

# CHARITY, BUT NOT POLICY: UNREALISED RIGHTS FOR SOUTH AFRICANS WITH DISABILITIES

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## INTRODUCTION

In my contribution to the 2016 CIVICUS State of Civil Society Report, I argue that despite being one of the first states to ratify the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD), the South African government remains complicit in the systemic neglect of people with disabilities. In support of my argument, I delineate the ways in which people with disabilities are compelled to shoulder the burden of their own welfare because of the government's failure to make their lives more liveable. Additionally, I bring into view the ways in which the government absolves itself of responsibility to meet the basic needs of people with disabilities by deflecting responsibility to charities in particular and civil society at large.

## THE SOCIAL ASSISTANCE GRANT IN SOUTH AFRICA

Recognising the fact that people with disabilities are more likely than their non-disabled counterparts to live in extreme poverty due to persistent societal and attitudinal barriers, the South African government provides a social assistance grant, which operates in the form of a monthly stipend, to enable this marginalised group to survive. This policy intervention feeds into the post-apartheid administration's broader logic that a supplement in income can work as a lifeline, enabling the poorest of the poor to meet their most basic needs. In this way, the policy aims to alleviate the material constraints that restrict people with disabilities from seeking out economic opportunities. In other words, the social assistance grant programme is useful precisely because it helps to mitigate the likelihood of the poorest of the poor completely falling through the cracks.

Such an income supplement is meant to provide poor people with enough money to be able to, for example, sustain themselves, afford public transport, get themselves to job interviews and it is hoped, climb out of extreme poverty.

However, this framework does not work. Not only are people with disabilities more likely than their non-disabled counterparts to live in extreme poverty, they are also less likely to be able to circumvent poverty because of the ways in which disabled life is structurally unaffordable. People with disabilities, unlike non-disabled people, do not just require food and shelter to be able to survive. Many also require

additional support, such as adaptive technology devices and other equipment. These additional support mechanisms are unaffordable to the vast majority of people with disabilities. With the exception of basic equipment, such as walking sticks and other ambulatory devices, the South African government does not subsidise the provision of adaptive technology devices and equipment to people with disabilities, particularly to people with severe and multiple disabilities. In this regard, charitable organisations have stepped in where government has failed.

## CHALLENGES WITH THE CHARITABLE RESPONSE

In the ever-expanding world of philanthropy, charities have turned their attention to people with disabilities in South Africa. In recent times, a popular charitable intervention has been to raise money for the provision of mobility devices, specifically wheelchairs, to people with physical impairments who live in informal settlements. This intervention, however laudable, is at best myopic and at worst foolhardy. Even if the South African government, as opposed to charities, stepped in to provide adaptive technology devices and equipment to people with physical impairments, it would still not make life more liveable for people with disabilities. This is because adaptive technology devices and equipment cannot work in isolation from the spatial context. To work properly, adaptive technology devices and equipment need to be augmented by and operate within an enabling and accessible built environment. What is the point of giving free, one-size-fits-all wheelchairs - which is in itself problematic because there is no universal disabled body - to disabled people living in informal settlements where the terrain in these environments is not conducive for alternative forms of mobility?

At the same time, the inability of people with disabilities to move freely extends far beyond the urban landscape of informal settlements. South Africa's public transport system is inaccessible to commuters with disabilities. People with disabilities are not thought of as commuters in the country's collective imagination. What this means in the context of the social assistance grant is that someone with a disability cannot take public transport and get to a job interview, as their non-disabled counterpart can. Consequently, disabled people are restricted, in ways that non-disabled people are not, in relation to the pursuit of economic opportunities, which if accessed, would enable them to get out of extreme poverty. It is no wonder that the majority of disabled people in informal settlements remain confined to the backrooms of shack dwellings. They are trapped, quite literally.

Thus, notwithstanding the social assistance grant, people with disabilities are left to figure out for themselves how to navigate structurally inaccessible public goods as part and parcel of their survival. Staying with the example of a job interview, people with disabilities in South Africa's major cities can only get from point A to point B by making use of special transportation services. These services are privately operated. The cost for a return trip is double the total amount of the monthly social assistance grant. Someone with a disability in this situation will never be able to seize job opportunities. The irony in this context is that the government has in place an employment equity policy, with ambitious targets to improve the representation of people with disabilities in the workplace. It is good that the government has legislation in place to compel organisations to hire people with disabilities, but it means nothing if disabled people cannot get to these organisations in the first place.

In response to the difficult employment situation of people with disabilities, there has been an increase in charities and civil society organisations (CSOs) providing skills and training opportunities to make people with disabilities more employable, so that they can earn an income in order to afford private access to public services. Many of these organisations receive funding from the government. For all intents and purposes, the South African government has defined its policy intervention on disability in terms of funding charities and CSOs. Funding for charitable interventions constitutes two thirds of the government's work on disability.

## CHARITY BUT NOT POLICY

*The government's approach is fundamentally problematic, because charity is not policy.*

The government's approach is fundamentally problematic, because charity is not policy. By conflating charity with policy, the government obfuscates its role in upholding the socio-economic rights of people with disabilities. As a signatory to the UNCRPD, the South African government has agreed "...to adopt all appropriate legislative, administrative and other measures for the implementation of the rights [of persons with disabilities]." In the same document, it is acknowledged that people with disabilities are "...not objects of charity but rather subjects of [human development]."<sup>1</sup> By conflating charity with policy, the South African government can claim to be empowering people with disabilities without putting the mechanisms in place for the actual empowerment of disabled communities. This pseudo-empowerment leaves people with disabilities worse off, as equality and dignity becomes more and more elusive.

Not only are South Africans with disabilities denied the right equipment and the right infrastructure to enable them to exercise their basic human rights, such as freedom of movement; they are also denied access to basic education. According to a recent report by Human Rights Watch, "[it] often costs children with disabilities more to go to school. For example, many children with disabilities at special schools have to pay money. Children at other schools do not. It can cost parents a lot of money to send children with disabilities to special schools." Additionally, "in regular schools, many children have to pay for their own support in the classroom."<sup>2</sup> The social assistance grant cannot cover transportation, let alone the classroom support required by children with disabilities. Many children with disabilities cannot attend school by themselves because they need assistance with their daily needs and their physical care. A child with a degenerative condition, for example, needs someone to assist them to the bathroom and other physical activities. What happens then is that regular schools refuse to admit students with disabilities because they do not want to be charged with the responsibility of being entrusted with their care.

The government could mitigate this challenge by introducing an attendant services programme, in which caregivers are dispatched to schools that seek to admit children with disabilities. These caregivers would be hired by the school through the government to provide the service. This would remove the burden on the families of children with disabilities and help generate employment for the country's burgeoning unemployed population.

1 UN Convention on the Rights of Persons with Disabilities, <http://bit.ly/1ebQdup>.

2 "Complicit in Exclusion." South Africa's Failure to Guarantee an Inclusive Education for Children with Disabilities', Human Rights Watch, 18 August 2015, <http://bit.ly/1fr7YOr>.

## CONCLUSION

In this contribution to the 2016 CIVICUS State of Civil Society Report, I have shown how the South African government is complicit in the systemic neglect of people with disabilities by highlighting the ways in which it places the onus on people with disabilities for their own welfare and deflects responsibility to charities and CSOs. Looking into the future, one can only hope the South African government embodies the words of its founding father, Nelson Mandela: a nation should not be judged by how it treats its highest citizens, but its lowest ones.