

# ABORTION ON THE RISE

## Schoolgirls not using condoms or the pill

By MKHUSELI SIZANI

**LAST year, 8 500 schoolgirls fell pregnant in the Eastern Cape.**

A study by the Human Sciences Research Council recently showed that the highest number of pregnant schoolgirls was found in the Eastern Cape, followed by Limpopo and KZN.

The provincial health department is worried by the high rate of abortion in its hospitals and in backyards.

Department spokesman Sizwe Kupelo told the People's Paper: "Abortion is a crisis in the Eastern Cape.

"Young and old people don't want to use condoms and contraceptive pills. They prefer to terminate pregnancies by aborting the baby.

"In some cases we have women coming for an abortion three times in one year.

"At Dora Nginza Hospital, we had more than 600 underage girls who gave birth this year.

"From 2010 until now, 6 000 kids have had abortions in Port Elizabeth alone, 5 800 in East London and 1 800 in Mthatha.

"Some of these are abortions by bogus doctors who distribute leaflets advertising

'pain-free abortions' in the streets.

"But they are dangerous. In 2008, we had 16 women who died in East London after illegal abortions," Kupelo said.

Petros Majola of the Khula Development Trust, an organisation that deals with children's rights, told *Daily Sun*: "Some of these children are aborting because they were raped by their relatives.

"In Peddie, a 14-year-old girl went for an abortion after she was raped by her uncle.

"Her mother insisted that her child must go for the abortion to save the family from embarrassment."

# Disability legislation can enable SA's economy

Both the public and the private sector have failed to meet targets for the employment of disabled people

COMMENT

Jabulane Blose

**D**isabled people recently celebrated the International Day of Persons with Disabilities in Mangaung, Free State. Ironically, the venue is one of the much-hyped politically game changers for the ANC leadership. The theme of the event was "working together to build a better South Africa for all: persons with disabilities as equal participants in sustainable development".

Similar commemorations took place across the country at local stadiums, with familiar rhetoric akin to group therapy where the government provides feedback on the challenges faced by disabled people. Food is served and everyone is supposed to be cathartically merry to return to their dismal present and uncertain future and wait for the next year's therapy. This group therapy has been going on for almost 17 years now. Are we bereft of fresh ideas and fresh approaches to commemorate this day? This should invite moral opprobrium on the part of the government and could also result to what Nadine Gordimer calls 'moral sclerosis', the hardening of the heart and narrowing of the mind, by persons with disabilities when it comes to government programmes.

It is a UN-sanctioned commemoration aimed to promote an understanding of disability issues and mobilise support for the dignity, rights and well-being of persons with disabilities. The sector can use the event better to unearth and pay tribute to unsung heroes and heroines of the community. Provinces could draw up a list of disabled to be honoured in entrepreneurship, maths, science and technology, artist, sports, academic and the like. We could even honour disability-friendly establishments as a means to increase awareness of gains to be derived from a main streaming approach.

Disabled people are just as patriotic as non-disabled citizens and won't hesitate to applaud our government when they do things right and equally be critical when warranted. The commitment of the government to address disability issues is roundly evident, but is not being implemented, monitored or evaluated well. We must be able to say this without being apologetic or seen as taking a stance of acrimonious opposition.

South Africa rightly boasts of a number of pro-disability-friendly policies and legislation, introduced during the heightened period of societal transition of the 1990s. These

were spearheaded in no small measures by Disabled People South Africa (DPSA), a cross-disability movement of, by and for disabled people. These include the rights of persons with disabilities being recognised in the Bill of Rights as enshrined in the Constitution, the Integrated National Disability Strategy of 1997, the Employment Equity Act, of 1998, the Preferential Procurement Policy Framework Act of 2000, the South African Schools Act of 1996. More importantly, in 2007, South Africa signed the internationally-binding UN convention on the rights of persons with disabilities (UNCRPD). The UNCRPD is the first comprehensive international human rights treaty of the 21st century that identifies the rights of persons with disabilities and the obligations on governments to promote, protect and ensure that these rights are realised.

By ratifying the convention, South Africa signalled its binding commitment to enact legislation to protect and promote the rights of persons with disabilities. The convention goes further to require the government to promote training on the rights of the convention to professionals and staff and to undertake research and development of accessible goods, services and technology. Fast forward to December 2011, when the government announced that it will conduct an audit of existing legislation against the articles of the UNCRPD. It is, however, silent on the need to promote the convention itself.

Just like the justifiable need for affirmative action and BBEE legislation was evidenced to level the obvious unequal playing fields and to confront intransigent attitudes to the history of our past, it can be argued for the enactment of disability legislation based on similar foundations. If it cannot be helped by appealing to society's sense of humanity for equalisation of opportunities for persons with disabilities, if we are forever to contend with a pervasive ignorance that is wilful rather than innocent, the legislative route would be a remarkable protective and equalisation instrument. The time is right for South Africa to enact this piece of legislation to sketch out a broad and general statutory framework to facilitate effective protection of the rights of persons with disabilities.

Countries such as Zimbabwe, Zambia, the USA and the UK, including a good number of those in the European Union, have this piece of legislation. I suppose this was not out of convenience, but driven by a need to what the White Paper

on Integrated National Disability Strategy of 1997 boldly asserts "...represents the government's thinking about what it can contribute to the development of disabled people and to the promotion and protection of their rights".

This piece of legislation will help us break out of the historical silos in the public and private sectors, where disability issues are still regarded as unconnected development agenda and which, almost always, are reflected in skewed planning and budgeting. We need to dismantle this wilful backward approach which Rian Malan calls in *My Traitor's Heart* the "Dopper principle", where people wilful blind themselves and run away from enlightened policies.

In January the country will be treated to the ANC's centenary celebrations, marking its 100 years of human rights struggle for justice, freedom and the inalienable rights of the individual. Historically, the ANC was founded when black South Africans were excluded from the formation of the Union of South Africa in 1910. However the ANC gained traction and became a mass movement with the intensification of apartheid's draconian legislations such as the Population Registration Act, Group Areas Act, Land Act and Bantu Education Act.

Indeed the whole history of the ANC is one rooted in the protection and promotion of human rights of all individuals. In a sense, the disability movement in the mould of DPSA is rightly entitled to call the ANC its sister organisation in terms of human rights struggle credentials and the transformation of our society. We are not only left to marvel at this gargantuan organisation but also to reflect and to ask: What next?

Rewind to December 3 2011 in Mangaung, when Minister Lulu Xingwana stated, "The failure of our public and private sector to achieve the meagre 2% target set for the employment of people with disabilities as part of our work force, is an indictment to our commitment to give life to the Constitution we fought so hard for." This is ironic because the ANC manifesto places job creation at the centre of government economic policy, yet in the disability sector, the 2% job target has been unattainable. The latest employment equity report paints a failure of transformation to accommodate persons with disabilities in the public and private sector. Needless, even when they have jobs, they often remain in low status jobs or earn lower than average

remuneration. So I agree with the minister, but then ask what remarkable progresses have been made in general towards a better and accessible South Africa for persons with disabilities. What has been the impact of public policy on the quality of life of persons with disabilities?

As a country, we need to take stock of how far we have come to achieve the objectives of improving the quality of life of persons with disabilities. Indeed, how far we have transformed the institutions of the state and the implementation of government policies to achieve a truly transformed and inclusive society.

While we celebrate and marvel at the 100 year old ANC, we need to reflect and honestly understand the extent to which persons with disabilities have benefited from the government policy objectives. And whether these have been the appropriate policy responses to the critical issues that confront persons with disabilities and their communities.

As a country, we need to find ways to look beyond our shortcomings and concerted move forward. The draft national disability policy that is being developed should be able to

give direction and a level of predictability to various sectors of society regarding main streaming and development. It should seek to harness the energies, skills and resources of all sectors of society towards the achievement of a better and accessible South Africa. It must be linked to international development agendas, constitute a framework to guide government actions, provide a statement of purpose as a basis for partnership and commit to ongoing monitoring and review.

As we know, our economy has been seriously affected by the global economic recession, disabled people organisations such as DPSA are faced with a more constrained funding environment. The case of the Treatment Action Campaign (TAC), which is reportedly facing closure in January 2012 as result of reduced funding, is the consequence of this environment. The draft policy should be able to address this phenomenon through institutional funding mechanisms.

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