



Oral Statement at the 52nd Session of the Human Rights Council

Item 3: ID on the report of the Special Rapporteur on the rights of persons with disabilities

Date: 13 March 2023

Delivered by: John Mullan

Mr. President

The South African Constitution guarantees the rights of all people with disabilities, including children, to freedom from discrimination and equal access to services. ¹ The Promotion of Equality and Prevention of Unfair Discrimination Act obliges the State to adopt special measures to ensure that all people with disabilities have meaningful access to their rights. ²

Children with disabilities face limited access to their most fundamental rights. They are less likely to have an adequate standard of living than their non-disabled peers, with 57% of disabled youth living in permanent houses, compared with 62% of their non-disabled peers. ³

Children with disabilities face a lack of accessible, affordable transport to and from healthcare facilities. ⁴ Around 600,000 children with disabilities remain out of school, with 120,000 enrolled in special schools and 11,500 on waiting lists for these schools. ⁵

Children with disabilities are two to five times more likely to be abused than their non-disabled peers. ⁶ Children with mental and physical disabilities are at a higher risk of sexual abuse, whilst those with learning disabilities are more vulnerable to neglect. ⁷

These facts highlight the lack of sufficient safeguarding mechanisms for children with disabilities in South Africa.

Edmund Rice International and the Justice Desk Africa therefore recommend that the Government:

¹ South African Constitution (1996) Section 9 (3)

² The Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000 (28)

³ Children with Disabilities in South Africa A Situation Analysis 2001-2011. Chapter 3 page 43.
<https://www.unicef.org/southafrica/media/1336/file/ZAF-Children-with-disabilities-in%20South-Africa-2001-11-situation-analysis.pdf>

⁴ Children with disabilities in South Africa: The hidden reality page 37

⁵ <https://www.hrw.org/news/2019/05/24/south-africa-children-disabilities-shortchanged>

⁶ <https://www.unicef.org/southafrica/media/1336/file/ZAF-Children-with-disabilities-in%20South-Africa-2001-11-situation-analysis.pdf>

⁷ <https://www.unicef.org/southafrica/media/1336/file/ZAF-Children-with-disabilities-in%20South-Africa-2001-11-situation-analysis.pdf>

1. Invest in and prioritise schools for children with disabilities.
2. Ensure that families of children with disabilities are able to access fundamental health care and that health care workers are fully equipped to work with children with disabilities.