

HIGH LEVEL PANEL REPORT

Working Group 3: Social Cohesion and Nation Building

Public Hearings Report: Free State Province

1. BACKGROUND

This is a report of Working Group 3 on Social Cohesion and Nation Building, capturing the public hearings in the Free State Province. The public hearings session, a combination of stakeholders' presentations and submissions from the public, was convened on 06 October 2016, in Bloemfontein. The High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change was chaired by Mr. Kgalema Motlanthe, and the panel members in attendance were:

- Mr. Kgalema **Motlanthe**: Chairperson of the High Level Panel
- Rev. Malcolm **Damon**: Panel Member of Working Group 2
- Prof. Olive **Shisana**: Presenter of Working Group 1
- Ms. Bridgette **Mabandla**: Presenter of Working Group 3
- Dr. Terrence **Nombembe**: Presenter of Working Group 2
- Mr. Thulani **Tshefuta**: Panel Member of Working Group 1

2. OVERVIEW OF ISSUES RAISED

- Development of artist and cultural practitioners;
- Renaming of public places;
- Gender equality and empowerment:
 - Respect for women.
 - Discrimination against the Lesbian, Gay, Bisexual, Trans-sexual and Intersex (LGBTI) communities.
 - Domestic violence.
 - Child maintenance.

- Women-headed entrepreneurship.
- Maternity needs.
- Disabilities;
- Traditional leadership;
- Recognition of Khoi-San communities;
- Development of African languages;
- Migration from prison services to correctional services;
- Youth development;
- Crime;
- Quality education; and
- Foreigners.

3. THEMATIC AREAS

- **Arts and Culture:** there is a need for coordination within government departments on welfare undertakings of artists and culture practitioners, as aspects ranging from personal financial welfare; procurement of organisational funds for activities; and technicalities hindering application processes were raised as pressing concerns. The National Arts Council (NAC), which has been set up to assist artists and cultural practitioners to that effect, often rejects applications for sourcing funds from artists and cultural practitioners, citing inadequate requirements that have not been met, and yet the NAC does not spell out such requirements. It is estimated that two to three out of a thousand, succeed in sourcing organisational funds from the NAC. The NAC should therefore regularly convene workshops to help to assist artists in understanding what is required when completing applications.
- The Pan-South African Language Board (PANSALB) plays an obscure role in assisting towards the development of artists and cultural practitioners. There is also lack of transparency in the electoral processes of PANSALB in the Free State Province.
- The combination of the lack of attention to the development of artists and cultural practitioners leads to their poverty, as many of them die poor, and the majority remain largely dependent on social grants. To that effect, many artists and cultural practitioners in the Free State Province emigrate to Gauteng in search of better livelihood.
- **Renaming of public places:** the Free State Province lags behind in the renaming of public places, due to underfunding. For instance, R57 000 in funds has been allocated

to the Free State Province towards the renaming of public places, while the Limpopo Province received over R5 million for the same mandate.

- **Gender Equality and Empowerment:** concerns on gender equality are particularly felt on:
 - General lack of respect for women. There is a need for instilling respect for women in communities.
 - Discrimination against the Lesbian, Gay, Bisexual, Trans-sexual and Intersexual communities. The LGBTI community is largely excluded from enjoying basic social and constitutional rights and remains adversely affected by service delivery. For instance, once a member of the LGBTI community has undergone a sex change, the Department of Home Affairs presents them with challenges informed by prejudice in registering their gender preferences.
 - Domestic Violence: high rates of domestic violence, and the misclassification of domestic violence cases by the South African Police Services (SAPS) does not serve to alleviate domestic violence challenges.
 - Child Maintenance: single mothers bear the burden of proving the child's paternity. There is therefore a proposal for DNA testing in proving paternity of the child. Also, there remains a pressing need for a sustainable child maintenance livelihood approach, which will also address the misappropriation of child maintenance grants by single mothers.
 - Government should supervise social grants, as many women abuse and misappropriate social grants, for instance, through alcohol abuse.
 - Women-headed entrepreneurship: there is a need to attend to challenges faced by women-headed entrepreneurial entities.
 - Maternity Needs: there is need for redress and transformation on policies concerning maternity leave; the provision of maternal employment equity; and economic transformation needs for women. There is also a need to improve collaboration with the Department of Health on women's health issues.

- **Disabilities:** the disabled communities in the Free State Province face the following challenges:

- There is a misconception that employing disabled people is expensive, as the majority of the physically disabled people are unemployed and are largely dependent on social grants. There is therefore a need to for guidance on policy provisions and legislative frameworks on wage inequalities affecting the disabled communities.
- Disabled communities do not benefit from the Black Economic Empowerment (BEE) policies.
- Many disabled people do not have adequate access to public health facilities.
- There is a need for the provision for good policy and legislative framework on disabilities and related wage inequalities.
- People with disabilities do not benefit from BEE opportunities.
- There is also a misconception that accommodation for disabled people is expensive.
- There is a need for technical guidance on these matters.
- RDP housing is inaccessible for many disabled people, as the planning and construction of RDP houses does not accommodate disabilities, which are mostly not specified in the application forms. Useful devices of mobility for people with disabilities are mostly not available in public facilities.
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- People with disabilities mostly do not have access to public health facilities. Also, many disabled people are challenged by negative attitudes from public health personnel, such as the inability of personnel to understand how and why disabled people should access pre-natal maternal services.
- The deaf community experiences inadequate delivery of public services in courts due to the language barrier, as many civil servants are not trained in sign language. Hearing aids are not adequately availed.
- There is lack of medication in public health facilities for people suffering from bipolar disorder.
- The quality of education for people with disabilities in townships is grossly under resourced.
- There is lack of adequate integration of disabled children in township public schools.
- Expanded Public Works Programmes (EPWP) and Community Works Programmes (CWPs) are not accessible to disabled people.
- Sign language should be recognised as the 12th official language of South Africa.

- **Traditional Leadership:** There is a need to for the equal recognition of all ethnic, tribal groups legally. For instance, the Bataung people are not accorded proper treatment in their application for tribal recognition. There are also challenges experienced in authority and competency tensions between civil (government) and traditional leadership.
- **Recognition of Khoi-San Communities:** The Nama language of the Khoi-San community is reflected in South Africa's coat of arms, and yet it is not recognised as one of the official languages of South Africa. Also, budgetary concerns on the development of Khoi-San languages, culture and identity are not publically deliberated.
- **Development of African Languages:** African languages are relegated to home use, and should be developed towards use in academic spaces.
- **Migration from Prison Services to Correctional Services:** There should be a reorientation of the treatment of ex-offenders, whose development and re-integration into communities is often hindered by the ten-year blacklisting law. Their inability to find employment as a consequence of the ten-years blacklisting law leads to a higher unemployment rate. It also leads to ex-offenders re-offending, and unable to reintegrate into their communities.
- **Youth Development:** Youth need skills development - this could be partly achieved through the improvement of career advice geared for youth exiting high school, so that they will be able to make suitable career choices early on in their high school years.
- **Crime:** lack of trust in police officers results in high crime rate.
- **Lack of black representation in sports:** There is lack of representation in sports codes, which are dominated by white people, e.g. cricket. This leads to disillusion of young black sports people.
- **Quality Education:** black communities, particularly in commercial farm areas, lack quality education. Girl children in Grades 6 – 12 in commercial farm areas, where there exists inadequate school facilities and school attendance are highly susceptible to teenage pregnancy.
- **Foreigners:** A submission expressed that foreigners, particularly in township areas and compete with locals on economic opportunities. The escalation of xenophobic attacks

could have been avoided, if communities had reacted positively from the beginning of the crisis.

4. EXISTING POLICY PROVISIONS IMPACTING ON LEGISLATION

The following policy gaps were identified:

- The implementation of laws and legislation in the spheres of traditional leadership. This particularly referred to the inappropriate attitude of law makers, and the tension between civil (government) and traditional authorities in the implementation of laws in this sphere.
- There should be effective monitoring of the payment of social grants to single mothers. This should link towards the early childhood development; childhood livelihood sustainable development; and avoid the abuse of social grants.
- Youth skills development should be geared towards delivery of proper career guidance, thus assisting youth in exiting high schools towards employment opportunities and skills development.
- Proper classification of domestic violence cases by the SAPS. This will curtail domestic violence cases in communities.
- Municipalities and other public entities should train civil servants in sign language.
- Public facilities should cater to the mobility infrastructure needs of the disabled communities.
- Public health facilities should cater towards the physical infrastructure needs of disabled communities.
- At the registration and planning stages, the construction of RDP houses should consider and register the mobility needs of disabled communities, and build them into the houses so as to make them accessible.
- The Department of Arts and Culture, and the National Arts Council should provide guidance on the practical needs of artists and cultural practitioners on personal finances; skills development; and sourcing organisational funds.
- Improve advocacy, training and education of health personnel on the health needs of the LGBTI communities.
- Provide medication for people suffering from bipolar disorder in township-based public health facilities.

- Recognition and development of Khoi-San languages and culture.
- Development of African languages in academic spaces.

5. LEGISLATIVE IMPLICATIONS

- Unintended consequence of the unmonitored payment of social grants to single mothers, leading to misuse of funds. There should also be linkages established between the disbursement of social grants with early childhood development, and real child sustainable development approach.
- RDP housing registration processes should include the mobility needs of disabled applicants.
- BEE and other black economic empowerment pieces of legislation should include disabled communities in their employment and empowerment programmes.
- There should be a consideration of the ten-year blacklisting law for offenders, in order to alleviate the high rates of unemployment and crime, and better re-integrate them into their communities.
- Legal recognition and registration of customary marriages.

6. ISSUES TO REFER TO OTHER WORKING GROUPS

- Low quality of basic primary education, low school attendance of girl children in commercial farm areas.
- Unemployment.
- Youth skills development.