

PERSONS WITH DISABILITIES IN AFRICA WITH A SPECIAL FOCUS ON MIGRANTS



Based on a workshop held on 24th November 2015, Pretoria

INTRODUCTION

On the 24th of November 2015, SALO facilitated a dialogue in Pretoria on *Persons with Disabilities in Africa with a Special Focus on Migrants*. The main speakers included Ms. Anneline Sigamone - Deputy Director, Redeeming Hope for the Disabled; Mr. Brian Muziringa- Chairperson, Migrants Disabled Rights Networking Movement; and Reverend Gift Moerane, of the South African Council of Churches (SACC). The dialogue was enhanced by the participation of a representative and involved grouping of participants including differently-abled¹ members of civil society, migrants affected by disabilities, policy makers as well as academics and members of the public. Notably, Mr. Reggie Ditsele- Directorate: Gender and Transformation, Department of Home Affairs, actively participated in the discussion around differently-abled migrants and the challenges they face; as well as the issue of South Africa's migration policy and processes.

ANALYSIS OF KEY ISSUES

The importance of mainstreaming the concerns of persons with disabilities into policy resolutions and developmental initiatives

There is a need for issues and challenges that relate to persons with disabilities to be incorporated into policy

¹ Ms Anneline Sigamone, Deputy Director , Redeeming Hope for the Disabled stated: “.. and I think we, including myself, prefer that, when people talk to us, they say we are differently abled, not that we are disabled”. This policy brief acknowledges this and thus there is a preference for the term ‘differently-abled’ as opposed to disabled.

formulation processes and developmental agendas, so as to ensure the representation and direct participation of persons with disabilities in vital initiatives that can improve their well-being and safeguard their interests. Unfortunately, there has not been sufficient and consistent progress with regards to this particular concern. This was noted by Ms. Litlhare Rabele (SALO's Gender expert) who asserted that persons with disabilities continue to be marginalized and are, "not taken into account in the mainstream of development". This was reiterated by one of the speakers, Mr. Brian Muziringa who stated, "it is no longer a secret that disabled migrants are the living testimony of exclusion, inequality, social and economic deprivation, regardless of the new Sustainable Development Goals which seek to be more inclusive than the former MDGs".

The need for an informed and sensitive approach to dealing with persons with disabilities throughout the continent

The presentations from the speakers consistently highlighted that an informed, committed and humane approach with regards to the treatment of persons with disabilities on the continent is sorely lacking. This means that there is no adequate reference point for African policymakers, activists and broader civil society to consult in terms of their respective interventions. This complicates the issue of how institutions and people should respond to a pressing issue such as migration in relation to persons with disabilities. The lack of such an approach has greatly hampered representative and informed policy formulation. This was noted by Ms Anneline Sigmaone, one of the main speakers, who noted in reference to South Africa, "no comprehensive legislation or framework exists to monitor and alleviate the challenges faced by people with disabilities". Mr Eduardo Kapapelo, of the Centre for Human Rights explained that in terms of comprehensively dealing with disability and differently-abled peoples throughout the continent, it would be progressive and useful if not imperative for "Africa ...to have its own disabilities convention, the equivalent to the Convention of the African Child or Convention of Women". Mr Muziringa stated: "[i]n many African countries the rights of people with disabilities are not given any priority by the government and as a result they are technically being forced to be migrants".

Disability is a multifaceted issue

The speakers noted that disability is not a narrow notion. This was highlighted by how mental disability is often overlooked and therefore rarely taken into consideration. Therefore for example one can either be affected by either physical or mental disability, and in some instances both.

The lack of clarity in terms of South African Migration policy and processes adversely affects migrant persons affected by disability

Mr Reggie Ditsele from the Department of Home Affairs (DHA), noted that the Home Affairs ministry was in the process of overhauling the "whole migration policy system in the country". One of the key challenges noted by Mr Ditsele was that the ministry was experiencing difficulty in clearly demarcating between the two main categories of migrants: refugees and economic migrants. Mr Ditsele stated: "...because our law does not clearly distinguish between the two, you end up with one clogged up system. You also find economic migrants going the refugee route because there is no simple route for them to enter and access the country". This situation exacerbates the context of differently-abled migrants, as was captured by Mr Muziringa who lamented that African governments "are failing to enact laws for the migrant [differently abled] effectively". Mr Muziringa asserted that South African policy with regards to refugees and asylum seekers needed to be more progressive and responsive to the needs of migrant persons with disabilities. Referring to his own personal experience he noted how migrant persons with disabilities faced "hurdles and delays" in terms of having their applications processed and there were no sufficient mechanisms to ensure support for differently-abled persons with regards to migration policies and processes.

South African Home Affairs faces challenges in terms of adequately responding to the needs of differently-abled migrants

Mr Distele admitted that DHA was at times unable to adequately cater, as well as be responsive to the needs of differently-abled migrants. He stated: “[w]e do try in terms of our policies to give people with disabilities preferential treatment, but ...we are sitting with a backlog of offices, so there offices that do not comply. So even when [we attempt to duly provide] preferential treatment, it is still difficult, but with the modern offices that we are building we do give them priority to them and we are able to assist them”.

RECOMMENDATIONS

All human rights resolutions enshrined in Constitutional, legislative and convention based institutions must be formulated and interpreted with broad representation and equality in mind, so as to effectively aid the aspirations of persons with disability amongst others.

Policymakers and institutional representatives must stress how all continental human rights based resolutions enshrined in Constitutions, legislation and various initiatives must concisely and precisely refer to, as well as address the needs and aspirations of persons with disability. This is important in that it will compel and remind policymakers, politicians and civil society to always take into consideration the needs of differently-abled persons when either formulating or implementing human rights resolutions.

There must be dedicated mechanisms to ensure that accurate and vital information is collated with regards to knowledge that may be useful in terms of effectively addressing the condition of differently-abled migrants and persons throughout the continent.

Ms. Anneline Sigamone stated in reference to South Africa, that there is no comprehensive framework in place to monitor and explicitly address the needs of differently-abled persons. This raises the key question of how the current initiatives and approaches (limited as they are) relating to differently-abled persons, some of whom are migrants, will be assessed and analysed in terms of responsiveness and delivery. Without useful information pertaining to the work being carried out by various entities in relation to differently-abled persons on the continent; it will be difficult to effectively evaluate their performance and usefulness. Moreover, there seems to be no data based frameworks that are committed to capturing key information relating to differently-abled migrants with a view towards improving and strengthening policy.

South African Department of Home Affairs (DHA) needs support as well as reform in order to adequately cater for the needs of differently-abled migrants

South African DHA needs support and expert input in order to initiate more efficient, responsive and humane measures in terms of engaging and dealing with differently-abled migrants. Currently, there seems to be an absence of a consistent and well established approach or framework at DHA to prioritise and cater for the needs of differently-abled migrants.

Civil society must be dedicated and concerted in terms of capacitating differently-abled migrants to advocate for their needs and aspirations

As reiterated by a number of speakers (including Reverend Gift Moerane) and participants, it is imperative for the differently-abled, themselves, to be at the forefront of any advocacy or reform initiatives that directly relate to their context. Therefore, it is crucial for civil society to genuinely and effectively aid differently-abled migrants to be able to clearly articulate their needs and mobilise around them.

The plight and circumstances of differently-abled people must be highlighted and addressed in terms of awareness-raising and mainstreaming

It is highly important to consistently raise awareness of the plight of differently-abled migrants with a view to mainstream their needs into broad policy processes and initiatives. As noted by SALO's Ms Litlhare Rabele one is hardly aware or exposed to the condition of differently-abled migrants in conflict contexts. Referring to Burundi, she explained: "a news broadcast I watched on Burundi, of people fleeing Burundi, showed someone carrying whatever possessions were important to them, but I thought, what would someone who is in a wheelchair do, or someone who is visually impaired, who cannot even decide and gather what to take?"

The analysis and recommendations included in this Policy Brief do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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