



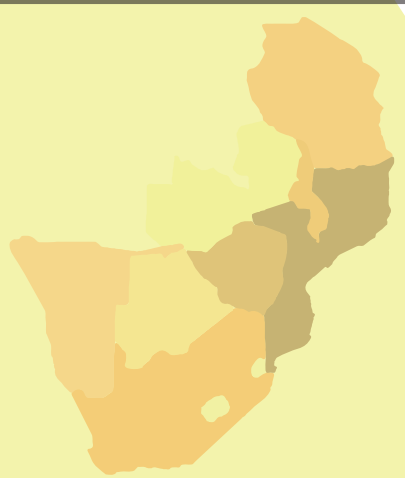
# COVID-19: RIGHTS OF PEOPLE WITH DISABILITIES



## Disability Prevalence: SADC Region

COUNTRY	URBAN AREAS	RURAL AREAS	WOMEN	MEN
Malawi	14.1%	7.5%	13.5%	12.4%
Mauritius	12.3%	10.1%	13.9%	9.0%
Zambia	6.6%	4.3%	7.5%	4.0%
Zimbabwe	12.9%	7.5%	12.9%	9.0%

**Source:** World Bank Report on Disability (2011, p.120-150)



### Southern African Development Community (SADC) Responses to COVID-19

In Malawi while online classes were available for some, access to those who require sign language, braille, or other accessible formats was not available. Radio lessons left out many persons with hearing impairments (UNESCO, 2021)

South Africa developed the Directions of the Social Development Direction and the guidelines on the SMME Relief Finance scheme to address social protection of people with disabilities. In education, the Department of Basic Education in South Africa cre-

*For persons with disabilities, containment measures such as social distancing and self-isolation may be impossible for those who rely on the support of others to eat, bathe and dress..." (WHO, 2020)*

ated an online resource portal which had study material.

### Challenges for People with Disabilities

- The UN Special Rapporteur on the rights of persons with disabilities acknowledged that, "secondary and co-morbid" health conditions are "common among persons with disabilities (WHO, 2011) These conditions worsen vulnerability to COVID-19.
- A United Nations Policy brief similarly acknowledges that persons with disabilities are "at greater risk of discrimination in accessing healthcare and life-saving procedures during the COVID19 outbreak" citing measures such as "health care rationing decisions" as discriminatory criteria.

# COVID-19: RIGHTS OF PEOPLE WITH DISABILITIES

- In Malawi, persons with disabilities experienced challenges due to COVID-19 lockdown measures including walking longer distances to access health facilities, shortage of medicines and failure to pay for services at private facilities due to unavailability of funds due staying home with no source of income.

(UNESCO, 2021)

- Persons with disabilities who live in institutional settings such as nursing homes, experience barriers hygiene measures and physical distancing. (Penal Reform International, 2020)

- The 'new normal' of learning online is not as accessible to students with visual impairments and those who are deaf and /or hard of hearing. Many people with disabilities find themselves with limited access to available electronic and print materials, cutting them out of mainstream edutainment and useful knowledge.

- Only 28% of persons with significant disabilities have access to disability benefits globally, and only 1% in low-income countries.

(ILO, 2017) Whether they are in the formal and informal sector, they are more likely to lose their jobs during the COVID pandemic; (OHCHR, 2020)

Many countries have engaged security forces to enforce lockdown and curfew measures by using brutal means to keep people off the streets. In some countries reports indicate that security officers denied people access to goods and services contrary to government stated COVID-19 that allow movement to access essential goods and services such as food and medication. (NewsDay Zimbabwe, 6 April 2020)

- AfriCan conducted a non-representative survey in 36 countries which found that 49% said that persons with disabilities ran out of

food and other household essentials due to a lockdown in their local areas. 18% mentioned that person with disabilities lost work and income for them and their families.

(African, 2020)

- According to the UNESCO study on Zimbabwe, income per month for persons with disabilities in the sample shrunk by 50% from ZW 2160.00 (US\$43) per month pre-COVID-19 to ZW1080.00 (US\$13) per month during COVID-19 period. (UNESCO, 2021) In Malawi the containment regulations have caused disruptions in the livelihoods of persons with disabilities because their main sources of livelihoods are piece works and small-scale businesses. (UNESCO, 2021)

## United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) COVID-19 Recommendations

“States must take all possible measures to ensure the protection and safety of persons with disabilities. States should also provide the same range, quality and standard of health care as provided to other persons and continue providing health service required by persons with disabilities specifically because of their disabilities”.

(UNHCR, 2020)

In a joint statement on COVID-19, a broad section of Special Procedures mandate holders of the UN Human Rights Council stressed that “everyone, without exception, has the right to life-saving interventions” including persons with disabilities.

(UN Experts, March 2020)

# COVID-19: RIGHTS OF PEOPLE WITH DISABILITIES

**Applicable Regional and International Standards** The treaty of the **Southern African Development Community (SADC)** prohibits of discrimination on certain grounds, including disability. (SADC1993, Art. 6(2)). **The Charter of Fundamental Social Rights in the SADC (Social Rights Charter)** contains provisions speaking to disability.

The **Southern African Development Community Protocol on Health (2004)** aims at cooperation between SADC member states regarding certain health aspects:

**Article 15** provides that States Parties shall promote measures to prevent and manage disabilities; increase access to improved technology related to assistive devices, and create equal opportunities for persons with disabilities.

**Article 14 of the Code on Social Security (2008)**, provides that persons with disabilities are entitled to social security, and benefit from 'social safety net mechanisms.

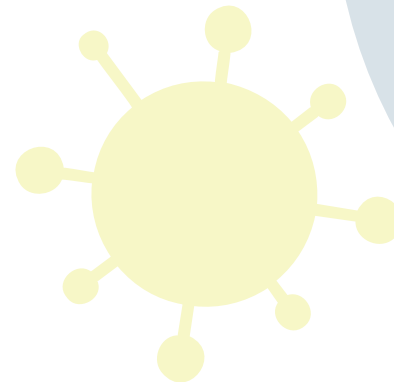
The **Southern African Development Community Protocol on Gender and Development (2008)** requires States Parties to adopt legislation and related measures that 'take into account persons with disabilities particular vulnerabilities' (SADC Protocol on Gender and Development, art. 9)

The **African Commission on Human and Peoples' Rights (2016)** draft protocol guarantees equal protection of economic, social, cultural, civil, and political rights to individuals with "physical, mental, intellectual, developmental or sensory impairments".

The **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (2007)** sets the minimum

standards for rights of people with disabilities:

- **Article 4** requires States parties to review and revise legislation, promote universally designed goods, services and facilities.
- **Article 9** provides that States parties must ensure that communications and information services, transportation systems, buildings and other structures are designed and constructed that are accessible to persons with disabilities.
- **Article 10** States parties must take all necessary measures to ensure that persons with disabilities have the same right as others to the effective enjoyment of the right to life.
- **Article 25** provides that persons with disabilities have the right to equal access to the same standard of health care and health-care services as others. Article 26 requires States Parties to implement "comprehensive rehabilitation services and programs".





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