



## **Disabled Children's Action Group (DICAG):** **Submission on the Children's Bill**

August 2004

### Executive Summary

The submission from DICAG and other organisations from the child disability sector is based on two pillars – the Integrated National Disability Strategy and the Promotion of Equality and Prevention of Unfair Discrimination Act. It is these that guide the vision of “A Society for All”, a society in which children with disabilities and chronic illnesses can enjoy equal opportunities and services that benefit other children in South Africa. However, children with disabilities continue to be dis-proportionally under-represented as beneficiaries of a range of social services including health, Early Childhood Development, education and social security. Thus the cycle of poverty and their exclusion from participation in community life is perpetuated.

The assumption that children with disabilities will benefit from programmes targeted at the general population of children is false because disabled children *do not have equal access to resources and opportunities*. Specific measures therefore are necessary to ensure their full inclusion and participation. The submission recommends that in dealing with children with disabilities, the government adopts a twin-track approach, which includes both integrating disability as a cross-cutting issue into the programmes of all departments, as well as disability-specific initiatives aimed at promoting the rights of children with disabilities.

Among the key concerns with the Children's Bill are the following:

- Currently the Bill does not provide for a National Policy Framework, which would ensure a co-ordinated and holistic approach to service provision. Given that children with disabilities and chronic illnesses require the services of many different departments (e.g. Education, Health, Social Development, Transport) it is critical that the interventions are jointly planned and coordinated, with the necessary budget allocations.
- The Children's Bill does not contain specific strategies and provisions for children in especially difficult circumstances, which includes children with disabilities and chronic illnesses. These strategies and provisions are critical if these children are to enjoy the services and opportunities that are available to other children.
- The submission recommends that the Objects of the Bill include children in especially difficult circumstances, which include children with disabilities and chronic illnesses.
- There is very limited coverage of children's rights in the Children's Bill, and recommendations are made on amendments and addition of clauses, to ensure that

children with disabilities enjoy the same rights as other children. In addition, the submission recommends the insertion of a specific clause relating to quality of life of children with disabilities and chronic illnesses.

- Parental rights in relation to parents of children with disabilities and chronic illnesses are highlighted, with emphasis on the need for support to prevent parents' over-protection of their children, and to facilitate the participation of these children in decisions that affect their lives. Issues relating to disabled youth as parents (some as a result of rape) are also raised.
- Given the vulnerability of children with disabilities and chronic illnesses, the submission calls for a child protection system which is accessible and appropriate for them. This encompasses many aspects at many facilities, and includes disability-awareness training of staff, physical accessibility as well as access to information.
- With regard to ECD, the significance of family-based programmes for children with disabilities and chronic illnesses cannot be underestimated. However, centres run by parents and other caregivers need recognition and support. There also need to be norms and standards for ECD that relate to children with disabilities, as well as appropriate training of personnel. It is critical that there is a comprehensive national strategy aimed at securing an *inclusive* ECD system, which is properly resourced and co-ordinated.
- Specific concerns have been raised in relation to protective measures relating to the health of children with disabilities and chronic illnesses. These include access to rehabilitation and assistive devices, access to information and confidentiality.
- Given that as many as 50% of disabilities are preventable and directly linked to poverty, the importance of prevention and early intervention for children with disabilities are highlighted. Many of the responsibilities for doing so lie with municipalities, which should be required to monitor the needs and services of children within their area of jurisdiction.
- Provisions for children in need of care and protection need to be highlighted as they relate to children with disabilities and chronic illnesses.
- Child and youth care centres also need to be accessible for children with disabilities and chronic illnesses. This too includes disability-awareness training of staff, physical accessibility as well as access to information.

The Children's Bill presents an opportunity to develop legislation that translates policy into services and opportunities for children with disabilities and chronic illnesses. We cannot dream of a "Society for All Children" or profess to the nation and the international community that we are progressively ensuring and working towards the improvement of quality of life of our children, unless we make specific provisions for all children to be included.

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