

COVID-19 AND SOUTH AFRICA'S DISABILITY RESPONSE: A SYMPTOM OF POLICIES (AND DAYS) GONE BY

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Abstract

Historically, in South Africa and the world over, disability has been viewed as a predicament of the individual. The discourse surrounding disabilities and suitable societal interventions are as nebulous as the differing needs of persons with disabilities within society. This article investigates the Government of South Africa's response to the needs of persons with disabilities during the COVID-19 pandemic. The author utilizes South Africa's existing disability framework as a mechanism to anchor the research conducted. This article specifically probes how South Africa has attempted to traverse various models of disability as well as how the said models have promoted or delayed the attainment of equality for persons with disabilities. The research conducted gives rise to various recommendations that may be adopted and refined to encourage consistency in the arduous journey towards equality of persons with disabilities.

Keywords: COVID-19, disability policy; human rights, South Africa.

JEL Classification: K36, K38

1. Introduction

On 18 March 2020, the South African government gazetted numerous regulations in response to a nationwide, Coronavirus-induced lockdown effected on 26 March 2020.² Notably absent from the said regulations, was a comprehensive framework to clarify the government's approach to protecting and upholding the human rights of persons with disabilities (PWDs) in the context of COVID-19. While many have emphasized the importance of adopting the approaches of other states in relation to COVID-19 and PWDs, the author argues that the existing policy framework regarding PWDs could be reviewed to set in motion a new dawn for PWDs beyond COVID-19.

Historically, in South Africa, disability has been viewed as a dilemma of the individual. The discourse surrounding the definition of disability and applicable theories are as fluid as the diverse needs of PWDs within society. In 1997, the Office of the Deputy President published the White Paper on the Integrated National Disability Strategy (WPINDS). The WPINDS sought to integrate disability issues in all governmental development strategies, planning and programs as well as to solidify the South African government's stance that disability was to be considered according to the social model and not the, previously utilised, medical model of disability. During December 2015, and almost twenty years later, the White Paper on the Rights of PWDs was approved and seeks to update the WPINDS, integrate principles contained in international law instruments and endorse a mainstreaming trajectory for realizing the rights of PWDs.

Of the plethora of roles that PWDs play on a daily basis, it is their navigation of the perceptions or constructs in society about PWDs that can be identified as their most complex role. Gallagher likens the lives of PWDs to living within the confines of a walled 'land of the crippled' where only those who live in that land understand its intricacies and challenges.³ While the White Paper on the Rights of PWDs (WPRPD) was published approximately 18 years after the White Paper on the Integrated National Disability Strategy (WPINDS); both statements on government policy contain an emphasis on the increased participation of PWDs in society that is brought about through the consideration of disability within a social construct and no longer as per the medical model. The models of disability are theoretical outlines for understanding disability and can provide

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² South African Government, "Regulations and Guidelines – Coronavirus COVID-19" (2020) <https://www.gov.za/covid-19/resources/regulations-and-guidelines-coronavirus-covid-19> [Accessed January 12, 2021].

³ Shunit Raiter, *Disability from a Humanistic Perspective: Towards a Better Quality of Life* (New York: Nova Biomedical Books, 2008), 34.

insight as to the reasons why certain attitudes exist and how they are reiterated in society. For purposes of this study, the author has chosen to outline the most prominent disability models prior to the exposition of the legal framework as the disability models play an important role in the ways that various laws pertaining to PWDs have been conceptualized in South Africa.

The medical model presupposes that disability is mainly a health and welfare matter with an individualistic and dependency-based approach at its nucleus. The social model, however, implies a paradigm shift in the manner in which disability is constructed to highlight the shortcomings of society in respect of disability and to bring to the fore the capabilities of PWDs. The social model of disability has led to unparalleled success in changing the discourse around disability, in promoting disability as a civil rights issue and in developing schemes to give PWDs autonomy and control in their own lives.⁴

This article investigates whether the aforementioned policies have aided the South African government in upholding and promoting the human rights of PWDs, during the current COVID-19 dispensation and beyond. The author argues that manner in which South Africa's disability policies transitioned from the medical to the social model of disability are indicative of the slightest glimmer of hope for PWDs. The author creates a framework for the study by considering the utilisation of the medical model globally as well as the various factors that led to the, albeit slow, transition to the social model in South Africa. The role of the WPINDS in South Africa's new democratic dispensation will then be contemplated with specific emphasis on the advances made and challenges encountered when applying the social model to legislation, caselaw and societal barriers experienced in relation to language and technology. After setting out the South African government's primary policies and models relating to PWDs, the study concludes by suggesting the future reforms required to bolster the protection afforded to PWDs as a result of the current COVID-19 pandemic.

2. Motivation for the research conducted

Despite the existence of numerous articles that take into consideration a spectrum of issues regarding PWDs in South Africa,⁵ this article will take into consideration and will critically assess the adequacy of measures implemented by the South African government, to protect PWDs during the COVID-19 pandemic. While COVID-19 messaging and briefings have become par for the course in South Africa, it is apparent that the said communication excludes PWDs to a large extent and fails to take into consideration their diverse needs.

Jemima Maotoe, a wheelchair user, advises that COVID-19 has led to major disruptions as a result of the fear and ignorance of others.⁶ Jemima has further indicated that COVID-19 has negatively affected her mobility to an even greater extent than prior to the pandemic as she is reliant on public transport and is often ignored by other passengers when using public transport as the said passengers are afraid of contracting the highly contagious virus.⁷ Huisman also highlights the plight of Simon Ndaba and Roy Abbott who explain the double-edged sword that they face because of COVID-19, on the one hand, and being deaf and blind, respectively. A further reason for the research conducted is due to several calls for research made by numerous parties in furtherance of the elimination of participation barriers that PWDs encounter in society.⁸

⁴ Mike Oliver, "Defining impairment and disability: Issues at stake," in *Exploring the Divide*, ed. Colin Barnes (Leeds: The Disability Press, 1996), 29-54.

⁵ Leoni van der Merwe, "Life Healthcare Esidimeni: A (Human Rights) Dream Deferred," *Obiter* 39, no. 2 (November 2018): 289.

⁶ Biënne Huisman, "Life under Lockdown for People Living with Disabilities," *The Daily Maverick*, May 21, 2020, <https://www.dailymaverick.co.za/article/2020-05-21-life-under-lockdown-for-people-living-with-disabilities/> [Accessed: November 14, 2020].

⁷ See Huisman above.

⁸ World Health Organization, "World Disability Report," (2011) http://int/disabilities/world_report/2011/report.pdf [Accessed: November 16, 2020]. See also Department of Women, Children and People with Disabilities, "Baseline Country Report to the United Nations on Implementation of the CRPD in South Africa," <https://ubuntucentre.files.wordpress.com/2010/09/country-report-final-baseline-country-report-on-the-crpd-cabinet-approved-3.pdf> [Accessed: November 16, 2020].

3. Use of the Medical Model Globally

According to Stax, 'From the beginning of time, humankind has wrestled with the paradox of what to do with PWDs. In ancient times, they were simply put to death. They were a burden to the tribe'.⁹ Similarly, the medical model of disability focuses on the individual's impairment and attributes the problems relating to a person's disability solely to their medical condition and does not apportion any responsibility to society to accommodate such persons. The medical model presupposes that PWDs are weak, dependent on others and are unable to find employment opportunities as well as play an active role in society.¹⁰ At the epicenter of the medical model is, as suggested by Sullivan, the synthetic differentiation between a person's impairment and what society deems to be normal or typical due to the presumption that PWDs are weak, dependent on others and are unable to find employment opportunities as well as play an active role in society.

Despite the smorgasbord of perspectives relating to disability models, a quasi-consensus exists regarding the advent of the medical model of disability in society. In South Africa, Europe and the United States of America it has been contended that the development of modern medicine and the increased stature of the role of the physician in society in the late eighteenth and nineteenth centuries gave rise to the medical model of disability.¹¹ In a South African context, it is not only the eradication of the application of the medical model that requires consideration but also the impact of assorted historical, cultural and political structures on society's perception of disability as indicated by Marsay.¹² It is argued that the medical model is important for the role that it plays in the context of diagnosing and treating certain disabilities that can easily be treated using medicine. Shakespeare argues that a nuanced approach is required to disability models and that the medical model still has a seat at the disability table, proverbially speaking.¹³ He further argues that it would be incorrect to view a subject as complex as disability studies in a manner that is too oversimplified and rigid. In this promotion of a critical realist approach to disability, Shakespeare is of the view that it is essential to consider disability as being linked to both medicine and society but cautions against the overreliance on either individual or contextual factors when considering disability models.

4. Planting the seeds for the application of the social model in South Africa

The increase of disability activism organizations during the 1980s and 1990s as well as the influence of The Constitution of the Republic of South Africa, 1996 are noted in the WPINDS as reasons for the expansion of disability activism in South Africa.¹⁴ The largest cross-disability organization, Disabled People South Africa (DPSA), was founded in 1984. It was aimed at defeating the oppression of the apartheid system and was regarded as being integral to the liberation sought by PWDs.¹⁵ It has been suggested by Jagoe, that Steve Biko's leadership and the self-representation sought by the black consciousness movement of the 1970s influenced the creation of DPSA.¹⁶ The manner in which disability activists drew inspiration from external events that took place in South Africa, leading to the establishment of DPSA, can be juxtaposed to the manner in which the social model requires that external factors in the societal context be considered in relation to disability. One of DPSA's most notable successes to date is the creation of the Disability Rights

⁹ Anton van Staden, "A Strategy for the Employment of Persons with Disabilities" (PhD diss., University of Pretoria, 2011), 55.

¹⁰ Kathryn Sullivan, "The prevalence of the medical model of disability in society," *AHS Capstone Projects* 13 (2011) 4.

¹¹ See van Staden and Sullivan above. Also see Stephen Kidd et al., "Social Protection and Disability in South Africa," *Working Paper*, (2018), 42.

¹² Gloria Marsay, "Success in the Workplace: From the Voice of (Dis)abled to the Voice of Enabled," *African Journal of Disability* 3, no. 1 (November 2014): 99, <http://dx.doi.org/10.4102/ajod.v3i1.99> [Accessed: December 1, 2020].

¹³ Tom Shakespeare, *Disability Rights and Wrongs* (London: Routledge, 2006) 12, <https://www.taylorfrancis.com/books/disability-rights-wrongs-tom-shakespeare/10.4324/9780203640098> [Accessed: November 20, 2020]

¹⁴ Office of the Deputy President, "White Paper on the Integrated National Disability Strategy" (1997) <http://www.independentliving.org/docs3/sa1997wp.pdf> [Accessed: December 1, 2020].

¹⁵ Brian Watermeyer et al., *Disability and Social Change: A South African Agenda* (Cape Town: HSRC Press, 2006), 48.

¹⁶ *Ibid.*

Unit, with Lawyers for Human Rights, which culminated in the creation the Disability Rights Charter of South Africa in 1992. The collaborative manner in which the Disability Rights Charter of South Africa was created, by taking into consideration the lived experiences and environments of PWDs, is indicative of the intended paradigm shift towards the social model of disability.

A further factor that has stimulated the application of the social model is the protection offered to PWDs by The Constitution of the Republic of South Africa, 1996. Section 9 of The Constitution of the Republic of South Africa, 1996 expressly prohibits direct or indirect discrimination, by the state or an individual, against anyone on the basis of disability.¹⁷ The inclusion of Section 9 serves as an acknowledgment of the greater onus placed on society to eradicate discrimination against PWDs and therefore deviates from the stance that disability is a problem of the individual. The practical achievement of the ideals promoted by section 9 are at all times to be considered against the framework of South Africa's eleven official languages and numerous cultures.

5. The purpose and effect of the WPINDS

The promotion of a society for all through the creation of an Integrated National Disability Strategy forms the basis of the WPINDS. Central to the Integrated National Disability Strategy is a people-centric approach that seeks to weave disability issues through all aspects of the fabric of government planning, implementation and monitoring initiatives. The publication of the WPINDS has been lauded as the beginning of all-encompassing policy design as well as the government's commitment to self-representation for PWDs.¹⁸

The inclusion by the WPINDS of international principles as set out in the Standard Rules on the Equalization of Opportunities for PWDs, 1993 (SREOPD) indicates a stark departure from South Africa's exclusion from the international community from the 1960s as a means to dismantle the apartheid system.¹⁹ Of import is the preamble to SREOPD that reaffirms the consideration of issues other than the medical impairment of PWDs by stipulating that: *States, mindful of the pledge made, under the Charter of the United Nations, to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment, and conditions of economic and social progress and development, Reaffirming the commitment to human rights and fundamental freedoms, social justice and the dignity and worth of the human person proclaimed in the Charter.*²⁰

Although it is clear that the WPINDS has set the tone for the consideration of disability as existing outside of the medical realm only, the strides made and challenges encountered in recognizing the social model of disability, from 1997 to date, require consideration:

a) Legislation. Evidence of the changes brought about by the WPINDS can be found in the promulgation of legislation, such as the Promotion of Equality and Prevention of Discrimination Act, 4 of 2000, the Employment Equity Act 55 of 1998 and the Skills Development Act 97 of 1998; where the WPINDS has aided to document and contextualize the South African disability landscape as well as cement the position of PWDs to assume full responsibility as members of society. Although disability legislation in South Africa has served as a tool to promote equality, as espoused by The Constitution of the Republic of South Africa, 1996, it has been argued by that South Africa's failure to promulgate a single, comprehensive piece of disability legislation has led to an inability to alleviate the challenges faced by PWDs.²¹ The shortcomings of current disability legislation in adequately documenting and addressing the plight of PWDs have led to the creation of various splinter platforms and documents, such as the South African Disability Alliance and the Disability Rights Charter, which could provide valuable input should a single, comprehensive piece

¹⁷ Republic of South Africa, "The Constitution of the Republic of South Africa," (1996).

¹⁸ Chantelle Van der Byl, "Twenty Year Review South Africa 1994 – 2014," (2014).

¹⁹ Catherine Barnes, "International Isolation and Pressure for Change in South Africa," *Accord* 19, (February 2008): 36.

²⁰ United Nations General Assembly, "Standard Rules on the Equalization of Opportunities for PWDs" (1996) UNGA Res/48/96, 48th session, <http://www.un.org/esa/socdev/enable/dissre00.htm> [Accessed: December 6, 2020].

²¹ Stephen Kidd et al., "Social Protection and Disability in South Africa", 42.

of disability legislation be promulgated in future.

b) Case Law. The case of Lettie Hazel Oortman v. St Thomas Aquinas Private School and Bernard Langton 1/2010, 3 December 2010 illustrates the paradigm shift from the social to medical model of disability by the judiciary. In the aforementioned matter, a complaint was lodged against a private school on behalf of a wheelchair-bound learner on the basis that all the school's facilities, specifically the toilet facilities, were not accessible to the learner. Although certain modifications were made to the school's facilities to accommodate the learner, the learner did not have access to all the necessary facilities, which led to the said learner leaving the school. The Equality Court ruled that the school had an obligation to ensure that reasonable steps were taken to remove the obstacles faced by the learner, which included the building of ramps to assist with access to the school building as well as the toilet facility. The ruling by the court alleviates the onus placed on PWDs to ensure that they are able to participate in society on their own.

Most recently, of significance is the case of *de Vos and Others v. The Minister of Justice and Constitutional Development and Others* 2015 (SACR) 217 (CC). that considered the constitutional invalidity of the compulsory imprisonment of an adult accused person or the compulsory hospitalisation or imprisonment of children, in terms of section 77(6)(a)(i) of the Criminal Procedure Act, 51 of 1977. Of particular importance is the reference made by the Constitutional Court to the obligation to ensure that the rights and freedoms of PWDs are promoted in terms of Article 4(1) of the United Nations Convention on the Rights of PWDs, 2006 (CRPD). In a broader context, South Africa's transition from the medical model of disability must be considered against the milieu of Article 4(1)(f) of the CRPD that requires States to consider the environment surrounding a PWD by requiring: *State Parties to undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines.*²²

The Constitutional Court in *de Vos and Others v. The Minister of Justice and Constitutional Development and Others* 2015 considered not only the interests and needs of the PWDs to which the matter related, but also recognised that the interests of society were also at play thus requiring a pragmatic approach. The balancing of the interests of both PWDs and the broader society by the court is indicative of the judiciary regarding disability as a broader issue within society.

Although the abovementioned cases serve as evidence of the progress made by the judiciary in the application of the social model of disability, consideration must also be given to instances where PWDs do not have access to the courts. Holness and Rule are of the view that instances where PWDs do not have access to courts will render justice and equality before the law a nullity and that accessibility must be considered in the context of physical and social barriers.²³

c) Barriers in respect of PWDs that are prevalent in society. In addition to the legislative, policy and judicial changes required to traverse from the medical to the social model of disability, a more comprehensive understanding of the needs of PWDs by society is required. An understanding of the interplay between society, PWDs, the use of language, the media and technology play an important role in eliminating barriers experienced by PWDs in society.²⁴ The language utilised to describe PWDs is indicative of the lasting influence of the medical model in society. Terms such as "retarded", "crippled" or "disabled person" place emphasis on the existence of a medical condition prior to personhood and do not consider disability within a broader social context. In the event of uncertainty, the term "person with disabilities" should be utilised as per the CRPD, to which South Africa is a member State.

A further barrier in respect of PWDs relates to their portrayal by the media as being distinct

²² United Nations General Assembly, "United Nations Convention on the Rights of PWDs" (2006) UNGA A/Res/61/106, 61st session, www.un.org/disabilities/convention/signature.shtml [Accessed: December 6, 2020].

²³ Willene Holness and Sarah Rule, "Barriers to advocacy and litigation in the equality courts for PWDs", *Potchefstroom Electronic Law Journal* 17, no. 5 (2014):1907, <http://www.saflii.org/za/journals/PER/2014/54.pdf> [Accessed: December 6, 2020].

²⁴ See Sullivan above at 6.

from what is regarded as ‘ordinary’ by society. According to Sullivan, ‘Just as how the medical model doesn’t see people with disabilities as capable of participating in “normal” society, the lack of disabled characters in “normal” roles in the media perpetuates their absence in social structure’.²⁵ The recent murder trial of double-amputee Oscar Pistorius illuminates the portrayal of PWDs by the media, not only in South Africa, but globally. References made by Oscar Pistorius’ legal team to his disability depicted the accused as vulnerable and even went as far as him removing his stumps in court to portray his defenselessness, due to his disability, on the night of the crime. According to the Fihlani, ‘Oscar Pistorius has spent all his life fighting misconceptions about disabled people but today, with this fate hanging in the balance, he hobbled in the courtroom before Judge Masipa - desperate to show his vulnerability’; which places Pistorius’ vulnerability, as a result of his disability, at odds with his prior work carried out, through sporting, to promote the view PWDs as ‘normal’ members of society.²⁶ The global media coverage of the Oscar Pistorius murder trial is indicative of the powerful role that the media plays in sculpting disability model perceptions.

Lastly, the creation of technology such as mobile devices (and their applications), motor vehicles and personal computers or laptops for those that are considered as being the ordinary majority leads to the inference that those that are excluded, because they are unable to utilise the said technology, are flawed, atypical or abnormal. The shift to the social model of disability requires those involved in the creation of technology to understand the importance of designing with inclusivity in mind to ensure that all designs are to be utilised by all people to the greatest extent possible regardless of their physical abilities.²⁷ The role that the media and assistive technologies play in reducing attitudinal barriers towards PWDs cannot be underestimated and require constant regulation to ensure that the objectives set by the section 9 of The Constitution of the Republic of South Africa, 1996 are realised.

d) The WPRPD. On 9 December 2015, the South African Cabinet approved the WPRPD. Although the WPRPD does not bring about a policy shift insofar as the South African government’s stance regarding PWDs, it echoes the responsibilities of and coordination required amongst all spheres of government, society and PWDs in accomplishing disability equity.²⁸ While various similarities can be identified between the WPINDS and the WPRPD; the inclusion of the government’s commitment made in terms of the Baseline Country Report to the CRPD, the pledge to reduce inequality, as contained in the National Development Plan: 2030 Vision, the addition of further statistical information relating to PWDs and the creation of an accountability-centric document are some of the notable changes made. Of importance is the inclusion in the WPRPD of monitoring and evaluation as one of the nine strategic pillars on which the document has been developed as well as the publication of an annual report by the designated national disability rights coordinating mechanism to monitor progress made in the implementation of the WPRPD. This inclusion is indicative of a departure from the WPINDS that, on the one hand, makes reference to the monitoring of legislation, spheres of government, the Integrated National Strategy and inter-sectoral collaboration; but makes no mention of mechanisms to record and track the implementation of the WPINDS.

Although the WPRPD aims to debunk the view that disability is the dilemma of the individual, it includes an acknowledgment that its impact, and success, relies on, ‘the extent to which the different role-players understand and take responsibility for the respective roles they play in implementing the WPRPD’,²⁹ which, if carefully considered, suggests that although greater cooperation is required regarding disability-related matters, between PWDs and society, the government will not take absolute responsibility for the implementation of the WPRPD.

²⁵ See Sullivan above at 7.

²⁶ British Broadcasting Corporation, “Pistorius Walks on Stumps to Show Court his Disability”, *BBC News*, June 15, 2016, <https://www.bbc.com/news/world-africa-36537518> [Accessed: December 6, 2020].

²⁷ See Sullivan above at 7.

²⁸ Department of Social Development, “White Paper on the Rights of PWDs” (2015), http://www.gov.za/sites/www.gov.za/files/39792_gon230.pdf [Accessed: December 7, 2020].

²⁹ Department of Social Development, “White Paper on the Rights of PWDs” (2015) 125.

6. South Africa's COVID-19 response for PWDS

Various measures have been introduced to assist the most vulnerable members of society as a result of COVID-19. Regulations that have been introduced range from schools to religious establishments to informal traders. Most notably, it is the pre-COVID-19 plight of PWDs that has not been addressed by the gazetted COVID-19 regulations. Based on the policies, as set out above, it is clear that a nuanced approach is required in attaining equality for PWDs ranging from access to language to inclusivity and social welfare to name a few.

From March 2020 to July 2020, the South African Department of Social Development announced numerous initiatives to stagger the release of social grant payments in respect of numerous parties.³⁰ Most notably, the payment of social grants to PWDs would be separate from other grants to be paid out by the South African Social Security Agency (SASSA). Memela, SASSA's Chief Executive Officer, has also advised that a further assessment of this arrangement and the introduction of additional measures could take place in future.³¹ While this approach, and the relief that it offers to PWDs is commendable; it is not without fault. In addition to accounts of lengthy queues lasting hours with notably absent social distancing measures in place, are reports of PWDs wanting to submit new disability grant applications who were turned away due to system constraints.³² According to Harper, new disability grant applicants were also requested to apply for Special COVID-19 Social Relief of Distress Grant amounting to R350 monthly instead of a disability grant amounting to R1860, monthly.³³

It is interesting to note that on 30 March 2020, the Minister of Social Development, Lindiwe Zulu, published a directive affecting PWDs during the COVID-19 pandemic.³⁴ In the said directive, the Department of Social Development's various stakeholders are requested to ensure universal access for PWDs to all service points, infrastructure and essential services that are related to COVID-19 service delivery. The directive then stipulates various social distancing protocols that are to be observed across various facilities housing numerous categories of persons, including PWDs.³⁵ It is the author's considered view, that this directive is indicative of the South African government's historical approach to PWDs, as a mere afterthought, to be considered not on their own but to be catered to with other abled bodies in society without consideration of the actual challenges faced by PWDs during the COVID-19 pandemic and beyond.

While the said social security measures implemented due to COVID-19 have been lauded by some; they are indicative of a glaring oversight in South Africa's disability management process. To date, no additional measures have been implemented by the South African government to address access and inclusivity of PWDs in the context of COVID-19 with the exception of various media statements issued by various governmental ministries, since March 2020, advising of social grant processes as well as requesting citizens to be mindful of PWDs in their care in light of COVID-19. Additionally, it is the author's view that continuous changes in South Africa's cabinet, with specific emphasis of the Department of Women, Youth and PWDs, have hampered the attainment of equality for PWDs. This approach taken by the Department of Women, Youth and

³⁰ Department of Social Development, "Deputy Minister Bogopane-Zulu updates on measures and services available to persons with disabilities," Media Briefing, March 28, 2020, <https://www.dsd.gov.za/index.php/21-latest-news/55-deputy-minister-bogopane-zulu-updates-on-measures-and-services-available-to-persons-with-disabilities-pretoria-27-march-2020-as-the-spread-of-covid-19-surpasses-the-1000-mark-amid-the-21-days-lockdown-period-in-south-africa-the-deputy-minister-of-social-development-ms-hendrietta-bogopane-zulu-calls-on-the-public-to-recognise-the-particular-vulnerability-and-needs-of-persons-with-disabilities> [Accessed December 14, 2020].

³¹ Department of Social Development, "Deputy Minister Bogopane-Zulu updates on measures and services available to persons with disabilities".

³² Sumeya Gasa, "Death and Distress at Social Grant Payout Points", *The Daily Maverick*, March 31, 2020, <https://www.dailymaverick.co.za/article/2020-03-31-death-and-distress-at-social-grant-payout-points/> [Accessed: December 27, 2020].

³³ Paddy Harper, "Sassa disses disability grant applicants" Mail and Guardian, July 2, 2020, <https://mg.co.za/coronavirus-essentials/2020-07-02-sassa-disses-disability-grant-applicants/> [Accessed: December 27, 2020].

³⁴ See Government Gazette Notice 43182.

³⁵ The said directive makes reference to substance abuse and treatment centres, halfway houses, youth centres, shelters or centres for victims of crimes such as gender-based violence, homes for the elderly, community nutrition development centres, psychosocial support services and residential facilities for PWDs.

PWDs as well as the South African government at large has prompted individualistic COVID-19 solutions for PWDs from various parties forming part of the South African Disability Alliance including but not limited to Blind South Africa, Down Syndrome South Africa and the South African National Deaf Association.

7. Conclusion

It cannot be denied that the dawn of the South African democracy twenty-six years ago has led to an amplified focus on the interests of vulnerable persons, specifically PWDs, in society. However, the question remains whether the South African government's participation in disability reform will transcend policy development and publication with the aim to practically improve the actual, lived experiences of vulnerable persons in society. Although numerous interventions have been identified and implemented to promote the consideration of disability within a social construct, such interventions require increased national and international collaboration, resources and pace to ensure that the efforts made lead to sustainable results.

As is evidenced by the South African government's COVID-19 response for PWDs, much of the action and transformation that has been brought about for these vulnerable persons, emanates from the members of the disability community themselves. While such input and interventions from PWDs are of paramount importance in attaining prolonged equality; without much governmental intercession this behavior can resort to instances where PWDs are viewed mostly, through the lens of the medical model, as mere islands seeking identity, inclusivity and accessibility on their own. Furthermore, it is noted that certain gains will only become apparent for PWDs when continuity in strategy and approach is noted at a governmental level. To this end, the author recommends that departments in government that are responsible for PWDs are ring-fenced to minimise the impact of ministerial changes on decisions that impact the lives of PWDs. For PWDs, what remains to be seen is whether the proliferation of activism by numerous interest groups, social awareness as well as the development of policy documents, legislation and case law will serve as the impetus to dissipate the inaccurate view that disability is a burden to be carried solely on the shoulders of the PWD.

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[Take note that the name of the Department of Women, Youth and Persons with Disabilities is mentioned numerous times in various formats in this text – this is intentional and is due to the various name changes of the said ministry.]