



Oral Statement at the 49th Session of the Human Rights Council

Item 3: ID with SR on rights of persons with disabilities

Date: 14 March, 2022

Delivered by:

Mr. President

The constitution of South Africa states that, everyone has the right to education¹ and that “the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including... disability”². The Schools Act further underlines this by enforcing compulsory education to everyone aged 7-15, requiring that relevant government officials make education available and accessible for all disabled children³.

However, disabled children have been shown to lack the same education opportunities as non-disabled children with over 600,000 disabled children having never been to school⁴. Disabled children are less likely to complete education with an estimated 37% completing secondary school⁵. This stems from a multitude of issues such as a lack of proper accommodation in schools, inaccessible fees and expenses, violence, abuse and neglect in schools, and poor teacher training and awareness⁶. It is estimated that only 57% of teachers had been trained in curriculum differentiation and only 43% had received training on setting assessments for those experiencing barriers to learning⁷.

There are also multiple reports of disabled children being unfairly rejected from mainstream education as the facilities or teacher training were not in place⁸. This categorically denies disabled children of their equitable human right to education.

¹South African Constitution (1996), Section 21 (1.a)

² South African Constitution (1996), Section 9 (3)

³ SOUTH AFRICAN SCHOOLS ACT NO. 84 OF 1996

⁴<https://mg.co.za/article/2018-11-30-00-no-school-for-600000-children/>

⁵ South African 2011 Census- <https://www.disabilitydataportal.com/explore-by-country/country/south-africa/>

⁶<https://www.theguardian.com/global-development/2015/aug/18/disabled-children-poorer-countries-out-of-primary-education-south-africa-human-rights-watch-report>

⁷https://resep.sun.ac.za/wp-content/uploads/2021/05/Disability-support_Resep_May2021_final.pdf

The Good Shepherd NGO, The Justice Desk, The Chaeli Campaign and Edmund Rice International therefore, recommend that:

1. The government must form a separate portfolio committee, within parliament, in order to ensure that all disabled children have access to quality education.
2. All mainstream government schools ensure that they are accessible to disabled children, with qualified. trained & equipped teachers.
3. To create an education fund to cover school fees and assistive educational technology.
4. Nationwide advocacy campaigns run to challenge the stigmatisation, exclusion and discrimination of disabled people in SA.

Thank you!