court may make an appropriate order in the circumstances, including:

- a) an interim order;
 - b) a declaratory order;
 - c) an order making a settlement between the parties to the proceedings an order of court;
 - d) an order for the payment of any damages in respect of any proven financial loss, including future loss, or in respect of impairment of dignity, pain and suffering or emotional and psychological suffering, as a result of the unfair discrimination, hate speech or harassment in question;
 - e) after hearing the views of the parties or, in the absence of the respondent, the views of the complainant in the matter, an order for the payment of damages in the form of an award to an appropriate body or organisation;
 - f) an order restraining unfair discriminatory practices or directing that specific steps be taken to stop the unfair discrimination, hate speech or harassment;
 - g) an order to make specific opportunities and privileges unfairly denied in the circumstances, available to the complainant in question;
 - h) an order for the implementation of special measures to address the unfair discrimination, hate speech or harassment in question;
 - i) an order directing the reasonable accommodation of a group or class of persons by the respondent;
 - j) an order that an unconditional apology be made;
 - k) an order requiring the respondent to undergo an audit of specific policies or practices as determined by the court;
 - l) an appropriate order of a deterrent nature, including the recommendation to the appropriate authority, to suspend
 - m) or revoke the licence of a person;
 - n) a directive requiring the respondent to make regular progress reports to the court or to the relevant constitutional institution regarding the implementation of the court's order;
 - o) an order directing the clerk of the equality court to submit the matter to the Director of Public Prosecutions having jurisdiction for the possible institution of criminal proceedings in terms of the common law or relevant legislation;
 - p) an appropriate order of costs against any party to the proceedings;
 - q) An order to comply with any provision of the Act.
- (3) An order made by an equality court in terms of or under this Act has the effect of an order of the said court made in a civil action, where appropriate.
- (4) The court may, during or after an inquiry, refer:
- a) its concerns in any proceedings before it, particularly in the case of persistent contravention or failure to comply with a provision of this Act or in the case of



systemic unfair discrimination, hate speech or harassment to any relevant constitutional institution for further investigation;

- b) Any proceedings before it to any relevant constitutional institution or appropriate body for mediation, conciliation or negotiation.

(5) The court has all ancillary/supporting powers necessary or reasonably incidental to the performance of its functions and the exercise of its powers, including the power to grant interlocutory/other not yet final orders or interdicts.

Section 28 Special measures to promote equality with regard to race, gender and disability

(1) If it is proved in the prosecution of any offence that unfair discrimination on the grounds of race, gender or disability played a part in the commission of the offence, this must be regarded as an aggravating circumstance for purposes of sentence.

(2) The South African Human Rights Commission must, in its report referred to in section 15 of the Human Rights Commission Act 54 of 1994, include an assessment on the extent to which unfair discrimination on the grounds of race, gender and disability persists in the Republic, the effects thereof and recommendations on how best to address the problems.

(3) a) The State, institutions performing public functions and all persons have a duty and responsibility, in particular to:

- i. eliminate discrimination on the grounds of race, gender and disability;
- ii. Promote equality in respect of race, gender and disability.

b) In carrying out the duties and responsibilities referred to in paragraph (a), the State, institutions performing public functions and, where appropriate and relevant, juristic and non-juristic entities, must-

- i. audit laws, policies and practices with a view to eliminating all discriminatory aspects thereof;
- ii. enact appropriate laws, develop progressive policies and initiate codes of practice in order to eliminate discrimination on the grounds of race, gender and disability;
- iii. adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability, and
- iv. Give priority to the elimination of unfair discrimination and the promotion of equality in respect of race, gender and disability.

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

The Act intends to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of or relating to sexual offences in a single statute

Definitions

“Complainant” means the alleged victim of a sexual offence

Section 23 Sexual exploitation of persons with mental disabilities

1) A person ('A') who unlawfully and intentionally engages the services of a complainant with a mental disability ('B'), for financial or other reward, favour or compensation to B or to a third person ('C'):



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- a) for the purpose of engaging in a sexual act with B, irrespective of whether the sexual act is committed or not; or
 - b) By committing a sexual act with B, is, in addition to any other offence which he or she may be convicted of, guilty of the offence of sexual exploitation of a person with a mental disability.
- 2) A person ('A') who unlawfully and intentionally offers the services of a person with a mental disability ('B') to a third person ('C'), for financial or other reward, favour or compensation to A, B or to another person ('D'):
- a) for purposes of the commission of a sexual act with B by C;
 - b) by inviting, persuading or inducing B to allow C to commit a sexual act with B;
 - c) by participating in, being involved in, promoting, encouraging or facilitating the commission of a sexual act with B by C;
 - d) by making available, offering or engaging B for purposes of the commission of a sexual act with B by C; or
 - e) By detaining B, whether under threat, force, coercion, deception, abuse of power or authority, for purposes of the commission of a sexual act with B by C, is guilty of an offence of being involved in the sexual exploitation of a person with a mental disability.
- 3) A person ('A') who:
- a) intentionally allows or knowingly permits the commission of a sexual act by a third person ('C') with a person with a mental disability ('B') while being a care-giver, parent, guardian, curator or teacher of B; or
 - b) Owns, leases, rents, manages, occupies or has control of any movable or immovable property and intentionally allows or knowingly permits such movable or immovable property to be used for purposes of the commission of a sexual act with B by C, is guilty of the offence of furthering the sexual exploitation of a person with a mental disability.
- 4) A person ('A') who intentionally receives financial or other reward, favour or compensation from the commission of a sexual act with a person with a mental disability ('B') by a third person ('C'), is guilty of an offence of benefiting from the sexual exploitation of a person with a mental disability.
- 5) A person ('A') who intentionally lives wholly or in part on rewards, favours or compensation for the commission of a sexual act with a person with a mental disability ('B') by a third person ('C'), is guilty of an offence of living from the earnings of the sexual exploitation of a person with a mental disability.

Section 40

"Person who is vulnerable" means a:

- a) child or a person with a mental disability;
- b) female under the age of 25 years who:
 - i. receives tuition at a higher education college, higher education institution or university college as defined in section 1 of the Higher Education Act, 1997 (Act No. 101 of 1997);
 - ii. receives vocational training at any training institute, other than the institutions referred to in subparagraph (i), or as part of their employment; or
 - iii. lives in a building, structure or facility used primarily as a residence for any of the persons referred to in subparagraphs (i) and (ii);



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- c) person who is being cared for or sheltered in a facility that provides services to victims of crime;
- d) person with a physical, intellectual or sensory disability and who:
 - i. receives community-based care and support services, other than from a family member for;
 - ii. lives in a building, structure or facility used primarily as a residence for; or
 - iii. is cared for in a facility providing 24-hour care to, persons with physical, intellectual or sensory disabilities; or
- e) person who is 60 years of age or older and who:
 - i. receives community-based care and support services, other than from a family member for;
 - ii. lives in a building, structure or facility used primarily as a residence for; or
 - iii. is cared for in a facility providing 24-hour care to, such persons;

Section 54 Obligation to report commission of sexual offences against persons who are vulnerable

- 1) A person who has knowledge, reasonable belief or suspicion that a sexual offence has been committed against a person who is vulnerable as defined in section 40 must report such knowledge, reasonable belief or suspicion immediately to a police official.
- 2)
 - a) *A person who fails to report such knowledge, reasonable belief or suspicion as contemplated in subsection (1), is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both a fine and such imprisonment.*
 - b) A person who in good faith reports such reasonable belief or suspicion shall not be liable to any civil or criminal proceedings by reason of making such report.
- 3) Any person who, having knowledge of the commission of any offence referred to in section 19A (offences relating to child pornography), or having reason to suspect that such an offence has been or is being or will probably be committed and unlawfully and intentionally fails to:
 - a) report such knowledge or suspicion as soon as possible to the South African Police Service; or
 - b) Furnish, at the request of the South African Police Service, all particulars of such knowledge or suspicion, is guilty of an offence.

Section 56A Sentencing

- 1) A court shall, if:
 - a) that or another court has convicted a person of an offence in terms of this Act; and
 - b) a penalty is not prescribed in respect of that offence in terms of this Act or by any other Act, impose a sentence, as provided for in section 276 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which that court considers appropriate and which is within that court's penal jurisdiction.
- 2) If a person is convicted of any offence under this Act, the court that imposes the sentence shall consider as an aggravating factor the fact that the person:



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- a) committed the offence with the intent to gain financially, or receive any favour, benefit, reward, compensation or any other advantage; or
 - b) Gained financially, or received any favour, benefit, reward, compensation or any other advantage, from the commission of such offence.
- 3)
- a) Any person who contravenes the provisions of section 11A(1) or (2), is liable on conviction to a fine or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.
 - b) Any person who contravenes the provisions of section 11A(3), is liable on conviction to a fine or to imprisonment for a period not exceeding 10 years or to both such fine and imprisonment.
 - c) Any person or electronic communications service provider that is convicted of an offence referred to in section 11B(9) or (10), is liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

Children's Act 38 of 2005

The Children's Act provides for the necessary care and assistance to children, where section 11 deals specifically with matters concerning children with disabilities or chronic illnesses. In section 6(2) (d) and (f) the Act further states that all proceedings, actions or decisions in a matter concerning a child must protect the child from unfair discrimination on any ground, including on the grounds of the health status or disability of the child or a family member of the child and recognise a child's disability and create an enabling environment to respond to the special needs that the child has.

Section 6 (2)

All proceedings, actions or decisions in a matter (before court) concerning a child must:

- a) respect, protect, promote and fulfil the child's rights set out in the Bill of Rights, the best interests of the child standard set out in section 7 and the rights and principles set out in this Act, subject to any lawful limitation;
- b) respect the child's inherent dignity;
- c) treat the child fairly and equitably;
- d) protect the child from unfair discrimination on any ground, including on the grounds of the health status or disability of the child or a family member of the child;
- e) recognise a child's need for development and to engage in play and other recreational activities appropriate to the child's age; and
- f) Recognise a child's disability and create an enabling environment to respond to the special needs that the child has.

Section 11 Children with disability

(1) In any matter (before court) concerning a child with a disability; due consideration must be given to:

- a) providing the child with parental care, family care or special care as and when appropriate;



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- b) making it possible for the child to participate in social, cultural, religious and educational activities, recognising the special needs that the child may have;
- c) providing the child with conditions that ensure dignity, promote self-reliance and facilitate active participation in the community; and
- d) Providing the child and the child's care-giver with the necessary support services.

Mental Health Care Act 17 of 2002

This Act aims at regulating and providing mental health care, treatment and rehabilitation services available for everyone and specifically regulates the manner in which the property of persons with mental illness and persons with severe or profound intellectual disability may be dealt with by a court of law.

Section 8 Respect, human dignity and privacy (Health care users)

- 1) The person, human dignity and privacy of every mental health care user must be respected.
- (2) Every mental health care user must be provided with care, treatment and rehabilitation services that improve the mental capacity of the user to develop to full potential and to facilitate his or her integration into community life.
- (3) The care, treatment and rehabilitation services administered to a mental health care user must be proportionate to his or her mental health status and may intrude only as little as possible to give effect to the appropriate care, treatment and rehabilitation.

Section 11: Exploitation and abuse (Health care users)

- (1) Every person, body, organisation or health establishment providing care, treatment and rehabilitation services to a mental health care user must take steps to ensure that:
 - a) users are protected from exploitation, abuse and any degrading treatment;
 - b) users are not subjected to forced labour; and
 - c) Care, treatment and rehabilitation services are not used as punishment or for the convenience of other people.
- (2) A person witnessing any form of abuse set out in subsection (1) against a mental Care user must report this fact in the prescribed manner.

Social Assistance Act 13 of 2004

Section 3: The objects of this Act are to:

- (a) Provide for the administration of social assistance and payment of social grants;
- (b) Make provision for social assistance and to determine the qualification in respect thereof;
- (c) Ensure that minimum norms and standards are prescribed for the delivery of social assistance, and
- (d) Provide for the establishment of an inspectorate for social assistance.

Section 7: Care dependency grant

“care-dependent child” means a child who requires and receives permanent care due to his or her severe mental or physical disability



- (a) A person is, subject to section 5 (*requirements to be eligible for social assistance*), is eligible for a care dependency grant if he or she is a parent, primary care giver or foster parent of a child who requires and receives permanent care or support services due to his or her physical or mental disability.
- (b) A person contemplated in paragraph (a) is not eligible for such a grant if the child is cared for on a 24 hour basis, for a period exceeding six months, in an institution that is funded by the State.

Section 9 Disability grant

- (a) A person is, subject to section 5 (*requirements to be eligible for social assistance*), is eligible for a disability grant, if he or she has attained the prescribed age; and
- (b) is owing to a physical or mental disability, unfit to obtain by virtue of any service, employment or profession the means needed to enable him or her to provide for his or her maintenance.

Section 12 Grant-in-aid

A person is, subject to section 5 (*requirements to be eligible for social assistance*), is eligible for a grant-in-aid if, that person is in such a physical or mental condition that he or she requires regular attendance by another person.

Section 30 Offences

A person is guilty of an offence if he or she:

- a) Hinders or obstructs the Director-General or an employee of the Department or the Agency in the performance of his or her functions in terms of this Act;
- b) Refuses or fails to comply with a requirement or request which the Agency or an employee of the Inspectorate has lawfully set or made in the performance of his or her functions in terms of this Act;
- c) Intentionally furnishes the Agency or an employee of the Inspectorate with false or misleading information;

Section 31 Penalties

A person convicted of an offence in terms of this Act is liable, unless different provision is specifically made, to a fine or imprisonment for a period not exceeding 15 years, or to both a fine and such imprisonment.



The Future Ideal: Protecting the Rights of Persons with Disability – what will change

South Africa is currently striving for the alignment of existing legislation, regulations, policies & practices on disability person rights with its constitution to comply with international agreements: the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol (2007).

“The White Paper on the Rights of Persons with Disabilities, approved by Cabinet on December 9, 2015, incorporates the vision and objectives of the National Development Plan as well as the 2030 Agenda for Sustainable Development, with all these instruments working to achieve set targets by 2030.

Implementation of the WPRPD in South Africa requires that every public representative and public servant, across all three spheres of government, all institutions promoting democracy, all regulatory bodies, national and provincial legislatures, the private sector and non-governmental sector should interrogate current practices, protocols, policies, laws and systems through a disability lens.” (5th Annual WPRPD Progress Report (2023) for period 2020 – 2021)

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol were adopted on 13 December 2006 and entered into force on 3 May 2008. The South African government signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol in 2007.

“South Africa is held in high regard for its approach to, and progress made with, implementing the UNCRPD. The country has appeared before the UNCRPD Committee for constructive dialogue on the baseline country report and the committee released their concluding observations emanating from the dialogue. The process is currently underway to put systems in place to implement and comply with the requirements of the committee.” (5th Annual WPRPD Progress Report for period 1 April 2020 - 31 March 2021)

White paper on the Rights of persons with Disability (WPRPD) (2015)

According to the Department of Social Development (DSD, 2015), the White paper on the Rights of persons with Disability (WPRPD) was developed in consultation with organisations of and for persons with disabilities, government departments, municipalities, public entities, the private sector and civil society at large, as well as the South African Human Rights Commission (SAHRC).

Accordingly, the WPRPD, as a cabinet approved policy document will guide the interpretation of the constitutional rights of persons with disability across departments of the 3 different levels of government - national, provincial, local.



“The vision of the WPRPD is the creation of ***free and just society inclusive of all persons with disabilities as equal citizens.***”

The expected outcomes from the WPRPD (2015)

Implementation of the WPRPD should have the following results:

- Persons with disabilities are accorded and enjoy their full political, human, social and economic rights on par with all other people in South Africa;
- All persons with disabilities, irrespective of their age, gender, type of disability, race and economic status; participate fully and equally in mainstream social and economic life;
- The rights of all persons with disabilities to live and work in safe and accessible environments, free from discrimination, harassment and persecution is upheld and persons with disabilities have access to recourse and redress in instances where these are violated;
- Persons with disabilities to have equitable access to life-long learning, training and capacity building and be enabled to learn through technology-aided systems other than the traditional method of learning;
- South Africa to provide persons with disabilities with services and interventions that ensure economic security, decent jobs and general economic empowerment;
- Persons with disabilities to represent themselves on issues affecting their lives, make decisions thereon, have control over their lives and are able to exercise choice;
- That all public and private transportations should be designed for universal access;
- An efficient, effective and development oriented state machinery that delivers services in an equitable manner, reports on the equitable outcome of public expenditure and delivery, and which complies with international and national human rights obligations; and
- South Africa providing leadership, sharing experiences and learning from the international community on accelerating the promotion and protection of the rights of persons with disabilities as equal citizens.

Implementation Progress to date as per the 5th Annual WPRPD Progress Report (2023) for period 2020 – 2021 and the 7th Annual WPRPD Progress Report (2025) for period 2022 – 2023:

During these reporting periods a basket of implementation interventions, inclusive of training programmes, workshops, webinars, pilot projects, draft policies, draft guidelines, frame works, and research reports have been rolled out.

The most noticeable implementation interventions include the following:

Pillar 1: Removing barriers to access and participation

The SAPS reported that a total number of disability user friendly police stations in the fourth quarter stands at 952 (82%) total number of inaccessible police stations improved from 222 to 203 in the 4th quarter of 2022-2023. Gender Based Violence and Femicide (GBVF) communication materials were translated into braille. Deaf



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Federation of South Africa (DEAFSA) continues to provide SAPS with free SLI services at every police station across the country to assist deaf victims and offenders. SAPS docket (SAPS) 3M (a) and SAPS3M (b) have been enhanced to record types of disabilities for both the victims and offenders with disability. SAPS conducted an audit on infrastructure accessibility and targeted 20 police Stations to improve accessibility for persons with disabilities by making provision for ramps and / or walk-ways, ablution facilities, parking spaces, Community Service Centre Counters (CSC) and rails and signage.

Pillar 2: Indicator: protection during situations of risk and disaster.

The Department of Cooperative Governance and Traditional Affairs in terms of section 27 (2) of the Disaster Management Act, 2002, the minister for COGTA issued the National Disaster Regulation 11B (7) which was published on 2nd April 2020 in the government gazette. This regulation included and provided safety and protection measures for persons with disabilities.

Pillar 2: Indicator: Universal access and design

To make eFiling accessible, South African Revenue Services (SARS) introduced technical enhancement such as the migration to HTML5 forms have also enhanced the accessibility of systems to taxpayers and traders. The forms are compatible with screen reading software and enable visually impaired taxpayers and traders to interact seamlessly with eFiling and the mobiApp. The rendering of SARS letters on a flattening technology had also enabled visually impaired staff, taxpayers and traders to view these letters on mobile devices which are often preferred for interacting with persons with disabilities. P30

The Department of Justice and Constitutional Development (DOJ &CD) is making significant strides in achieving the indicator on universal access and design. The Department had been working toward an additional 70 courts to be compliant in 2022-2023. They also developed a compliance checklist containing different compliance measures, including accessible court buildings for persons with physical disabilities, provision of intermediaries and SLIs (Sign Language Interpretation), directional signage, clearly marked areas that also accommodate accompanying persons or service animals and public educational materials available in alternative formats.

Pillar 2: Indicator: Access to justice

The Department of Justice and Constitutional Development (DoJ&CD) has put measures in place to ensure access to justice for persons with disabilities on an equal basis with others. These measures includes amongst others, the establishment of the South African Law Reform Commission Advisory Committee on the domestication of the UN CRPD, Project 148. The objectives and outcomes of the committee will determine the development of disability rights legislation.

The National Commissioner for the South African Police Services (SAPS) has approved the Draft Strategy on Provision of Services to Persons with Disabilities, which outlines the responsibilities of each business unit with regards to improving access to police services by persons with disabilities.



Pillar 3: Indicator: Right to life

The Department of Health (DoH) enhanced access to mental health services. The Mental Health Policy Framework and Strategic Plan 2023-2030 was developed and approved by the National Health Council. This document provides a framework for the delivery of mental health services in the country. The human resources in the public mental health services have been augmented through contracting of psychiatrists, psychologists, registered counsellors, occupational therapists and social workers to complement the already available staff who render mental health services at primary health care. P35 (7th Annual WPRPD Progress Report for period 2022 - 2023)

Pillar 6: Indicator: Recognition of representative organisations of Persons with Disabilities

Together with the South African National Deaf Association (SANDA), SAPS developed an online application named MySAPS. It is used by persons with disabilities, especially people with hearing impairment, to send tip-off messages to crime stop. Members of the community can use the system to send complaints against the police to the inspectorate call centre.

The SAPS entered into a Memorandum of Agreement with the Deaf Federation of South Africa for the provision of sign language interpretation services to the deaf community when in contact with police officials. Accredited sign language interpreters assist with statement taking. The SAPS also established partnership with the National Council for and of Persons with Disabilities (NCPD).

Pillar 7: Indicator: Strengthening accountability

The Ministry for DOJ&CS approved the establishment of an expert committee to advise and consolidate public comments on the development of the Disability Rights Bill. The SALRC is leading the process for the development of the Disability Rights Bill and released the Issue Paper for public comments.

"It is quite clear that it has been business as usual for the majority of departments, and that most departments have not sufficiently engaged with the new policy and have thus not taken on board the policy directives in their planning, budgeting, and day to day operations. It is equally clear that unless every department, every accounting officer, every programme manager, and every public servant take responsibility for implementation of the WPRPD, the lives of persons with disabilities in South Africa will not change for the better, and the inequality gap between South Africans with disabilities, and those without, will widen. (Concluding remarks: 5th Annual WPRPD Progress Report (2023) for period 2020 – 2021)

"It is evident from the content of this report, only twenty-six departments and Offices of the Premier have on record submitted their presentations/progress reports out of the fifty-one departments including Offices of the Premier. This is a worrying trend since tracking progress as regards the implementation of the White Paper on the Rights of Persons with Disabilities cannot be achieved." (Concluding remarks: 7th Annual WPRPD Progress Report (2025) for period 2022 – 2023)



Sources:

- 🚩 **Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000**
- 🚩 **Constitution of the Republic of South Africa, 1996**
- 🚩 **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2007**
- 🚩 **The White Paper on the Abuse of Persons With Disability, 2015**
- 🚩 **Mental Health Care Act 17 of 2002**
- 🚩 **Social Assistance Act 13 of 2004**
- 🚩 **Children's Act 38 of 2005**
- 🚩 **Criminal law(Sexual offences and related matters) Amendment Act 32 of 2007**
- 🚩 **Human Rights Commission of South Africa publications**
- 🚩 **5th Annual WPRPD Progress Report (2023) for period 2020 – 2021**
- 🚩 **7th Annual WPRPD Progress Report (2025) for period 2022 – 2023**
- 🚩 **STATS SA: General Household Survey: 2024**